

National Strategy on Domestic, Sexual and Gender-based Violence

Summary of Submissions to Cosc

October 2008

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Introduction

In order to prepare the ground for the first phase of consultations on the forthcoming National Strategy on Domestic, Sexual and Gender-based Violence, Cosc issued a call for submissions in April, 2008 in the national newspapers. Submissions were sought from interested individuals and organisations in Ireland, particularly organisations dealing with domestic, sexual and gender-based violence in relation to women and men (including older people other than those in residential institutions). Submissions were welcomed on priorities and associated actions under a broad range of headings including: the strengthening of preventative mechanisms, the development of support services for victims, dealing with offenders, protection of victims, and ensuring the effectiveness of action.

A total of 45 submissions were received, from a range of individuals and organisations including statutory bodies, the public sector and non-governmental organisations. A list of submissions received is provided at Appendix 1. This document provides a summary of the observations and recommendations made in the submissions received. The aim is to give voice to the full range of positions expressed.

Where diverging viewpoints were expressed on any matter, this is indicated. Please note that the opinions presented below represent the views of the individuals and groups who contributed and do not necessarily reflect the position of Cosc.

The summary is organised according to the five thematic areas on which Cosc invited submissions, namely:

1. Strengthening the preventative mechanisms
2. Development of support services for victims
3. Dealing with offenders
4. Protection of victims
5. Ensuring the effectiveness of action.

1. Strengthening the preventative mechanisms

The pivotal role of preventative mechanisms in addressing the root causes of abuse was widely emphasised throughout the submissions. It was also pointed out, however, that awareness-raising actions should only be initiated once a comprehensive and well-functioning infrastructure of support services is in place for those who identify or disclose violence as a result of such awareness-raising actions.

The actions proposed by respondents fell into two broad categories:

- Interventions to reduce incidence of abuse through awareness-raising and education; and
- Interventions to prevent re-victimisation and long-term trauma.

1.1 Raising Awareness

1.1.1 Awareness-raising campaigns

Many recommendations were put forward concerning the research, planning, messages, aims, delivery and methods of awareness raising activities that should be supported by Cosc, as well as the various population groups that should be targeted. A broad consensus emerged regarding the following aspects of campaigns:

Recommendations concerning the research and planning of awareness-raising campaigns

- Before any campaign is designed, baseline indicators of prevalence and public attitudes should first be identified by Cosc.
- The campaigns should be carefully researched and planned, be fact-based and measurable. They should be pre-tested and grounded in theories of attitudinal change.
- The relevant agencies and support services should be well prepared to respond to increased demand.

Recommendations concerning messages and aims of the campaigns

- The campaigns should have a consistent message that domestic, sexual and gender-based violence in all their forms are abhorrent in a civilised society and will not be tolerated.
- The campaigns' messages should be sustained through all actions undertaken, whether they target the general public, children, or other specific sub-groups of the population.
- Clear and accessible information should be provided for victims on the legal remedies and support services available.
- The campaigns should enhance people's understanding that domestic, sexual and gender-based violence can take many different forms. They should highlight the prevalence of these crimes and raise awareness that physical abuse is only one of the many types of violence that victims may suffer.
- The campaigns should address not only individual responsibility, but also the social context and underlying causes such as gender inequality, gender roles, and beliefs about power and control. Persistent beliefs and myths such as the acceptability of marital rape should be challenged.
- The campaigns should raise awareness that most perpetrators of sexual crimes are known to the victim and may be living in positions of trust and power in relation to the victim.

Recommendations concerning population groups that should be targeted by the campaigns

- Awareness campaigns should aim to help not only the general public, but also victims and professionals to identify and take action against abuse. The general public should be provided with the necessary information to respond appropriately to disclosure.
- Specific actions should be designed both to target specific groups, and to raise awareness among the general population about the way in which these groups are affected by violence. Particular groups identified included:

- *Current victims of abuse*: The campaigns should aim to break the silence surrounding domestic, sexual and gender-based violence and thus encourage victims to seek support and protection.
- *Perpetrators*: The campaigns should challenge violent men about their use of violence, be it physical or psychological violence. It was stressed that research should be carried out into the most effective ways of encouraging perpetrators who may be concerned about their thoughts and behaviours to seek help.
- *Men as a gender*: Several contributions emphasised that men as a gender should be brought on board to take responsibility and accountability in dealing with these crimes.
- *Adult male victims*: A number of submissions mentioned that the campaigns should raise awareness that men also suffer domestic and sexual violence.
- *Migrant women*: It was stressed by several respondents that specific actions are needed to reach migrant women, who may be particularly isolated and lack access to information about support services.
- *Adult victims of childhood abuse*: Victims who suffered abuse in their childhood should be encouraged to seek help and support.
- *Older people*: Several respondents called for measures to raise awareness about what constitutes domestic violence against older people, challenging in particular the perceived acceptability of financial abuse.
- *Victims with disabilities*: Respondents felt that awareness should be raised about the particular vulnerabilities of people with disabilities to domestic and sexual violence.
- *Traveller Community*: Actions should be taken to foster awareness among victims from the Traveller community of the services available to them, and to combat discriminatory perceptions and practices among the settled community with regard to Travellers.

Recommendations regarding the specific needs of each of these groups in relation to support services are covered in greater detail in section 2, below.

Recommendations concerning the delivery of the campaigns

Several submissions identified particular organisations that may be helpful partners in supporting the process of increasing public understanding of the realities of sexual violence. These included:

- Statutory bodies such as: An Garda Síochána, the Probation Service, the Health Service Executive, the National Counselling Service;
- The Public Sector: Hospitals, General Practitioners, Public Health Nurses, Midwives, Mental Health Services, teachers and those in the field of education; and
- The NGO Sector, including minority & ethnic groups, parents groups, pastoral groups, women's groups & youth groups.

Recommendations concerning the methods to be used in the campaigns

- There should be full and persistent visibility for the campaigns;
- Better use should be made of the internet to provide information on the services available;
- Public figures should be involved in the public debate;
- The campaigns should be backed up by a series of conferences, seminars and workshops for individual groups;

- The message should be sustained over a period of years.

Recommendations concerning the evaluation of the campaigns' effectiveness

- Attitudinal surveys should inform each campaign and should be repeated at regular intervals;
- These findings should be compared with data from agencies and support services on the volume of enquiries, reporting, attrition and conviction rates.

1.1.2 Inclusion in the school curriculum

It was widely emphasised that early-years education is the most effective means of shaping the attitudes, values and knowledge which influence lifelong behaviours. The inclusion of sexual, domestic and gender-based violence in the school curriculum was seen as an essential component in reducing the prevalence of these crimes. Providing children who may be experiencing abuse with the opportunity to recognise and disclose this abuse was also seen as a vital function of education in this area.

Recommendations concerning the inclusion of awareness-raising measures on domestic, sexual and gender-based violence in the school curriculum

- Education about domestic, sexual and gender-based violence should be a mandatory part of the curriculum at both primary and secondary schools.
- Cosc should examine current provision and develop a standardised national programme to ensure that every young person has access to appropriate information at the appropriate stage.
- Past and present NGO involvement in delivering education on these issues should be mapped. The voluntary sector should be involved in developing and delivering any standardised national programme.
- Consistency should be ensured between the message delivered through the school curriculum and the message of awareness raising campaigns.
- The programme for schools should provide a forum for discussion on healthy relationships and address in particular issues of sexual consent.
- All primary schools should conduct the 'Stay Safe' programme, which helps children identify incidences of abuse.
- Relationships and sexuality education should continue throughout secondary school.
- Agencies working in the area of domestic and sexual violence should forge a stronger link with youth workers.
- Identifying and responding to possible abuse should be a core component of basic teacher training. (The issue of training is addressed in more detail below, Section 1.2).

1.2 Awareness training

It was emphasised throughout the submissions that a lack of knowledge, and understanding about domestic, sexual and gender-based violence on the part of professionals who come into contact with victims is one of the major barriers preventing them from identifying, referring or dealing with these issues. The pivotal role of education, training and awareness raising for personnel in all professions, services and agencies that may come into contact with victims of violence was a constant theme of the submissions. Basic education and training in the dynamics of abuse was seen as the only way to achieve the following core objectives:

- To identify those at risk;
- To ensure that victims receive appropriate support and do not suffer secondary victimisation;
- To increase reporting;
- To decrease attrition rates, and
- To foster better understanding of domestic, sexual and gender-based violence among society as a whole.

Recommendations concerning training for professional groups on domestic, sexual and gender-based violence

- Cosc should establish a national working group on training, tasked with developing a national integrated plan on domestic, sexual and gender-based violence.
- This training should become a mandatory part of initial training/induction courses for a range of service providers who may come into contact with victims, including An Garda Síochána, hospital A & E staff, other medical personnel, in particular General Practitioners, frontline local authority staff, social workers, refuge workers, family support workers, Judges, probation officers, teachers and interpreters. It should be supplemented with regular refresher training.
- The components of such a course should include:
 - Understanding the gendered dynamics of violence;
 - Guidance on detection and disclosure;
 - Communicating with, protecting and supporting victims;
 - Protocols on reporting and information-sharing;
 - Understanding how perpetrators groom neighbours, friends and support services;
 - Training in anti-racist practices, cultural, ethnic and religious diversity and respecting anti-discrimination legislation;
 - Working with victims with complex needs (see the section below on support services for further discussion on the needs of particular groups).
- Its delivery should be planned at national level by the working group. Cosc should set out clearly the role of the voluntary sector. Consideration should be given to equipping the NGO sector to deliver this training nationwide.
- All training models should be piloted and evaluated.

In addition, the importance was repeatedly emphasised of establishing systems of risk assessment and routine enquiry as preventative measures. These two issues are dealt with in detail below, under Section 4.

2. Development of support services for victims

A general consensus emerged from the submissions that the strategy should provide for an integrated network of support services for victims based on the following principles:

- *Early intervention:* Services should not wait until the occurrence of crisis situations to intervene. Rather, they should be developed in such a way as to support victims in addressing their short, medium and long term needs in a planned manner before their situation becomes critical. The ‘Differential Response’ model, developed in the USA and adopted in Australia, Canada

and New Zealand was mentioned as one method of facilitating such an approach;

- *User-centred*: A range of services should be available to meet the different needs of individual victims. Victims should be acknowledged as the experts in their own relationships and should never be pressurised to take any course, including legal action, if they themselves are not comfortable with it. They should be provided with access to all available information in relation to options open to them, and have an opportunity to explore these options with a trained support worker who will not try to influence the woman's decision;
- *The provision of economic and civil support, not just criminal justice*: A number of submissions pointed out that if a victim is unable to access suitable employment she very often returns to the perpetrator. Support services need to be adequately resourced to develop progression plans to enable victims to access appropriate education/training and ultimately economic independence;
- *Multi-agency*: Services must work together in a coordinated manner, with staff trained to advise clients about other services they may need and how to access them. (Recommendations regarding multi-agency responses are considered below, Section 5.2);
- *Equal and immediate access for all*: Victims should be guaranteed to receive the same level of support regardless of where in the country they live, on a non-discriminatory basis. Implementing this principle requires the fulfilment of two key components:
 - (a) Ensuring a well-balanced geographical spread of services;
 - (b) Ensuring that services meet the needs of various population groups.These two points were raised repeatedly in submissions and are discussed in further detail below.

2.1 Ensuring a well-balanced geographical spread of services

Respondents stressed that victims who are seeking help must be able to access the necessary services locally, seamlessly and without delay. However, several argued that essential services for victims were not evenly available across the country. It was pointed out that the development of services had not always reflected population development and shifts, leading to gaps in service provision for victims in rural and isolated areas. It was noted in particular that refuge provision varies greatly across the country. This is dealt with in further detail under Section 4.7, below. The issue of specialist hospital services for victims of sexual assault was also mentioned. One submission highlighted that women from Monaghan and Cavan have to travel to Dublin or Letterkenny in order to access these specialist services. Another submission pointed out that rapid development is predicted for the mid-Eastern region, yet there are no specialist sexual violence centres in this region.

Recommendations concerning the geographical spread of services

- It was proposed that a national review of services and agencies used by victims should be carried out to identify gaps and determine an effective model for future service development. On the basis of this research, Cosc should develop, plan and implement a holistic vision of the service infrastructure needed, in close consultation with stakeholders and marginalised groups, to ensure that service provision is adapted to meet their needs.
- Service development planning should take place on a national basis to ensure that resources are allocated where they are most needed. Cosc

should elaborate minimum standards and targets regarding the geographical availability of services in order to ensure consistency.

- The feasibility of various 'one-stop-shop' options should be examined and piloted. The Brooklyn Family Justice Centre was mentioned in several submissions as a possible 'one-stop-shop' model. Other submissions pointed out that existing services which are accessed by victims of domestic and sexual violence could be suitable locations for smaller-scale 'one-stop-shop' centres. It was suggested, for example, that the Legal Aid Board (LAB) could provide outreach clinics to local Rape Crisis Centres, which would be staffed by solicitors trained in the area of sexual violence. A proposal was also put forward for the development of a so-called 'wet refuge' in Dublin, which would provide specialist domestic violence, addiction and mental health services, in addition to emergency accommodation.

2.2 Ensuring that services meet the needs of various population groups.

A large number of submissions emphasised that current service provision does not always meet the complex needs of particular groups in society. Many recommendations were made with regard to improving accessibility in general terms.

Recommendations concerning the improvement of accessibility for all marginalised groups:

- Protocols should be drawn up by support services on how to address the needs of marginalised groups.
- Marginalised groups, such as women with disabilities and Travellers, should be active participants in the development, design and delivery of services.
- The employment procedures of all support services should be reviewed to ensure that they accommodate diversity and promote the representation of ethnic minorities, Travellers, people with disabilities and other marginalised groups within their staff.
- Outreach initiatives should be initiated to improve collaboration and trust with marginalised groups.
- Special documentation should be designed for victims, informing them of their rights and the services and options available to them. This information should be user friendly and culturally appropriate. Creative use of materials should be used to ensure they are accessible to those with literacy or English language difficulties.
- More resources should be made available for the employment and training of interpreters. It was mentioned that Dublin Rape Crisis Centre has developed a training programme and handbook for interpreters dealing with cases of domestic violence that could serve as a useful tool for others.
- Religious leaders and domestic and sexual violence services should work more closely together as each can be a helpful support for the other.
- Outcome evaluation tools should be developed for use by services and Regional Advisory Committees to support planning and development.

Others focused on how to address particular gaps regarding the specific needs of individual groups. Observations and recommendations regarding the needs of the Traveller community, migrants, people with disabilities, older people, children, young adults and families, adult male victims and adult victims of childhood abuse are set out below.

(a) The Traveller community

It was pointed out that although domestic and sexual violence is no more prevalent among the Traveller community than among the settled community, a number of factors make it more difficult for Traveller women to move out of violent relationships and seek help. These include factors such as educational attainment, employment, health and reliance on the extended family network. For many Traveller women, leaving a violent partner means cutting off support from the extended family, losing access to the family home and taking the children away from the wider community. In addition, those who do seek help face a number of barriers which impact on the type and nature of the services they can access. Barriers mentioned in submissions include:

- A fear of experiencing prejudice from the settled community, as documented in the National Study on Domestic Abuse;
- A perception of lack of interest and genuine support from state;
- A difficult relationship with the Garda Síochána;
- A lack of awareness of support services outside the refuge model, compounded by literacy issues which may make it difficult for victims to find appropriate information;
- Services which are not tailored to their needs. For example, it can be difficult for Travellers to access refuges due to restrictive policies on the number of children or the Traveller families some refuges will accommodate;
- Male control of finances, for example benefits.

Recommendations concerning the needs of the Traveller community

- All frontline staff should be provided with training in anti-racism and diversity, and in knowledge and understanding of Traveller culture.
- Women only groups should be established at local level to provide a space for Traveller women to come together and talk about the issue.
- Posters and information and a freephone helpline number should be displayed in project spaces used by Travellers on services available in the local area.
- Awareness raising campaigns on the issue of rape and especially rape within marriage should be targeted at Traveller women.
- Greater cooperation should be established between local project groups and support services in order to build trust.
- More support should be provided to Traveller women to find jobs.
- Efforts should also be made to engage with Traveller men around these issues.

(b) Migrants

Several submissions pointed out that increases in inward migration have not been accompanied by the necessary infrastructure in terms of support services. It was stressed that migrant women who experience domestic violence often find themselves in a particularly vulnerable situation. Many women may be traumatised from experiences in their countries of origin, particularly female genital mutilation and rape. They are often particularly dependent on their partner due to close living quarters, isolation, language barriers and state policies banning work and limits on education and training access. They may lack information about the sources of help available or fear that seeking help could jeopardise their pending applications for asylum or residency. In addition, it was stressed that migrant women have limited access to accommodation following stays in a refuge.

Recommendations concerning the needs of migrants

- Protection should be made available for those experiencing domestic violence currently living in direct provision.
- Information about support services for domestic, sexual and gender-based violence should be available in asylum seekers' and migrant workers' accommodation.
- The voluntary sector, especially in the regions, should be better resourced to help migrant women. In particular, it was stressed that cultural diversity and awareness training for staff, as well as funding for interpreters is urgently needed.
- Support services should develop closer links with ethnic minority groups/communities. It was pointed out that religious leaders can act as powerful advocates to lead and shape discussions of issues concerning domestic and sexual violence within their communities.
- Free legal aid should be provided for spouses of migrant workers.
- Culturally sensitive medical and counselling services should be provided for women who have suffered female genital mutilation in their countries of origin, which can have long-term physical and psychological complications.

(c) People with disabilities

It was pointed out by respondents that research demonstrates a higher prevalence of violence and abuse against people with disabilities. People with disabilities can be highly dependent on carers or care from family members, and those with mental disabilities may lack or have reduced capacity to consent to sexual activity. Several submissions stressed that this dependence makes it much more difficult to disclose violence, and that victims may be reluctant to inform on carers due to the nature of familial or personal relationships. In addition, it was noted that many people with disabilities lack exposure to sex education and sexual health programmes. Physical access to services may be restricted, and services such as refuges lack essential facilities for people with disabilities.

Recommendations concerning the needs of people with disabilities

- Appropriate training and information on relationships, self-esteem and the right to protection against abuse or non-consensual relationships should form an integral part of training and person-centred plans for people with intellectual disabilities.
- People with disabilities should have access to an independent advocate of their choice in order to be able to exercise their right to make informed choices about their relationships.
- Individuals with disabilities should have a choice of who provides their personal assistance service.
- Panic devices or similar means of communication with the outside world should be provided to people with disabilities who are housebound.
- Mainstream services for victims of abuse (e.g. rape crisis centres, refuges, support services, counselling services) should be resourced to provide services to abuse victims with different types of disabilities – physical, sight, hearing, intellectual or mental health impairments.
- Training on specific issues that pertain to people with disabilities should be included in all education and training around domestic, sexual and gender-based abuse, in particular to ensure that symptoms of sexual abuse and assault are not attributed to a person's disability and thus overlooked. The

National Disability Authority's 'Ask me' guidelines on communication with people with disabilities were mentioned as a useful training tool. (<http://www.nda.ie/resourceNew.nsf/askme.pdf>).

- A national steering committee on violence against people with disabilities should be established with a multi-sectoral membership of senior-level decision-makers.

(d) Older people

A number of submissions focused on the particular vulnerabilities of older people to domestic, sexual and gender-based violence. It was pointed out that older people may have reduced physical or mental capacity and consequently become highly dependent on carers. It was emphasised that the exhaustion and frustration experienced by carers can be a factor leading to abuse, and the victim may be reluctant to report due to personal relations.

Several submissions stressed that a number of myths about older people persist in society, such as:

- That next of kin are entitled to make decisions for relatives, including financial decisions;
- That males have entitlements of ownership, decision making and hierarchical preferential treatment;
- That older wives have a duty to continue sexual relations with partner.

These myths contribute to low levels of disclosure or reporting of abuse.

The issue of how to determine sexual consent in older couples where mental capacity to consent is in question was raised in a number of submissions. It was pointed out that it is very difficult to label one partner as a 'perpetrator' in some cases, particularly as perpetrators may themselves be suffering from dementia or have other complex needs themselves. It was stressed that the complexity of issues such as these may make community workers and nurses reluctant to identify or report potential cases of abuse.

Recommendations concerning the needs of older people

- Legal clarity should be provided around the issues of domestic and sexual violence against older people. (This is discussed in more detail below, Section 4.1). The legislation that has been proposed by the Law Reform Commission to protect older and vulnerable adults should be progressed as a matter of urgency. Legislation on Guardianship and the protection of vulnerable people or those lacking in capacity should be passed and enacted as soon as possible.
- An awareness raising strategy should tackle ageism and address what constitutes domestic, sexual and gender-based violence against older people (see Section 1.1.1, above).
- Complementary support services for older people should be made available to help to reduce the incidence of abuse, such as the right type of accommodation, facilities to develop social networks, local transport provision to reduce isolation etc.
- A protocol should be developed for community nurses on identification and reporting of abuse, (see below, Section 5.1).
- More support, training and respite should be provided for carers.
- Refuges should be better equipped to meet the health needs of older people.

- Hidden groups of older people, such as older men, gay, lesbian and transgendered older adults, and older adults in prison have special psychological, social and other needs which should be addressed.

(e) Children, young adults and families

Several submissions argued that the impact of domestic and sexual violence on children is often overlooked. In addition, a number of respondents pointed out that there is a serious gap in the provision of services for teenage boys and girls experiencing abuse, leaving them in an extremely vulnerable position. For example, many refuge places will not take boys above the age of 13, and those that do, lack adequate facilities for them. A submission from one organisation noted with concern the number of calls to their helpline from girls between the ages of 15-17 in abusive relationships, who are too young to claim financial support. There was also concern about the inability of teenagers to access services without parental consent. It was stressed that the lack of support services tailored to respond to the needs of children and young people may lead to a perpetuation cycles of intergenerational violence. Finally, several submissions stressed that women, particularly those from marginalised groups, are often afraid to seek help in cases domestic and sexual violence because they are afraid that their children may be taken away from them.

Recommendations concerning children, young people and families

- A ‘whole-of-family’ approach should be taken in dealing with domestic violence at community level, working towards healing and reconciliation where appropriate. This could include services such as:
 - Comprehensive assessment;
 - Individual psychotherapy, couple and family therapy; and
 - Perpetrator assessment and treatment.
- Counselling services for children should be more widely available and commitments in this area under ‘Towards 2016’ should be met.
- Domestic violence should be included as a form of child abuse under the Children’s First guidelines.
- Multi-disciplinary child and adolescent community mental health teams should be established.
- All support services should be proofed to ensure they cater for teenagers.
- The needs of children in relation to refuge services should be assessed, with a view to ensuring adequate levels of access, equipment, programmes, staff and funding lines.
- A forum should be available in schools for teenagers to discuss domestic and sexual violence.
- Domestic violence services and children’s services should work together to foster a spirit of trust and collaboration.

(f) Adult male victims

Several submissions addressed specifically the needs of male victims, for whom it was argued that support services are almost entirely lacking. It was emphasised that men may face even greater barriers to disclosure than women. Male adult victims of childhood abuse also face stigma and a lack of social understanding of their experiences. One organisation pointed out that men make up an increasing number of victims of sexual violence, but face particular challenges in confronting the abuse and seeking help.

Recommendations concerning the particular needs of adult male victims

- A public awareness campaign should be carried out highlighting the high incidence of sexual violence against boys and men (see Section 1.1.1, above).
- Training should be provided for mental health professionals regarding the specific needs of male victims.
- Opinions were divided on whether services for male victims should be provided by the same providers as women's services. One submission argued for the integration of services for male victims into existing services in field, while another stated that while this should be the ultimate goal separate services were needed for the time-being.

(g) Adult victims of childhood abuse

It was pointed out by respondents that childhood abuse frequently leads to a number of long term mental health effects, including depression, anxiety, post-traumatic stress disorder, psychosis, substance abuse, eating disorders, self harm and suicide. In addition, victims of sexual violence are vulnerable to re-victimisation in adolescence and adulthood.

Recommendations concerning the needs of adult victims of childhood abuse

- Comprehensive guidelines for Gardaí should be implemented on responding to retrospective sexual abuse and extra familial abuse allegations.
- Organisations that provide mental health services for these victims must be adequately resourced.

(h) Other groups with complex needs

Recommendations concerning other groups with complex needs

- A review should also be carried out of the prevalence of domestic violence experienced by hidden groups of the population, such as the transgender, gay and lesbian community, prostitutes and prisoners. This review should also assess the needs of these groups with regard to support services.
- High Dependency Units for women who experience domestic violence and have alcohol and drug dependencies should be developed.

Recommendations made with regard to the response of specific services and bodies, such as the Judiciary, An Garda Síochána and the housing providers are covered below, Section 4.

2.3 Resources for support services

It was pointed out that the voluntary sector has a great deal of expertise to offer in the provision of support services, but lacks regular and reliable sources of income. One submission noted that national networks have been allocated a significant proportion of funding compared with other services and called for this policy to be evaluated.

Recommendations concerning resources for support services

- An evaluation should be carried out of support services that have been funded until now, in order to ascertain what has been effective and what has not been effective.
- Dedicated funding streams for NGOs working on issues of domestic, sexual and gender based violence should be ensured.
- Resources should be provided as a matter of urgency for interpreters.
- Funding should be allocated on a multi-annual basis to reduce administrative requirements and provide stability.
- A minimum of two members of staff per project should be funded in order to ensure cover for illness/holidays etc.
- A Code of Conduct for support services should be established.

3. Dealing with offenders

3.1 Perpetrator Programmes

All submissions that covered the issue of dealing with offenders acknowledged the importance of perpetrator programmes. A high level of dissatisfaction was expressed with the current situation regarding such programmes, with respondents stressing that while current providers are doing an excellent job on limited resources, greater nation-wide consistency is needed to ensure standardised accreditation, increased investment, a more even geographical spread, an increased availability of places and a higher level of referrals.

It was also pointed out that the state has a duty of care to perpetrators, who may also be vulnerable or have complex needs. Several submissions emphasised that while perpetrators may have some characteristics in common, there are also considerable differences in their needs. A range of different services dealing with perpetrators should therefore be on offer, recognising the limits of certain approaches for certain men.

One contribution argued that domestic violence support services tend to be based on the assumption that all domestic violence involves a perpetrator (who is totally at fault) and a victim (who is totally blameless). It was argued in this submission that in many cases mutual violence is also a factor, yet there are few resources available in these instances for couples to negotiate differences and tensions in the relationship.

Recommendations concerning the planning and development of perpetrator programmes

- There should be a national model of service delivery in the area of assessment and treatment services for children, teenagers and adults who have exhibited abusive or sexually harmful behaviour. Policies and procedures should be drawn up at a national level to ensure a standardised approach.
- The geographical availability of programmes for perpetrators of domestic, sexual and gender-based violence should be evaluated and future provision planned centrally. Adequate funding and effective staffing of programmes should be ensured.

- Cosc should support existing programmes in the process of becoming more professionalised. Either the Respect Accreditation Process¹ should be adopted or an alternative Irish standard should be developed. All programmes should have to undergo one of these accreditation processes.
- Cosc should develop a standard and accredited training programme for facilitators of perpetrator programmes. Basic staff training should include:
 - Domestic violence awareness;
 - Partner's perspectives / experiences;
 - Children's experiences;
 - The law and domestic violence;
 - Child protection issues;
 - Diversity issues;
 - Substance use;
 - Integrated working;
 - Understanding the process of change.
- Programmes should be closely monitored and a general evaluation of all programmes should be undertaken once they are up and running.
- Several referral routes to perpetrator programmes should be developed, such as agency, self referral and partner referral.
- Closer links should be established with the Judiciary to encourage referrals. Judges should be allowed to require perpetrators to attend mandatory counselling, anger management and cognitive behaviour therapy. Mandatory attendance of programmes should also be a priority when perpetrators are considered for early release.
- Special programmes should be developed for court mandated referrals, such as the one run by probation service in Dundalk.
- Perpetrators should be returned to court early in the event of non-compliance with mandatory attendance at programmes.
- One submission proposed that Courts should consider using a deferment of penalty option in appropriate cases pending completion of a perpetrator programme.
- A review should be carried out of how sex offenders are dealt with while in prison. Several submissions noted that very few sex offenders participate in programmes while in prison. One submission pointed out that information from the Department of Justice suggests that the issue of low- take up of places is not one of lack of capacity but low take up by sexual offenders. It was therefore stressed that research be undertaken to ascertain why there is such low take up and how to address this problem.

Recommendations concerning the format and content of offender programmes

- A variety of programmes should be on offer for different offenders. However, consistency in delivery should be ensured throughout each of the different programmes.
- Several submissions proposed that perpetrator programmes should follow the Duluth Abuse Intervention Model, which runs for 24 weeks and aims to reduce recidivism and encourage rehabilitation.
- Programmes should aim to challenge underlying assumptions about control, power, gender roles and relationships. They should include both individual and group work.

¹ Respect is the UK membership association for domestic violence perpetrator programmes and associated support services: www.respect.uk.net

- The safety of the perpetrator's partner and children should be the underlying goal of each programme. Strict guidelines should be adhered to ensure that their safety is not compromised. These guidelines include:
 - Programmes should be located separately from a victims' support programme.
 - Programmes should maintain close links with victim support services, child protection and social service agencies.
 - Programmes should not engage in any relationship or therapeutic counselling or mediation (although some respondents stressed the need for such services to be provided following the completion of a programme, where appropriate and requested by the victim).
 - Programmes should not be an alternative to prosecution, conviction or sentence.
 - Programmes should conduct an assessment of suitability prior to acceptance.
 - Programmes should continually conduct risk assessments.
 - Programmes should inform a partner if the service user leaves the programme or the service user is suspended from the programme or if there are any other concerns for them or their children's safety.
 - Programmes should ensure dismissal of the perpetrator from the programme is possible.
- In addition to the development of a national system of perpetrator programmes, Cosc should pilot a range of different services targeted to the needs of different offenders. Possible approaches mentioned in the submissions that could be considered include:
 - Restorative justice approaches, whereby a perpetrator is given the opportunity to repair some of the damage to his/her victim as part of rehabilitation;
 - Caring Dad's Programme (A London-based post-probation perpetrator programme);
 - Dad's space, (supervised online access to children, run by Respect);
 - A Men's Advice Line, run by Respect (www.mensadvice.org.uk);
 - Breathing Space (an Australian initiative: a 12-bed, 24 hour service involving 3 months of intensive intervention);
 - A programme for perpetrators without convictions, especially for children and teenagers;
 - Complementary supports such as substance-misuse interventions, couple counselling after participation in a programme and demonstration of change.
- An awareness-raising campaign should be developed to publicise the support services available for people concerned about their own behaviour, ideation and fantasies and to encourage them to access these services.

3.2 Sentencing of offenders

A number of submissions expressed concern with perceived inconsistencies in the sentencing of perpetrators.

Recommendations concerning the sentencing of offenders

- Formal sentencing guidelines should be developed to ensure consistency by judges in cases of domestic violence.

- Sentencing in domestic violence incidents should reflect the breach of trust of an intimate relationship. Differences between domestic violence and other types of violence should therefore be reflected in sentencing, not prosecution, with a personal relationship between the victim and accused being an aggravating, not a diminishing factor.
- Penalties for more serious cases of non compliance with sex offender orders should be increased.
- The Probation Service should have the power to sanction offenders who breach sex offender orders.
- Graded sanctions should be introduced as a deterrent to repeats.

3.3 Vetting provisions and procedures regarding sex offenders

Submissions focusing on sexual violence argued that there is currently a lack of consistency in the monitoring and supervision of convicted sex offenders. It was argued that this inconsistency is compounded by the current resourcing of the Garda Central Vetting Unit (GCVU) and the lack of a comprehensive system to ensure that sex offenders are barred from engaging with children.

Recommendations concerning vetting provisions and procedures

- The GCVU should be properly resourced.
- A comprehensive system for the vetting of sex offenders should be established. One proposal put forward was for the GCVU to be redesigned to operate as a 'one-stop-shop', providing vetting services for any organisation. It was suggested that the Northern Ireland Criminal Records Bureau could serve as a useful model.
- The Probation and Welfare Service should be appropriately resourced and trained to carry out more complex supervision and monitoring.
- Effective multi-agency systems of working must be established to ensure the effectiveness of vetting provisions (see Section 5.2, below, for further recommendations on multi-agency systems).
- One submission proposed that legislation should be enacted to empower the High Court to bar or otherwise restrain any person from having unsupervised access to children where reasonable grounds exist for the belief that the person has abused or has a propensity to abuse children, whether or not a conviction has been secured. It was pointed out that the Department of Health, Social Services and Public Safety in Northern Ireland maintains a list of all those considered unsuitable for work with children, not just those with convictions.

Other proposals regarding offenders, including risk assessment systems and protection orders are dealt with in the following section.

4. Protection of Victims

4.1 Risk assessment

Respondents stressed repeatedly that more effective and consistent risk assessment tools should be introduced by and between a wide range of agencies. The role of Cosc in establishing the broad framework for multi-agency structures is covered in

more detail under Section 5.2, below. This section looks at the specific recommendations made in the submissions regarding risk assessment tools.

Recommendations concerning risk assessment

- Consideration should be given to the establishment of a Project Development Team by the Garda and the Probation and Welfare Service, tasked with setting up shared risk assessment systems.
- Cosc should consider supporting statutory bodies and NGOs to work together on developing risk assessment frameworks and information sharing protocols.
- The National Strategy should develop and pilot Multi Agency Risk Assessment Conferences for high risk victims of domestic violence, following the model presented by Ms Jan Pickles at the Cosc International Conference in May.
- Subject to positive evaluation, these models should be rolled out across the country.
- A comprehensive system should be established to carry out pre- and post-release risk assessments of convicted sex offenders. Northern Ireland's inter-agency offender management procedure ('MASRAM') was recommended as a useful model, especially in view of the common land border.

4.2 Routine enquiry

Several submissions dealt with the issue of routine enquiry. A common view was that this method has a vital role to play in improving responses to domestic violence. The following advantages offered by routine enquiry over selective enquiry were mentioned:

- It raises awareness among both professionals and their clients about domestic and sexual violence;
- It increases disclosure rates;
- It is less likely to make the person asked feel stigmatised or to compromise their safety;
- It does not rely on the perceptions of staff as to who might be at risk;
- Routine screening would offer older people and people with disabilities more opportunities to disclose.

Recommendations concerning routine enquiry

- Routine enquiry should be rolled out across the health service and extended to District Court clerks, the Gardaí, community welfare officers, family law mediators and legal aid solicitors. One submission recommended that the priority should be to set up routine enquiry in maternity and A&E services, since research demonstrates that pregnancy is a time of increased risk for victims. Another suggested for the same reason that family planning clinics are well placed to employ routine screening and to provide advocacy and information to victims.
- Selective enquiry should be employed by frontline local authority staff, social welfare staff, community and family resource centre workers and third level education staff.
- Enquiries should be conducted in private, using straightforward non judgemental questions.
- Basic initial training in routine enquiry should be provided to a wide range of professionals, followed by detailed ongoing vocational training, particularly for

GPs. It was pointed out that Irish research shows women more likely to disclose to a GP than other professionals.

- Any systematic introduction of routine enquiry should be monitored and evaluated to assess impact.

4.3 Victims' rights

It was repeatedly emphasised by submissions that the trauma experienced by victims during the official process of seeking protection or redress must be minimised. Systems which are intended to protect victims must not themselves cause further trauma (secondary victimisation) amongst those already victimised. In order to prevent this from occurring, it was stressed that an appropriate range of supports must be provided to the victim from the very earliest stages post-trauma onwards. The underlying focus should be on supporting the victim, rather than obtaining a conviction at any price.

With this in mind, a number of submissions called for victims' rights to be set out in an updated Victim's Charter with statutory effect. It was proposed that the provisions be broadly similar to those outlined in the Victims' Rights Bill 2008 and be developed in consultation with victim support groups and others with expertise in the area.

Recommendations concerning victims' rights

Proposals for rights to be included in such a charter include:

- Right to be informed of appropriate support services
- Right to know the identity and contact details of the member of the Garda Síochána in overall charge of the investigation in their case
- Right to be kept informed at all stages in the process of the following:
 - The progress of the investigation and case;
 - Special measures that may be used in the court process (e.g. video evidence);
 - The purpose and outcome of each hearing, and of the likely timelines as they evolve;
 - The reasons why any charges are not brought, or are later dropped;
 - Any bail applications and parole hearings;
 - Right to have a victim impact statement considered by the court;
 - Right to require the court to act to repair damage to the victim's good name if their character is called into question;
 - Right to be consulted on whether a guilty plea would be a source of comfort to them if this is to be the basis of the court's decision to impose a lesser sentence.

It was also proposed that there should be a statutory obligation on the defence in a sexual crime case to make any application to adduce previous sexual history of a witness in writing in advance of trial and to provide in advance written reasons why such an application should be granted.

4.4 Access to and custody of children

A number of submissions argued that current practice tends to place the access and custody rights of the offender above the safety of the victim and child. Respondents noted that judges are not systematically provided with all the relevant information

necessary before making access orders. It was also stressed that offenders frequently use access as a means of control and ongoing violence.

Recommendations concerning access to and custody of children

- Research should be carried out on the issue of custody and access in the context of domestic violence, in order to identify how the Family Law system can deal more effectively with the issue to maximise the safety of women and children. This should include examining relevant legal options in other jurisdictions that support the safety of the child and the non-abusive parent.
- A number of submissions recommended that the Probation and Welfare service should be given a statutory role in family law cases and be fully resourced to fulfil its statutory remit under the *Family Law Act 1995*. Respondents proposed that the Probation Service should produce mandatory reports for judges on safety, risk assessment and the best interests of the child before access orders are made.
- Appropriate supervised access/handover centres should be established and used by the Family Law Courts where the Court has information that domestic violence is an issue in the case. These should be run by either the Probation Service or an independent agency and be staffed by qualified childcare workers. They should be available in each court district and should provide a means of assessing long term prognosis for access.
- The Department of Justice, Equality and Law Reform should ensure that training and awareness on the dynamics of domestic violence is provided for the Judiciary and all court personnel engaged in the Family Law system.
- A Guardian ad Litem should be assigned in all cases dealing with custody / access arrangements and child sexual abuse cases.

4.5 Improving the courts' response to domestic, sexual and gender-based violence

Respondents repeatedly expressed concern regarding the low levels of prosecution, high attrition rates and inconsistent sentencing in cases of domestic, sexual and gender based violence. Recommendations for improving this situation fell into three broad categories, of which the following two relate to the court process:

4.5.1 Training, information and awareness-raising measures for members of the judiciary

Recommendations concerning training, information and awareness-raising measures for members of the judiciary

- All judges appointed to family law courts should be experts in family law.
- Training on the dynamics of domestic, sexual and gender-based violence should be provided to the judiciary to ensure they are very well informed about the effects of these crimes on victims. This training should also focus on how perpetrators 'groom' the victim's friends, family and support services.
- One submission proposed that NGOs could deliver regular accredited training to the legal and judicial system.
- Cosc should secure an invite to present at judiciary training days and prepare articles for widely read legal journals.

- Courts should maintain close channels of communication with the Probation and Welfare Service and social services on safety issues, assessment of risk posed by perpetrators and on the extent to which the latter can be managed in the community.
- Social workers should provide the courts with safety assessments in all cases considering safety order applications.
- One submission proposed that mental health services should be called upon to provide reports on the victim's capacity to take decisions related to their own safety where appropriate, such as in cases involving older people or people with disabilities.
- A number of submissions called for the courts to be provided with clear guidelines on assessing risk to children.

4.5.2 Victims' experience of the court process

A number of submissions stressed that the current waiting times for court cases and lack of specialised facilities and services exacerbate the trauma experienced by victims. It was repeatedly pointed out that the timeframe for securing a protection order is currently running at between 6 to 16 weeks. Respondents expressed concern that the safety of women and children is being compromised by these delays. It was emphasised that the improving court facilities and procedures will reduce the trauma experienced by victims, and by extension, should have a significant effect on attrition rates.

Recommendations concerning victims' experience of the court process

- An audit should be carried out of family law in order to determine gaps and inconsistencies across the country in the provision of and response to court orders.
- Cosc should explore the feasibility and costs/benefits of establishing a specialist Domestic Violence Court or special domestic violence sittings.
- Family law courts should be provided with greater resources to reduce waiting times and improve facilities. It was pointed out that many victims, particularly those who are dependent on carers, are trapped in extremely vulnerable situations while awaiting court procedures. Furthermore, 'timeliness' is deemed to be a critical determinant of a complainant's willingness to assist a prosecution. It was therefore proposed that domestic violence cases should be expedited through the courts, in particular in the District Court.
- One submission further recommended that Regional Family Courts be established in order to ensure consistent practice and jurisprudence, provide appropriate facilities, foster expertise and establish a structure for reporting and compiling data.
- The Courts Service should develop a specific strategy on support to victims of domestic, sexual and gender-based violence, including performance monitoring mechanisms. Feedback should be provided to Cosc on progress towards implementing this strategy.
- A policy on complainant withdrawal should be considered by the courts for the dual purposes of ensuring that the complainant has freely and without intimidation withdrawn their complaint and further to seek to ascertain the reasons why they have made such a decision.
- Judges should be encouraged to use the fast track procedure, which empowers the court to deal contemporaneously with issues of access, maintenance, loss of family home and disposal of household chattels and orders under the Child Care Act 1991.

- Victims of domestic violence should be able to access priority legal representation for cases pertaining to domestic violence orders, as well as ancillary orders such as maintenance, access and custody.
- The victim should be given the option to avail of 'special measures'- e.g. giving evidence by video link or pre-recorded statements.
- The prosecution should be empowered to apply for a Court Order protecting the anonymity of the accused and victim in domestic violence cases.
- Court accompaniment services should be adequately funded and it should be ensured that there is balanced geographical availability of these services.
- Separate waiting and conference facilities for victims should always be available to prevent them from coming into contact with the offender. Submissions pointed out that these provisions are already included in Courts Service Strategic plan and should be urgently implemented.
- Court facilities and support services for older victims should be improved. It was suggested that family conferencing methods, already applied in work with young people, might usefully be applied to complex cases of violence against older adults.
- Court facilities and support services for victims with disabilities should also be improved. The criminal justice system should have the capacity to hear and respond to complaints of abuse from people with disabilities.
- The availability of meeting rooms in court houses for solicitor-client meetings should be increased to ensure privacy.
- A nationwide support service at court for adult victims, as well as a dedicated service for children.
- The Courts Service should provide assistance with the completion of required forms in all district courts offices in cases of violence or aggravated violence.
- Consideration should be given to the resumption of the system of morning and afternoon lists in order to ease pressure on the Legal Aid Board's limited solicitor resources.
- Statutory provisions should be enacted to prevent direct cross-examination by an accused of a complainant in a sexual case.
- Learnings from the work carried out by the NDVIA should be further progressed and rolled out nationally.

4.6 Role of the Office of the Director of Public Prosecutions (ODPP)

Several submissions focused specifically on the role of the ODPP in improving attrition rates. This was the third broad category referred to in section 4.5 above. It was pointed out that the first step towards reducing attrition rates is to understand why prosecutions are not being taken forward, yet this kind of information is not routinely provided by the ODPP. A number of submissions mentioned that many victims spend years waiting for their case to be taken and are never informed why it is dropped. Respondents stressed that many of their proposed improvements would not require new legislation, but simply a change of policy.

Recommendations concerning the role of the ODPP

- The ODPP should develop a special strategy to reduce attrition rates. This should include the identification of targets, the collection, analysis and publication of data, and ongoing monitoring and review. Feedback on the strategy's implementation should be provided to Cosc.
- ODPP staff, the Chief State Solicitor's Office and local State Solicitors should come together to discuss how to reduce attrition rates.

- Consideration should be given to the policy of proceeding with prosecutions, where there is sufficient evidence to do so, notwithstanding complainant withdrawal in cases of domestic violence. It was pointed out that this policy is pursued in many neighbouring jurisdictions
- Special training should be provided on how to communicate with victims of domestic, sexual and gender-based violence. Interagency training should also be considered (see below, Section 5.3)
- Wherever possible, the victim should be provided with reasons why a prosecution was dropped.
- The ODPP should develop a policy that provides for appointment of specialist prosecutors in cases of domestic, sexual and gender based violence. They should be specially trained and engage with the Garda Síochána from the moment the file is forwarded. The use of Specialist Rape Prosecutors in the U.K. system was mentioned as a useful model.
- The State Prosecutor should meet with the complainant in advance of the case to explain the process and ensure that the procedures are clear. It was stressed that the role of the victim is crucial in achieving a conviction, yet while the accused is likely to be well briefed, the complainant often only meets with the Prosecutor on the day of the trial. It was, however, also pointed out that the ODPP's current policy already provides all victims of domestic violence with the right to request a pre-trial meeting with the solicitor and counsel dealing with the case, and pre-trial meetings are offered to all complainants in cases of serious sexual assault as a matter of course.

4.7 Improving the response of the Garda Síochána

It was widely emphasised that the initial response a victim receives from An Garda Síochána is critical in determining their continued interaction with the system. Submissions expressed support for the Garda's domestic violence policy, but stressed that there was a need for improved consistency and proactive implementation, especially as regards detection and prosecution.

Many recommendations were made in this regard. These are grouped below under the following themes: implementing and improving existing Garda policy; specialist units and facilities; and training.

Recommendations concerning the implementation and improvement of existing Garda policy

- A Garda strategy on sexual violence should be developed and implemented as a matter of priority.
- Garda policy and practice on domestic violence throughout the country should be monitored and evaluated, with independent support and supervision.
- Domestic and sexual violence should be named as crime priorities in Garda Annual Policing Plans.
- A Commissioner should be appointed within An Garda Síochána, tasked with improving the response to these crimes.
- Effective performance monitoring mechanisms should be implemented and identified, including clear targets and minimum standards. Easy to follow protocols should be established for intervention at all stages of the criminal justice process.
- The effectiveness of these policies should be monitored through indicators such as increased reporting, decreased attrition and ideally increased

conviction rates. Qualitative analysis should be undertaken to assess why a matter may not have progressed.

- The issue of mandatory investigation and reporting of abuse allegations should be considered.
- An increased number of prosecutions should be taken forward for breaches of domestic violence orders.

Recommendations concerning specialist units and facilities

- Special domestic, sexual and gender-based violence units should be set up in police stations with trained personnel
- Domestic/Sexual Violence Officers should be recruited and specially trained to ensure the victim is as well supported as possible. These officers should be responsible for ensuring that a statement is taken as early as possible in order to maximise its impact in court. It was pointed out that taking a statement in a case of sexual abuse requires very specific skills and sensitivities, and that evidence shows that those with training are much more likely to proceed with a case.
- The Garda Síochána should ensure that GPs/Doctors are trained in forensic medicine and the production of reports after examining a victim of sexual violence. This would serve a variety of purposes:
 - To make the experience as easy as possible for the complainant;
 - To ensure that the Gardaí are provided with a comprehensive report including all relevant samples
 - To ensure that the Doctors are aware of the literature on the low incidence of genital injury in rape cases and to include in their reports, in the absence of such injury, that this does not preclude the possibility of sexual assault.
- Interview rooms in these units should provide comfortable and secure environment to facilitate statement taking.
- Specialised investigators for sexual violence should be appointed and organised into a number of regional units under the supervision of Harcourt Street Domestic Violence and Sexual Assault Investigation Unit. They should ensure good follow up and information gathering for provision to courts, as well as ensuring prosecution of all of the crimes reported.
- Local liaison Gardaí with a specific remit to work with vulnerable and at risk older adults should be employed in each community.
- National Domestic Violence Intervention Agency risk assessment tools and evidence gathering methods should be used by the gardaí.

Recommendations concerning training of Gardaí

As well as the basic initial and refresher training outlined in Section 1.2, above, submissions emphasised that Gardaí should receive specialist training in a number of areas:

- Assessing risk to victims;
- Communicating with vulnerable people including people with disabilities;
- Dealing with adult victims of childhood sexual abuse;
- Dealing with cases of female genital mutilation;
- Working with Traveller women. A number of submissions pointed out that there is an urgent need to improve relations between the Garda and the Traveller community;
- Coping with the traumatic nature of the work.

4.8 Improving the response to housing needs

A number of submissions focused on how to improve the response of the system to the short, medium and long-term housing needs of victims of domestic and sexual violence. The issue of refuge places was raised repeatedly in submissions. It was noted that in many areas of the country, the target of one family space per 10,000 inhabitants is far from being a reality. It was argued, for example, that 201 places would be needed in Dublin to match this figure, yet there are currently only 31 rooms available. It was also repeatedly pointed out that the geographical spread of refuge places is unbalanced.

Another common theme in the submissions with regard to housing was the need for victims to be provided with a range of accommodation options. It was stressed that, although there will always be a need for emergency accommodation, victims should be supported to seek solutions to their housing needs in a planned manner, before a situation reaches crisis point. They should be supported to stay in the family home where possible, if this is their preferred option.

Recommendations concerning the response to housing needs

- To improve consistency, a standardised approach should be taken to accommodation provision for victims of domestic violence.
- Cosc should set targets and an action plan outlining the respective roles in relation to housing of local authorities, the HSE, public agencies and the voluntary sector, along with guidelines and codes of practice.
- Guidelines should be developed on the funding of services, in order to clarify whether refuges are funded by HSE or local authorities or both.
- The Strategy should include a time-framed action plan for the development of refuges with clearly identified roles for local authorities, the Department of the Environment, Heritage and Local Government (DEHLG), the HSE, and the voluntary service providers. A lead agency or government department should be nominated to oversee the achievement of a target of one family refuge place per 10,000 heads of population.
- The Strategy should identify the need for a 'wet refuge' in the Dublin area and a timeframe for implementation (see Section 2.1.1, above).
- The Strategy should include a commitment and targets for the reduction of the use of B&B accommodation and the expansion of refuge services and permanent services, with specific funding lines.
- New minimum standards should be introduced in refuges to ensure that they cater for victims with complex needs.
- A review should be carried out of eligibility criteria for transitional accommodation, particularly regarding migrants. Consideration should be given to temporary letting of local authority or voluntary providers' housing stock.
- New policies should be put in place for teenage boys, as some refuges are not admitting boys as young as 13.
- A range of security options should be explored to enable victims to safely stay in their own homes, where appropriate.
- Several submissions proposed that local authorities should develop policy and guidelines on appropriately responding to women and children out of home due to violence. It was also suggested that they include in their tenancy agreements a clause stating that perpetration of domestic violence is reasonable cause for eviction.

- The implementation of local authority policies and guidelines with regard to housing for victims of domestic violence should be monitored by Cosc.

4.9 Legislative reform

Recommendations concerning definitions of domestic, sexual and gender-based violence

The lack of clarity in official definitions of domestic, sexual and gender-based violence was raised in several submissions. The following proposals were made in this respect:

- The adoption of the definition of domestic violence contained in the Garda Síochána policy statement on domestic violence:

'[Domestic Violence is] the physical, sexual, emotional or mental abuse of one partner by another in a relationship which may or may not be one based on marriage and cohabitation and includes abuse by any family member against whom a safety or a barring order may be obtained by another family member.'

- Regarding gender-based violence, the continued use of the definition contained in the UN Declaration on the Elimination of Violence against Women, as adopted by the National Steering Committee on Violence Against Women:

'the term 'violence against women' means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in private or public life. Accordingly, violence against women encompasses but is not limited to the following:

- (a) Physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in the household, dowry-related violence, marital rape, female genital mutilation and other traditional practices harmful to women , non-spousal violence and violence related to exploitation;*
- (b) Physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work , in educational institutions and elsewhere, trafficking in women and forced prostitution;*
- (c) Physical, sexual and psychological violence perpetrated by the state wherever it occurs.*

- The following definition of sexual violence:

'Sexual violence is any behaviour (verbal or non-verbal) directed against adults or children that is perceived by either party to be of a sexual nature and which is unwanted and takes place in the absence of consent or in circumstances where consenting relations are not possible. Sexual violence can be committed by people known (present or past intimate partners, family members, friends, acquaintances, work colleagues) or unknown to the victim.'

- It was proposed that a tighter distinction should be made between domestic violence involving older people and elder abuse. It was suggested that

consideration be given to the distinction made in the U.S., whereby elder abuse is used only when the victim is mentally incapacitated.

- It was emphasised that the lack of a current statutory definition of sexual consent gives rise to a lack of clarity, particularly in cases in which capacity to give consent is under question, such as those involving older people, people with disabilities and people under the influence of drugs or alcohol. Several submissions suggested that an alternative, expanded and more comprehensive definition of consent should be developed, with the principal focus on the conduct of the accused rather than that of the complainant, as far as possible. It was also stressed that the issue of consent and voluntary intoxication should be clarified. The Criminal Code of Canada, in which the onus is placed on the accused to show he has taken reasonable steps to ascertain that consent was forthcoming, was mentioned as a possible model.

Recommendations concerning changes to existing legislation

A large number of submissions called for a review of the Domestic Violence Act 1996. In particular, they expressed concern about the provisions of the Act as regards protective orders. It was stressed by many respondents that there are significant gaps in the act which leave certain victims without protection. These groups include victims in dating relationships, victims not residing with their partner and victims who have separated from their partner. It was also noted that the current lack of statutory guidelines regarding the grounds for the granting of such orders and the standard of proof necessary leads to wide variation in District Court areas. The majority of submissions were of the opinion that the level of proof demanded is too high. However, it was also mentioned that the level of proof required in order to impose a punishment as severe as barring someone from the home must always be rigorous in order to respect the rights of the accused.

A further issue was raised regarding safety and protection orders. It was pointed out that unlike in the case of barring orders, it is not the practice of the Garda Síochána to personally deliver safety and protection orders to the accused. Rather, the Courts Service is responsible for the delivery and they are sent out by ordinary post. As a result, a number of lawyers from the Solicitors Division have reported cases in which the respondent defendant claimed not to have received the order.

Other recommendations covered a range of Acts dealing with sexual offences and trafficking.

- The Domestic Violence Act should become criminal law like any other violent offence against the person.
- Parties with a child in common but not residing together should be eligible for protection. Under the current Domestic Violence Act, no provision for protection exists for unmarried parties who are not living together but have a child in common.
- The residency requirement for cohabitees applying for a safety order under the Domestic Violence Act, 1996 should be removed. Currently, in the case of non-married couples who are living together, one partner may only apply for a safety order if s/he has been living with the other person for six out of the previous twelve months. It was emphasised by several submissions that it is not clear why there is a residency requirement for a safety order, since it does not require the abusive party to leave the home.

- The residency requirement for cohabitantes who have an equal or greater interest in the property should be removed for barring order applications under the Domestic Violence Act, 1996.
- Consideration should be given to expanding the eligibility criteria to protect women in dating relationships and post-separation. The criteria used for Domestic Violence Orders in other jurisdictions should be explored.
- The reasons for granting or refusing protective orders should be stated in each case.
- Consideration should be given to personal service on the respondent of safety and protection orders by either personnel from court services or alternatively a Garda from the Garda station which holds the court order. Alternatively, the legislation under Section 10 of the Domestic Violence Act 1996 should be amended by creating a presumption that the order was served once sent out in ordinary post similar to the presumption for fixed penalty notices contained under Section 18 of the Road Traffic Act 1994.
- The Civil Partnership Act should mirror the remedies available under Family Law Act 1995 and Family Law (Divorce) Act 1996.
- The requirement to seek the consent of the DPP to any prosecution for marital rape under the Criminal Law (Rape) (Amendment) 1990 Act should be repealed.
- The Punishment of Incest Act 1908 should be repealed to take account of current definitions of family members, such as foster-children/parents or step-children/parents.
- Section 3 of the Child Trafficking and Pornography Act 1998 (as already amended by Section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007) should be amended to broaden the definition of activity therein to include other non-contact acts committed with the intention of sexual exploitation of a child.
- Statutory provisions should be enacted to ensure that every trial in a sexual violence matter, at least at Circuit Court level and above, is preceded by an obligatory preliminary court appearance which must be attended by all parties, analogous to the Pleas and Directions hearings system in England and Wales.
- The provisions of Section 16 of Criminal Evidence Act, 1992 concerning the video recording of evidence, should be extended to all complainants, not only those under 14 or 17, as at present.
- The pattern of consensual sex consideration in marital rape should be abolished.
- An all Ireland derogation to the Hague convention should be enacted to allow victims in border areas to cross the border more easily.
- Better provisions should be made in the Immigration, Residency and Protection (IRP) Bill 2008, or elsewhere, for the protection of victims of trafficking. The amendments proposed by the Irish Refugee Council to section 124 of the IRP Bill 2008 could serve as a useful model.
- Housing legislation should be amended to:
 - Explicitly incorporate domestic violence in the definition of homelessness;
 - Treat breaches of barring orders/protection orders as breaches of tenancy agreements ;
 - Interpret violence against a person on the tenancy as anti-social behaviour and therefore a breach of tenancy.
- It was also proposed that Irish law change to allow the State to prosecute all cases of domestic assault and to treat the processing of those cases of

assault in the same way as all other such cases of assault, in keeping with changes in both the U.K. and the U.S.

- One submission argued that a review of the entire legislative framework on sexual violence should be carried out. It was argued that this legislation has developed as a result of individual crises and should be reconsidered in a holistic manner. It was proposed that the Joint Oireactas Committee on Child Protection should be established on a permanent basis to monitor and evaluate the implementation of any such legislation.
- It was proposed that the following actions be enacted as specific offences:
 - Unlawful sexual activity by a person in position of trust and/or authority against minors in their charge;
 - Voyeurism, which may follow the example of Section 67 of the U.K. Sexual Offences Act, 2003;
 - Sexual assault upon a person with a disability (other than an offence of rape or buggery).

5. Ensuring the effectiveness of action

5.1 Structures for the delivery of the Strategy

Recommendations concerning structures for the delivery of the Strategy

- A full evaluation of the effectiveness or otherwise of current structures should be carried out as the basis from which to develop the new Strategy.
- A report should be carried out into the work and achievements of the Regional Planning Committees over the course of their operation, including information on membership, attendance, protocols, practices and training packs developed by their members and the impact of membership on the organisations concerned. It was pointed out that these Committees are well placed to report on support service deficits in their regions.
- Cosc should seek agreement and ensure clarity regarding the remit, responsibility and leadership role of each agency, department, semi-state agency or other body with regard to domestic, sexual and gender-based violence. It should also identify and document which guidelines, strategies, training, specialisation, standards of response, targets, budgets, data collection and monitoring frameworks are required for each location with a responsibility regarding these crimes.
- Cosc should monitor the implementation of these agreements to ensure that each agency/location delivers proactively and successfully on their remit. It should be stipulated that all agencies represented on the national and regional structures have internal policies articulating their commitment to tackling all forms of domestic, sexual and gender-based violence.
- Cosc should establish effective structures of communications with all professions who can be proactive agents in detecting and preventing domestic, sexual and gender-based violence.
- A range of profession specific protocols should be developed. These protocols should include:
 - Clear guidance on victims rights;
 - Information sharing requirements;
 - Recommended steps to be taken in identifying and responding to abuse;
 - Data collection systems;
 - Referral obligations.

- One submission called on Cosc to ensure clarity as to whether the new structures will give equal time and effort to addressing rape and prostitution as forms of gender-based violence, or if addressing domestic violence takes priority over those forms.

5.2 Ensuring a coordinated, multi-agency response

The importance of establishing a nationally coordinated system of multi-agency structures, each dealing with a different aspect of the response to domestic, sexual and gender-based violence, was a constant issue running through the submissions. Multi-agency work was seen as vital to ensure effective responses to these crimes at all levels, from prevention and support services to dealing with perpetrators. It was stressed that Cosc is ideally placed to drive the formalising of relationships between the various stakeholders and to develop and coordinate the various multi-agency structures.

Recommendations concerning multi-agency structures

- Cosc should use the national frameworks outlined above to bring together all stakeholders in order to draw up long term coordinated action plans.
- In each area of action, one agency should be placed in charge of coordinating responses.
- Cosc should ensure that sufficient resources are made available for regional structures to carry out pieces of essential regional interagency work and to support the work of the advisory committees.
- In order to facilitate smooth referrals, a system should be developed to ensure that each service keeps the other services informed of changes to practices, policies, provision of services, waiting times and relevant contact persons. Cooperation between agencies should also include interdisciplinary training aimed at familiarising staff with services provided in other organisations, in order to ensure that they can make effective referrals.
- Multi-agency case conferences should be held on a regular basis to assess risk in specific cases such as prior to the release of a sex offender (see section 4.1, above).
- It was suggested that a conference be held in coming year where various interagency/community fora could come together and learn about each other's work.
- It was also proposed that one member of each HSE team should be specifically responsible for multi-agency work on domestic violence, including liaison with Cosc, refuges and other services, accurate record keeping and training.
- It was suggested that the structures and methods employed by Sexual Assault Treatment Units (SATUs) could be usefully applied to improve other aspects of the response to domestic and sexual violence, such as the reporting and prosecuting of these crimes.

5.3 Representation of all stakeholders

The importance of involving victims in service planning, design, development, delivery and evaluation was a constant theme running through the submissions. It was also repeatedly emphasised that marginalised groups and their representatives must be represented at all levels of the national policy framework.

Recommendations concerning the representation of stakeholders

- Regional Advisory Committees should develop good practice guidelines with regard to the involvement of Travellers and other ethnic minorities.
- Intervention programmes must be represented on all structures as equal partners.
- Consideration should be given to ensuring that migrants, people with disabilities and members of the Traveller community are involved in carrying out research on domestic, sexual and gender based violence.

5.4 Data collection and evaluation

Many submissions emphasised that the collection and evaluation of all the relevant data must be the first step in the development of an effective strategy to combat domestic, sexual and gender-based violence. It was repeatedly stressed that coordinated frameworks should be developed to guide data collection, in order to ensure each location collects sufficient and appropriate data to provide an evidence based approach and monitor performance indicators.

Recommendations concerning data collection structures

- Cosc should consider positioning itself in a conduit role between the various stakeholders in relation to national research and policy development in the area of domestic violence with the potential to expand this to an inter-jurisdictional context through the Raising the Standards Initiative. Stakeholders could then feed-in to and draw from a central repository thus maximising the opportunities for quality peer assessment and minimising the likelihood of duplication/ un-coordinated research.
- A working group should be established to map gaps in current data collection and to analyse comparability in different locations.
- A national data collection and analysis strategy should be developed, including data from the Garda Síochána, the Courts Service, the HSE and local authorities, in order that progress towards nationally monitored goals may be monitored. The national strategy should explicitly set out what core data each agency must collect and how it is to be utilised.
- The aim of this system should be to evaluate on an ongoing basis the efficiency and effectiveness of services (prevention, intervention, prosecution and support) in serving the different needs of victims. It was suggested that this could be modelled on the Canadian Observatory on the Judicial Response to Intimate Partner Violence, presented at the Cosc International Conference in May 2008 (This presentation is available for download at: <http://www.cosc.ie/en/COSC/Pages/WP08000071>).
- Refuges should be required to collect statistics in such a way that the use of their services by marginalised groups can be monitored.
- The outcomes of HSE data collection committee should be utilised.
- Cosc's Data Collection Committee should be expanded to include NGO input.
- Cosc should organise an audit day of calls to selected services, along the lines of the model proposed by Professor Elizabeth Stanko at the Cosc International Conference (This presentation is available for download at: <http://www.cosc.ie/en/COSC/Pages/WP08000071>). This would involve every

service recording the number of calls or enquiries they received on that day in relation to domestic, sexual or gender based violence.

Recommendations concerning current research gaps

Many of the submissions made proposals for research to fill current knowledge gaps. These included the following recommendations:

- The domestic violence priority research programme should focus on the needs of specific target groups.
- A new national study should be undertaken that quantitatively examines the impact of domestic violence on homelessness/housing need in Ireland, together with a timescale for implementation of this study.
- A study should be carried out into the extent and effectiveness of training for the health care sector on domestic violence. It was pointed out that educating health care providers about domestic and sexual violence is crucial to the eradication of gender-based violence, yet there has never been an Irish study investigating this issue.
- Cosc should develop research on effective work with men and on men's help-seeking behaviour. The aim should be to explore what motivates men to seek help, to attend programmes and engage and stay on them.
- Research should explore and identify the root causes of violence against Traveller women, the types of services used by Traveller women experiencing abuse and the reasons for these choices.
- Cosc should carry out a study into how marital rape is reported and prosecuted.
- The function of transitional housing services should be analysed in further details, as there is some evidence it is preventing people moving on.
- It was pointed out that there is very little existing Irish research on the prevalence of abuse against people with disabilities. It was suggested that in any future research, evaluation or data collection exercise undertaken or funded by Cosc, the basic variables of analysis should include the disability status of victims of abuse. A gendered analysis should be carried out of how disabled men and women experience violence, and a specific study should be carried out into best practice in the prevention of violence against people with disabilities in a domestic setting.
- Research should be carried out to disaggregate the different types of domestic abuse experienced by older people.
- Research should be carried out into victims' experiences of the legal process.

-END-

Appendix 1 – List of Submissions Received

Number	Organisation/Individual
1	Eastern Regional Planning Committee on Violence Against Women
2	Milltown Institute of Theology, Philosophy and Spirituality
3	Tearmann Domestic Violence Services
4	The National Women's Council of Ireland
5	Women's Aid
6	Southill Domestic Violence Services
7	Ms Iris Elliott
8	The Senior Helpline
9	Longford Women's Link
10	Barnardos
11	Ms Maureen Chalmers
12	South East Domestic Violence Intervention Programme (SEDVIP)
13	National Traveller Women's Forum
14	The National Disability Authority
15	North Eastern Regional Planning Committee on Violence Against Women
16	Mayo Rape Crisis Centre
17	Ms Hilary Scanlon
18	Ms Patricia Daly
19	Church of Scientology
20	Stop It Now Ireland
21	Ms Susan Leahy
22	One in Four
23	SAVE (Southside Addressing Violence Effectively)
24	Sinn Féin
25	Dublin Rape Crisis Centre
26	Letterkenny Women's Centre
27	Sonas Housing Association
28	Domestic Violence Response Galway

29	AkiDwa
30	The National Network Of Women's Refuges and Support Services
31	AMEN
32	Rape Crisis Network Ireland
33	The Health Service Executive
34	Irish Family Planning Association
35	The Probation Service
36	Immigrant Council of Ireland
37	Domestic Violence Advocacy Service
38	Irish Association of Social Workers
39	Law Society of Ireland
40	Legal Aid Board
41	Pavee Point
42	Office of the Director of Public Prosecutions
43	Sexual Violence Centre Cork
44	Sligo Social Services
45	The Women's Health Council