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Title	Exchange of best practices approaches to addressing gender-based violence at national level. Irish report
Authors(s)	O'Connor, Monica, Barry, Ursula
Publication date	2009-09
Publication information	O'Connor, Monica, and Ursula Barry. "Exchange of Best Practices Approaches to Addressing Gender-Based Violence at National Level. Irish Report" (September, 2009).
Series	Working paper series, 9(1):1-9
Publisher	University College Dublin. School of Social Justice
Item record/more information	http://hdl.handle.net/10197/2059

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Exchange of Best Practices Approaches to Addressing Gender-Based Violence at National Level. Irish Report

UCD School of Social Justice Working Papers Series
Number 9(1):1-9

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September 2009

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How to quote this paper: O'Connor, M. and U. Barry. 2009. "Exchange of Best Practices Approaches to Addressing Gender-Based Violence at National Level. Irish Report". *UCD School of Social Justice Working Papers Series*. 9(1):1-9. Dublin: University College Dublin.

Part I: Country overview

1. Prevalence and extent

A national prevalence study in 1995 revealed that 18% of women in Ireland had experienced domestic violence. Research on sexual violence, the SAVI report 2002, found that 42% of women in Ireland had experienced some form of sexual violence in their lifetime. 20.4% of women had been subjected to some form of contact sexual abuse as adults and over one quarter of these women were raped. Both studies indicate that violence against women in Ireland cuts across all social, cultural and economic backgrounds and that women from all social backgrounds experienced domestic violence. Similarly, the SAVI report found that there was no social class distinction between adult women who have been subjected to rape and sexual assault.

Research carried out by the National Crime Council indicated a lifetime prevalence of physical, sexual or emotional by an intimate partner of 15 per cent for women. Whilst a significant number of men reported abuse (6%) women's injuries tended to be more serious – women were nearly twice as likely as men to require medical treatment for their injuries and ten times more likely to require a stay in hospital. Recent figures from the national help lines for women indicate a continued high level of abuse. In 2007, the Women's Aid National Freephone Helpline responded to 11,733 calls and in 2008 the Dublin Rape Crisis Centre national helpline responded to 9487 calls.

Research published in 2009 by the Immigrant Council of Ireland presents evidence of the trafficking of women into and through Ireland for the purpose of sexual exploitation. It reveals a highly lucrative Irish sex industry where large numbers of migrant women are being sexually exploited in indoor prostitution. Over a 21-month period, between January 2007 and September 2008, 102 cases of trafficking were documented and it is estimated that at least a 1000 women were being exploited in prostitution.

2. Key measures that have been introduced in Ireland to address gender-based violence including legislation and policy initiatives

Legislation

As a result of campaigning and lobbying from women's organisations and service providers over recent decades, Ireland has developed a substantial legislative and policy framework in relation to gender based and sexual violence. Important changes in family law brought into Irish Law for the first time civil remedies (barring and protection orders) for violence within marriage and the family. Legislation criminalising rape, sexual assault and child sexual abuse was introduced throughout the 1980's and 1990's. Rape and sexual assault was criminalised in Ireland under 1935 legislation which established the age of consent as 15 years and provided protection for girls between 15 and 17 years of age. 1981 saw the introduction of a statutory definition of rape (Criminal Law (Rape) Act) which was amended in 1990 to broaden the definition of rape and to make rape within marriage a criminal offence.

A comprehensive piece of legislation dealing with both the civil and criminal aspects of domestic violence was introduced under the Domestic Violence Act 1996. This Act provided that spouses, cohabitees and parents are eligible to apply for domestic violence orders, including both safety and barring orders. There are certain restrictions in relation to property ownership. 1997 saw the introduction of the Non-Fatal Offences against the Person Act bringing together all crimes against the person into one Act. This Act also defined the offence of harassment/stalking. A requirement to register sex offenders was introduced into legislation in 2000. The most recent legislative initiative has been the Criminal Law (Human Trafficking) Act 2007 which created a new criminal offence of trafficking bringing Ireland into line in some respects with other EU legislation.

Policy

Since the early 1970s women's organisations in the non-governmental sector have played the central role in the provision of services to women subjected to all forms of gender based violence, as educators and trainers, as lobbyists and as motivators of public condemnation of violence against women. Currently there are 19 refuges and 21 support, information and advocacy services for women experiencing domestic violence. There are 18 rape crisis centres that provide a range of services including advocacy, information, court accompaniment, counseling, therapy and education. With the emergence of a strong economy during the past decade there has been a major increase in the level of resources channeled into the voluntary and community organisations delivering services and responses to violence against women bringing funding within the region of 12 million euro. However, services continue to be under-funded, reliant on a system of uncertain year-on-year applications and do not have the resources to meet the needs of their client group. Women's groups have successfully campaigned to influence legislative change within civil and criminal justice systems and to promote good practice amongst agencies and practitioners in the statutory sector, in particular the police and health care providers.

The 1990's saw the development of a number of policy contexts, which provided the NGO's responding to violence against women with an opportunity to become more involved in influencing social policy in relation to the issue. Most significant amongst these developments was the setting up of the Task Force on Violence against Women (1996) and the subsequent establishment of the National Steering Committee and the Regional Planning Committees (1997). The Report of the Task Force contains a comprehensive set of recommendations in relation to the development of services, the improvement of legislation, law enforcement and preventative strategies.

More recently has been the establishment of COSC - the National Office for the Prevention of Domestic, Sexual and Gender-based Violence which was established in June 2007. Cosc is an Irish word meaning to "Stop" or "Prevent" and its stated aim is develop coordinated and effective Government action on domestic, sexual and gender-based violence working with service

providers (both state and NGOs) who support victims and treat perpetrators. The following year 2008 the government announced the setting up of the Anti-Trafficking Unit whose stated aim is to work with governmental and non-governmental agencies in developing and implementing a comprehensive strategy which will prevent trafficking, prosecute traffickers and protect victims. The AHTU has just published a comprehensive national action plan.

3. Main gaps and challenges with regard to addressing gender-based violence in Ireland

National Action Plan

Although a signatory to the UN Beijing Platform for Action (1995), and having carried out major consultation process amongst the women's sector, Ireland does not yet have a national action plan on violence against women. The Task Force Report of 1996 remains an aspirational plan without any time-bound targets, indicators, budget allocations and lines of responsibility which would provide an accountability framework to monitor progress and make realistic assessments of how effective initiatives and interventions have been.

Enforcement

Despite the introduction of the 1996 Domestic Violence Act, an in-depth study into the handling of cases of domestic violence within the civil and criminal justice system in 1999 demonstrated the failure to provide safety to victims and create appropriate sanctions against perpetrators. Only a small proportion of the accused, between 1% and 6%, received a prison sentence despite the seriousness of the crime.

Figures from the Garda Annual reports indicate that despite an increased trend of reporting to the Gardai, the conviction rate continued to decline from 16% in 1997 to 6.5% in 2002. A national domestic violence agency (NDVIA) piloted a series of initiatives on risk assessment, safety for victims and perpetrator monitoring with the Gardai, the Probation service and legal practitioners. The Department of Justice Equality and Law Reform ceased the funding in 2007 and there is no evidence that the successful evaluated measures have been continued or mainstreamed.

There has been a major increase in the number of sexual offences reported to the police over the past 15 years in Ireland. However in relation to rape and sexual assault, Ireland, the UK, Sweden, Finland have a similar pattern of increased reporting alongside increased rates of attrition. Data for 1998 and 2001 showed a 1% conviction rate in Ireland despite an increase in both reporting and prosecution rates. Ireland has the lowest rate of convictions for this crime in a survey of 21 European Union countries. Numerous reports project have highlighted the low levels of reporting, prosecuting and convictions in GBV crime and have made extensive recommendations for reform of the legal systems but these have not been fully resourced or implemented.

The 2008 annual report of the Dublin Rape Crisis centre indicates that whilst reporting has increased, the numbers actually getting to court and achieving a conviction are still falling and calls for the introduction of some form of separate legal representation for the victim. The report also expresses concern at the increasing disclosure by their clients (38%) of severe physical violence, threats to kill and torture.

Service provision

There is growing concern that the severe recession which has engulfed the Irish economy is already resulting in cuts to the women's services who are struggling to maintain sustainable and high quality services. Research continues to show that large numbers of women and children are refused accommodation because of lack of refuge space. In 2007, the Women's Aid National Freephone Helpline responded to 11,733 calls. In total, 22,545 calls were made to the service. 10,812 calls could not be answered as the service was working to capacity, all support workers were engaged. Rape Crisis Centres are seeing an increase in demand for their services alongside cuts in their funding.

Minority ethnic women

A study of gender based violence and minority ethnic women in Ireland has highlighted many areas for action which need to be resourced.

Prostitution

A plan of action needs to be developed on the increasing numbers of women being sexually exploited in the prostitution industry.

Pornography

Despite the massive increase in the levels of pornography available in Ireland there has been no funding available for the many initiatives by women's groups to respond to the issue.

Part II: Transferability of good practice

4. Examples of Good Practice

An important concern in relation to public policy has been its focus on domestic violence, rape and sexual assault without including trafficking and prostitution. However, NGO's have broadened the focus of policy, reflected in highly significant research on sex trafficking and prostitution among migrant women in Ireland published by the Immigrant Council of Ireland in 2009. This research presents stark evidence of the trafficking of women into and through Ireland for the purposes of sexual exploitation and reveals the reality that large numbers of migrant women are being sexually exploited in indoor prostitution in Ireland. Recent legislation on trafficking and the establishment of the Anti-Trafficking Unit are welcome, if limited, responses by government. The AHTU has set up a high level working group to oversee the work of the unit on which all the key NGOs and statutory bodies with a remit on trafficking and prostitution are

represented.

Alongside the introduction of comprehensive legislation significant changes and improvements in the protection of victims of rape have been introduced from the reporting to the police through to the completion of a trial. These include:

- Anonymity for the victim (and the accused unless found guilty) throughout the case.
- Victim impact statements and court accompaniment for victims.
- Restricted access of the public to the trial.
- Limitations regarding the admissibility of the victim's prior sexual history or sexual experience other than that to which the charge relates.
- Removal of a requirement that the jury is warned about the danger of convicting on the uncorroborated evidence of the complainant.
- No specific statutory time limits apply on bringing proceedings for sexual offences.
- Proceedings are now in place whereby the prosecution team arranges for pre-trial consultations with complainants in cases of serious sexual assaults to familiarise them with the legal procedures and to explain the layout and procedures of the court and the type of matters, which may be the subject of examination by counsel.

There has been major progress in the response of the police to crimes of violence against women. Some key initiatives have been:

- The establishment of the Domestic Violence and Sexual Assault Investigative Unit in the Dublin Metropolitan Area in 1993. This was placed under the National Bureau of Criminal Investigation and given a countrywide brief in 1997.
- The publication of a Policy on Domestic Violence Intervention by An Garda Síochána in 1994 (updated and reviewed in 1997 and 2005).
- The development of procedures and guidelines for the Gardai in handling all sexual offences.
- The publication of statistics on domestic violence and all sexual offences in the Annual Report the police since 1992. The data is gender disaggregated.

Ireland provides an example of good practice also in the area of housing. Ireland has a **specialised housing association Sonas** which provides good quality, safe accommodation for women and their children made homeless primarily by domestic violence. Sonas (alongside Women's Aid) has been instrumental in securing the inclusion of "women out of home because of violence" as a category in the social housing programme (1993) which was a major breakthrough as it enabled capital funding for crisis accommodation and transitional housing to be accessed from the Department of the Environment. It is not possible as yet to have a specific breakdown of the expenditure on violence against women.

5. Are these good practices transferable to other countries? If so, which elements do you think are most transferable?

- A research policy framework that is inclusive of domestic violence, sexual violence, rape, prostitution, and trafficking.
- Establishment of codes of practice with health service providers and police.
- Legislative provision for codes of practice in relation to rape and sexual assault cases.
- Gender disaggregated data on domestic violence, rape and trafficking.
- Specialised housing agency providing good quality, safe accommodation for women and their children made homeless primarily by domestic violence
- Irish/EWL Observatory on VAW which provides a framework for NGO's to monitor national and EU action/ progress on VAW and produce progress reports
- Daphne funded project 'Dignity' project which has brought together all the key stakeholders in an inter-agency framework to learn from other jurisdictions towards the development of good practice on prostitution and trafficking
- National networks and models of best practice for those providing domestic violence services and rape crisis centres.

6. The strengths of the Spanish approaches to addressing gender-based violence – elements that could be transferred to Ireland?

- Broader and inclusive definition of gender based violence, including specifying in legislation that combating gender based violence is about protecting victims, preventing abuse, penalising perpetrators as well as addressing discrimination and enhancing equality.
- Integrated policy framework inclusive of legislation and administrative practices as well as employment, training, education and health policies.
- Collection of data on economic consequences of gender-based violence and introduction of employment protection rights and employment subsidy programmes for those who have experienced gender-based violence.

- Legislative definitions of rights of victims, including representation through free legal aid.
- Development of specialised courts and dedicated prosecutors in relation to gender-based violence.
- Priority given to training of judiciary, health providers, law enforcement and immigration agencies.
- Establishment of a mobile phone assistance programme for situations of gender based violence which would allow for direct emergency contact with support services.
- Establishment of a strong system of penalties for perpetrators of gender based violence.
- Development of tracking system to provide research and policy data in relation to gender based violence with the objective of creating and achieving better outcomes, particularly in relation to protection and safety.
- Special measures to address the needs of refugee and migrant women

7. What do you consider to be the main pre-conditions for addressing gender-based violence so that it contributes to gender equality?

1. Commitment at every level of the policy making process to developing a comprehensive national action plan in relation to gender-based violence with definite timescales, targets and allocation of necessary resources.
2. Introduction on a countrywide basis of a national domestic violence agency initiative on risk assessment, safety for victims and perpetrator monitoring with the police, the probation service and legal practitioners.
3. Stronger system of law enforcement through prosecution of offenders, resources put into achieving higher conviction rates and appropriate penalties for perpetrators.
4. Comprehensive programme of training across the administrative system including legal system, law enforcement, immigration agencies, health and welfare services.
5. Development of new data to address the economic impact of gender-based violence based on the Spanish model.
6. Changes in public attitudes to violence against women to ensure a situation in which violence against women is viewed as a serious crime and treated as a serious crime.

This Report draws significantly from Monica O' Connor's *Second Report of the National Observatory on Violence against Women (2007)*, National Women's Council of Ireland and the European Women's Lobby.

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