

DÁIL ÉIREANN

AN COMHCHOISTE UM DHLÍ AGUS CEART, COSAINT AGUS COMHIONANNAS

JOINT COMMITTEE ON JUSTICE, DEFENCE AND EQUALITY

Dé Céadaoin, 19 Feabhra 2014

Wednesday, 19 February 2014

The Joint Committee met at 2 p.m.

MEMBERS PRESENT:

Deputy Marcella Corcoran Kennedy,	Senator Ivana Bacik,
Deputy Alan Farrell,	Senator Tony Mulcahy,
Deputy Anne Ferris,	Senator Katherine Zappone.
Deputy Seán Kenny,	
Deputy Finian McGrath,	
Deputy John Paul Phelan,	

DEPUTY DAVID STANTON IN THE CHAIR.

The joint committee met in private session until 2.35 p.m.

Domestic and Sexual Violence: Discussion

Chairman: I understand this meeting is being broadcast live on television, social media and other media. Its purpose is to have discussions with a number of stakeholders on domestic and sexual violence. Members will recall that the committee invited written submissions on this topic. Each group will be invited to make an opening statement of five minutes, which will be followed by a session of questions and answers. Each member will be allocated a maximum of ten minutes for a question and answer session. I would like each question and answer to be followed by another question and answer, rather than having speeches followed by speeches. I want information exchanged quickly back and forth.

We realise there are serious problems so I ask that we focus on solutions rather than outline a litany of problems, especially during the questions and answers. We must establish where to go to find a solution and what we can do to bring about improvements and address the problems. This approach would be far more beneficial than letting everybody know how awful circumstances are for many because we know that already. In saying this, I do not want to sound glib.

I welcome all the delegates. I apologise for the delay as we had a number of housekeeping matters concerning justice to address. These are quite time consuming and demanding, as one can appreciate. I welcome Ms Fiona Ryan from Sonas Domestic Violence Charity, Ms Sharon O'Halloran from SAFE Ireland, Ms Orla O'Connor from the National Women's Council of Ireland, Ms Fiona Crowley from Amnesty International Ireland, Ms Catherine Joyce from Barnardos, Ms Orla Muldoon from the University of Limerick, Ms Niamh Wilson from the Domestic Violence Advocacy Service, Ms Eibhlin Byrne from the Child and Family Agency, a new agency to which responsibility has been transferred from the HSE's child and family service, Mr. Brian Killoran from the Immigrant Council of Ireland, Ms Margaret O'Keeffe from MOVE Ireland, Mr. John Doyle from the Men's Development Network, Ms Margaret Martin from Women's Aid, and Mr. Don Hennessy, an expert in this area and member of the public.

By virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the joint committee. If they are directed by it to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a person or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that under salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

I invite Ms Fiona Ryan to make her contribution. She has five minutes.

Ms Fiona Ryan: I thank the Chairman and committee members for giving us the opportunity to be here today. I was delighted to hear the committee wants to adopt a solution-focused approach to these hearings. The truth is that those of us working in domestic violence services go about what we do from a solution-focused approach every single day because we encounter some of the most intractable and, in cases, horrendous realities. While we offer support, our

work is to help find solutions.

I will begin by telling members a little about Sonas Domestic Violence Charity because many of them will not know who we are. Sonas is a domestic violence charity, one of the largest providers in the State of services to women and children experiencing domestic violence. We work across the greater Dublin area and more recently into Wicklow, as Deputy Anne Ferris knows. We work intensively with almost 620 women and children every year. Probably the biggest group in our services are children, which might be surprising to many members of the committee.

We decided to make children the key focus of our submission to this committee, not because we did not want to tell their mothers' stories but because we wanted to present the reality of the 300 to 400 children we engage with every year, many of whom are silent witnesses to acts of unspeakable violence. First, the children whose mothers come to Sonas for support, tend to be young. I appreciate that members of the committee want to hear solutions but one needs to understand the extent of the problem with which we are dealing. Two out of three children with whom Sonas works are under the age of ten, while the biggest group in our services, around one third of children, are under the age of five. That has an impact on services. We are dealing with very young families in many cases and we are talking about particular vulnerabilities. As anyone involved in child welfare and protection will say, the age of the child is one of the risk factors.

I genuinely do not wish to distress the committee but there are harsh realities that need to be understood. We have babies in our services who have been punched because their mothers were holding them at the time they were attacked. We have children who witnessed their mothers being sexually assaulted, including a two year-old who was in a studio apartment at the time. I am using clean clinical language to describe the reality of these children's lives and what they have been through.

I promised one of our clients that I would tell his story, so I would like to do so. His name is Liam and he is aged ten. He said:

Before moving to Sonas, I lived with my Mam and my brother. My Mam's boyfriend was really mean to all of us. He locked me in rooms and pushed me down the stairs. He used to call my Mam bad names and hurt her. I remember sounds of crying, screaming and things breaking. I used to wish I was a superhero and have magic powers so I could make him disappear. I hit him once to make him stop choking my Mam. I was scared but I felt I had to protect her.

I am not telling the committee this to create shock because the truth is that in the services in which we are engaged, this is not shocking. This is often a reality for many of the children with whom we work. I am happy to report, however, that Liam and his family are doing a lot better. His mother is getting the help she needs and he has a sports coach who thinks he is brilliant. He wanted the committee to know that.

Liam's story tells a lot about what children exposed to domestic violence go through, including anxiety and physical and psychological violence. The bottom line is that domestic violence robs children of their sense of safety and well-being at a fundamental level of their childhood. Make no bones about it: perpetrators of domestic violence do not just target the adult woman in this situation. More often than not, they target the child as well, or use the child for extra leverage over the mother. We have mothers in our service who were not allowed to get up in

the middle of the night to comfort their children.

I want to ensure we all understand the reality of domestic violence, including a person who has to flee the home they might have paid for, with their children, because it is no longer bearable and they no longer feel protected.

I will now talk about solutions. We are obviously heartened by the development of the new Child and Family Agency and that domestic violence is within its remit. We feel there is an agency there with which we can work, rather than our work being spread across many different agencies. We hope the agency will be adequately resourced around this work. We can talk about the realities and give platitudes, but we must resource such work and services. We must also recognise the extent of need and understand it is a continuing requirement. We need refuges, supported housing and safe housing. There are different solutions for different presenting needs, and if this is not appreciated then, frankly, we are going nowhere.

We think solutions can be found through housing. Sonas is probably the largest provider in this State of housing to women and children experiencing domestic violence. Domestic violence is a leading cause of women and their children becoming homeless or becoming at risk of homelessness. We tend to think of domestic violence purely in terms of interpersonal relationships, but we forget that a whole structural system response is required, including housing.

We have some solid recommendations to make in this regard. Establishing a place of safety and a home is crucial. The current shortage of affordable housing, particularly in Dublin, is making that an extremely difficult challenge for women. It means women are reluctant to seek help. I will cite an example, but the members here will know this. The average rent allowance in the Dublin area is €900 to €950 for a lone parent or a family with two children. That is the maximum one is allowed. Rents are averaging €1,200 to €1,400 per month, which means there is a shortfall of €350 to €450. Can one imagine being in a state of crisis and having to flee? The person may be on social welfare and has to come up with €350 or €450 to avail of private accommodation. There are not enough houses, so women and children who are experiencing domestic violence are even more at risk because of this housing shortage.

Chairman: I thank Ms Ryan for staying within the time allocated. She focused on solutions and prevention, which is another issue we need to examine. How can we prevent this situation happening in the first place? I now call on Ms O'Halloran of SAFE Ireland to contribute for five minutes.

Ms Sharon O'Halloran: I thank the Chairman and other members of the committee for the invitation to make this presentation. SAFE Ireland is a national representative voice for domestic violence services throughout Ireland. We are working to ensure that one day Ireland can be proud to be the safest country in the world for women and children. There are many areas we would like to present to the committee today and we are delighted therefore that some of our members and colleagues will be addressing these areas, which are housing and homelessness, impacts on children, the impact of habitual residency, particularly on migrant women, and additional barriers for migrant women, ethnic minority women and women with disabilities.

I also wish to highlight our belief that to tackle the issue of domestic violence, there needs to be significant investment in primary prevention strategies and awareness campaigns designed to change attitudes and behaviours in this country. We need to break apart the stereotypes of the victim and abuser and replace our shame culture with one of openness and care.

In 2012, SAFE Ireland recorded that 8,449 and 3,606 children received direct one-to-one support from specialist domestic violence support services in Ireland. In the same year, domestic violence services answered in excess of 50,000 helpline calls from throughout the country. I acknowledge the work of the critical front-line domestic violence services throughout the country. They are lifelines to women and children.

Domestic violence is an enormous and horrific societal problem both globally and in Ireland. We know from a forthcoming EU prevalence study by the Fundamental Rights Agency that approximately 10% of women who experienced a serious incident of physical or sexual violence from an intimate partner have sought support from a victim support service or refuge. That being the case, we are dealing with the tip of the iceberg. SAFE Ireland will be co-hosting a seminar in Dublin on 5 March that will launch this prevalence study, which is the largest of its kind in Europe.

SAFE Ireland believes that the issue of domestic violence needs to be held at the highest decision-making level in Ireland until such time as we have sufficient infrastructure, investment and innovation in place to support victims, reduce prevalence and hold perpetrators accountable for their crimes.

We believe it is time to stop seeing the solution to this as personal to the woman, ingrained in her choice to stay or leave an abusive, violent relationship. We must be more consistent in holding perpetrators of violence to account. Our current review of the legal system through the lens of women's experiences has been carried out because women told us that there has never been any criminal prosecution for the litany of crimes committed against them. Women have told us they did not have their, in their own words, "day in court". This is disturbing when one hears that the crimes committed included repeated rape, child abuse, murder of the unborn child, attempted murder, threats to kill, assault causing harm, harassment, mental torture, bullying, stalking and false imprisonment. Safe Ireland believes it is critical to have a root and branch review of the legal system to address what appear to be systemic failures. Much of the legal system response to date has been to focus on civil remedies, which are important in addressing immediate safety issues but not designed to address the crimes committed against the victims. Over the past six years, we have developed a substantial body of knowledge based on women's and children's experience of domestic violence. Our current research of women's experiences of the legal system has identified eight consistent and overarching themes which form the basis of our recommendations, already submitted to the committee for consideration.

The emerging themes that require consideration and urgent attention are the right to be heard - collection, preservation and presentation of evidence; the consequences of the court not hearing the evidence; consistency and continuity in the application of the law; the victim and perpetrator stereotypes; the importance of good advocacy, expertise and policing; the need for a legal definition of domestic violence; why she does not just leave; and the dangers of a fragmented system. There are 27 recommendations that flow from these themes that require our attention and consideration. As we have developed them, we have been mindful of any unintended consequences for the victim.

I acknowledge the progress made by the Government in recent months to legislate for its statutory duty to care for and protect victims of domestic and sexual violence through the establishment of the Child and Family Agency, Tusla. We also welcome the commitment by the Minister for Justice and Equality to implement the EU directive on victims' rights by 2015, the recent publication of the heads of the child and family relations Bill, last week's commitment to publish a new domestic violence Bill in 2015 and the Government's plans to establish a family

law court. The next 12 months offers the Administration considerable opportunities to develop infrastructure and legislative change which will have the potential to make a significant and positive difference for thousands of women.

Chairman: Thank you, Ms O'Halloran, for your presentation and recommendations. I call on Ms Orla O'Connor, National Women's Council of Ireland, to make her opening statement.

Ms Orla O'Connor: I thank the committee for giving me the opportunity to speak on domestic and sexual violence.

The National Women's Council of Ireland is the leading national women's membership organisation that seeks full equality between men and women. We represent over 180 member groups from a diversity of backgrounds, sectors and locations. The council chairs the observatory on violence against women, providing a space for our members and non-governmental organisations, NGOs, to work collectively to eliminate all forms of violence against women, including sexual violence and prostitution.

Violence against women is a violation of women's core human rights and it impacts on all women and all of society. It has a devastating impact on women's physical and mental health, as well as being an obstacle to women participating fully in economic, social, political or cultural life. We believe it is both a cause and consequence of women's inequality. The council has submitted to the committee over 15 recommendations but I will focus on several.

The European Convention on Preventing and Combating Violence against Women and Domestic Violence recognises violence against women as a violation of women's human rights and recognises state responsibility to prevent its occurrence, protect victims and punish perpetrators. In March 2012, at the 19th session of the United Nations Human Rights Council, Ireland accepted the recommendation put forward by Austria at the universal periodic review to sign the convention. Ireland stated: "Ireland can accept in principle the terms of the convention."

More than a year has elapsed since this announcement. The council is asking the Government to sign and ratify this convention as a matter of urgency. In December, the observatory on violence against women launched a new publication, Violence Against Women - An Issue of Gender, and, again, called on the Government to ratify the convention. Deputy Anne Ferris kindly agreed to speak at that launch. This is a core issue for our members who are highlighting this in a campaign.

The sexual abuse and violence in Ireland, SAVI, report was published in 2002. To develop clear comparative analysis, a SAVI II report is required to evaluate changes over the past decade and provide an evidence base to inform contemporary responses to the issue of sexual violence. The council calls for this research to be commissioned and resourced.

Over the past several years, as Ireland has experienced recession and austerity, front-line services to women experiencing domestic and sexual violence have experienced significant cuts. Now, as we are moving out of recession, it is important to prioritise crucial services and reinstate some of that funding. We have witnessed an unprecedented growth in demand for these services. It is a false economy to continue with those cuts. We call for an increase in funding to organisations providing front-line services and supports to survivors of violence against women to offset budgets cuts in recent years.

Domestic and sexual violence committed against already marginalised women is of great concern to the council. Within that, the requirement to satisfy the habitual residence condition

has particular gender implications. The council recommends the habitual residence condition is amended to make an exception in cases of domestic violence against women, so that women can have ease of access to refuge and other support services.

Chairman: Thank you very much, Ms O'Connor, for your presentation and focusing on solutions. I call on Ms Fiona Crowley, Amnesty International, to make her opening statement.

Ms Fiona Crowley: On behalf of Amnesty International, I thank the committee for inviting us to address it today on foot of its public consultation on domestic and sexual violence. We welcome the opportunity to emphasise some of our key points we made in our submission to that consultation.

Domestic and sexual violence is a serious global human rights concern and, from the evidence already presented today, it remains a serious human rights issue nationally too. Accordingly, it is welcome the committee is considering how Ireland addresses these issues. We urge the committee to place due emphasis on women and girls as those most subject to this human rights abuse. It must be recognised that domestic violence affects women disproportionately.

In our submission, we focused on one key step Ireland should take, that is signing and ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Istanbul Convention. This would not only ensure that Irish law, policy and services are brought up to regional best practice standards, it would also, very importantly, bring improved accountability, as well as the sharing of good practice with other states in this region.

The background to this convention is the prevalence in Europe. In 2006, the Council of Europe conducted a regional campaign to highlight the issues. The campaign revealed significant and concerning variations in member states' laws, policies and supports, as well as the need for more harmonised legal standards and responses. After several years of negotiation by justice ministries, including Ireland's, the convention was adopted in May 2011 in Istanbul. It will come into force when there have been ten ratifications including by eight member states, so we are two ratifications short. In November 2013, Denmark became the 32nd member state to sign the convention, so Ireland is coming late to the table.

We urge the committee to recommend that Ireland signs the convention without further delay and takes the necessary measures to ensure its swift ratification. The convention establishes a gold standard comprehensive framework for governments to take action in this area. Due to the fact that it is not only women who experience domestic violence, parties are also encouraged to provide the protective framework to children, men and older people who are exposed to violence within the family. However, the Council of Europe cautions that it cannot be overlooked that the majority of victims of domestic violence are women and that violence against them is part of a wider pattern of discrimination and inequality which also needs to be addressed in the state party.

The convention extends beyond domestic and sexual violence, of course, and also requires the criminalisation of forced marriage, female genital mutilation, forced abortion and sterilisation. The convention provides for the establishment of a group of experts - referred to as GREVIO - to monitor its implementation. Parties to the convention must report periodically to GREVIO, which may also seek information from NGOs and national human rights institutions such as the Irish Human Rights and Equality Commission. GREVIO may also conduct official country visits. Based on the state party's report and other information it gathers, GREVIO will

draft a report analysing the implementation of the convention in the state and making suggestions and recommendations in respect of any gaps or problems it has identified. The state must submit the GREVIO report to its national parliament, thus making national parliaments and their committees a valuable partner in the monitoring process. GREVIO's reports and conclusions are aimed at helping the state, not just criticising it. GREVIO may also adopt general recommendations to all states parties. I am sure the committee will agree, therefore, that this monitoring mechanism is a very important part of the convention. As well as promoting accountability for poor practices, it will facilitate the identification and sharing of good practices among states. This is the added value for Ireland if it is indeed serious about combating these serious human rights violations.

The Irish Government appears to be in favour of acceding to the convention, as evidenced by its response to the Austrian recommendation in the universal periodic review in 2012. From replies we have received from the Department of Justice and Equality, we know that Ireland supports the provisions of the convention in principle. However, the replies from the Department have repeatedly stated that the detailed provisions of the convention and the legislative and administrative arrangements necessary to allow signature and ratification of the convention by Ireland are being examined.

Chairman: There is a phone on somewhere. Could members and witnesses check their phones and ensure that they are switched off, because they interfere with the recording? It could be in the gallery. I think Ms Crowley is almost finished at this stage.

Ms Fiona Crowley: I have about a minute to go.

However, we are concerned at the delay in Ireland's moving to sign and ratify the convention. The committee will be aware that there has been a suggestion that there is some constitutional bar to Ireland's ratification. In the Dáil last year, the Minister for Justice and Equality suggested that he needed to understand whether the barring orders provision conflicted with the property rights provision in the Constitution. Our position is that regardless of whether further research into compatibility is required, it should not constitute a barrier to Ireland's at least signing the convention. Ireland has signed many other human rights conventions without its domestic law being in full compliance and then moved to ratification once legal compliance is in place. For instance, it signed the Council of Europe Convention on Action Against Trafficking in Human Beings in 2007, only ratifying in 2010 when its laws and national action plan were in place.

In conclusion, I remind the committee that when seeking election to the UN Human Rights Council in 2012, Ireland pledged to play a full role in global efforts to combat violence against women and promote gender equality. It must now do so at home as well. We recommend that the committee recommend to the Minister that Ireland immediately sign the convention and take necessary measures to ensure its swift ratification. This would constitute a practical and important step and solution.

Chairman: I thank Ms Crowley and apologise for rushing her. It is just that time is tight. I now ask Ms Catherine Joyce from Barnardos to make her presentation.

Ms Catherine Joyce: I also thank the committee for the opportunity to present today and welcome the fact that it is looking at the issue of domestic violence. This is an issue that arises quite frequently in the context of Barnardos' work with children and families across Ireland. Over the last few years, many of our services have reported increased incidences of violence in

families with which we work, which is attributable in some part to the impact of the recession and increased pressures on parents. Other speakers have outlined the kind of violence with which families, particularly women and children, deal in the family home so I will not go into that again. What we want to highlight is the impact of that on children. There is a link between domestic violence and child abuse but even where children are not direct victims of violence, the emotional impact of that violence has serious consequences for their development, particularly their social and emotional well-being. Living with that type of stress, anxiety, fear and dread has an incredible impact on their self-esteem, confidence and ability to form relationships and friendships in childhood and adulthood. It also has serious consequences for their education.

The Chairman mentioned prevention. One thing to note is that children learn from parents, as we all know. Situations in which children are growing up in a house with domestic violence can feed its intergenerational nature as children think that this is the norm in intimate relationships. That is something that also needs to be looked at. It is timely that the committee is looking at the issue of domestic violence. We very much welcome the fact that the responsibility for this area has moved to the Child and Family Agency and are hopeful that this opportunity will increase collaboration across all Government Departments to improve responses to domestic violence for women and children.

I will outline some key areas relating to services and legal supports that we think could improve the situation for women and children. Research shows that women are sometimes afraid to report abuse because they fear their children will be taken into care. The child welfare and protection system has a responsibility to respond effectively to the complex needs that arise in domestic violence situations. In particular, prevention, family and parenting support and therapeutic services for both parents and children need to be included in the range of services offered to support families and help them deal with the trauma of such violence. It is particularly important that waiting lists for child and adolescent mental health services are addressed. It is an area that has long been-----

Chairman: There is a phone on somewhere. Will members and witnesses check their phones? It is probably in the vicinity of the microphone if that is the only one on. It might be in a bag. It is off again.

Deputy Finian McGrath: It could be GSOC.

Chairman: Do not go there.

Ms Catherine Joyce: Child and adolescent mental health services have been under-invested in for a long time and have long waiting lists, particularly where children are dealing with the effects of domestic violence, leading to such issues as depression and self-harm and behaviours such as addiction. Having to wait any length of time for services, particularly the year or two years that children currently have to wait, is unsustainable for them. The delay compounds the trauma and issues caused by violence in the home.

Barnardos also echoes and supports calls for the protection of refuge services for children and families and calls for a greater holistic response to domestic violence, particularly with regard to adult and child services, across areas such as housing, health, social welfare and all other relevant Departments. We need greater collaboration and an inter-agency approach to dealing with the issues across child and adult services.

In respect of the legal system, barring orders play a key role in helping to protect women and children. The lengthy delays sometimes experienced in granting barring orders place children at significant risk. We support calls made by Women's Aid last year to introduce a 24-7 on-call system for emergency barring orders to ensure that women and children can get protection as soon as they need it and that they are not left in situations that are potentially harmful or life-threatening. Last year, Barnardos welcomed the Minister's commitment to reforming Ireland's family law system. Domestic violence needs to be given particular attention within this process, given the complexity of cases and the potentially serious impact of poor decision making on children.

As other people have mentioned, leaving situations of domestic violence can be a particularly dangerous time for women and children and issues around custody of and access to children can exacerbate the risk to both the abused parent and their children. Listening to children and giving their best interests priority in decisions around custody and access are vital in these situations. We welcome the inclusion of these principles in the recently published heads of the children and family relationships Bill. Courts must be provided with independent ways to capture the voice of the child and be trained to understand the difficulty for children in sharing their views, especially in situations in which they have lived with the secrecy of domestic violence and have been told for many years not to share what has happened in the home. Expressing their views should not be a further traumatic experience for children. They must be given safe space and the chance to develop trusted relationships with those seeking to ascertain their views and wishes.

One of the key lessons recently for Barnardos and One Family from the contact centres we run has been the importance to the courts of having an independent and trusted family assessment to inform their decisions in complex and difficult cases. Such assessments have been invaluable in supporting courts in making decisions in the best interests of the children. Where there is a history of domestic violence, it is vital that the courts are able to assess the risk of harm to children - either direct risk of violence during access or contact or the risk to their emotional well-being where they are being used to manipulate or attack another parent.

Chairman: I thank Ms Joyce.

Ms Catherine Joyce: May I finish on one point?

Chairman: Very briefly.

Ms Catherine Joyce: My point relates to mediation. While in general Barnardos would support mediation as a first step in all family separation cases, there is a need to ensure that mediation is not used by an abusive partner or parent to further control and exert power over the other parent, because children get caught in the middle of that and it is really important that courts are not being used to rubber-stamp parenting agreements where that is going on.

Chairman: That is a very good point. I now call on Ms Muldoon to give her presentation.

Ms Orla Muldoon: I thank the committee for inviting us here today. I am Professor of Psychology at University of Limerick and, along with my colleagues Catherine Naughton and Dr. Aisling O'Donnell, I have been conducting a programme of research on the impact of domestic violence, with particular reference to its implications for children. We are a group of psychologists and have no particular expertise in the area of law or the provision of care. We are really just here to outline findings of research we have conducted and to integrate those

findings into the wider international literature, which we have done in our longer submission. I wish to tell the committee about two studies. The first is a recently completed study of 485 students aged between 16 and 25 in which we asked students to tell us how much exposure to domestic violence they had experienced. What is very clear from this study is that in a normal sample of university students there is a considerable degree of exposure to domestic violence, with, at the low end, 54% of young people reporting that they had seen one parent scream or yell at or threaten the other parent occasionally, while 31.6% stated that this behaviour was a regular occurrence. At the higher end, the question related to whether or not they had witnessed one parent kick, hit, choke or shove the other parent or pull their hair. A total of 16% reported this behaviour as being occasional while 8% reported that it was a regular occurrence. When we take the internationally validated measure that we have used, we find that about one in two students out of our sample have experienced multiple events that one could call domestic violence and that about 13% report regular experience of domestic violence in their own homes. Picking up on the point made by Ms Crowley, where she has a single example, we would argue that this problem is endemic for children and young people.

We would also argue that while, as a nation, we have been concerned about the experiences of children and have put measures in place to protect them in schools and institutions, it is now time to put measures in place to protect children in their own homes. Indeed, it is arguable that it is the place where they should be protected most. In our longer submission we detail the large body of research that highlights the negative consequences of domestic violence for children. If we want to address prevention into the next generation, there is no question that not exposing children to domestic violence is key. There is considerable evidence that those children who are exposed will become victims or perpetrators. A good first step would be acknowledging that domestic violence has consequences for children.

A second aim of that study and a second part of the analysis concerns children and young people who do well and those who do not do well. What we find is that those who do best and have the best health and well-being are those who have strong social bonds with either peers or family members. These are strong, positive buffering relationships with other people, be they family or peers. When we look at our exposed group, we can see that although their well-being is poorer, one will find that where strong positive family or peer bonds are in place their health is comparable to those people who have had low exposure. A key thing that we know from the literature is that children who have been exposed to domestic violence are often stigmatised. One thing we need to do to protect children is to destigmatise it and find a way to support these social bonds, because if children are stigmatised when they disclose that they have come from a family where domestic violence was normative, for want of a better word, it is not likely that they will be able to build strong social bonds. There is a strong action point in here about increasing awareness of the effect of domestic violence on children and reducing the stigma associated with domestic violence for children's parents and families more generally. In our longer submission, we have given some ideas about how other countries have had these kinds of campaigns and interventions.

The second study, which was very quick, is one we conducted with judges who were involved in custody and access cases, particularly where issues of domestic violence arose. What one finds is that judges report that they find the decisions to be very difficult and complex and that they are not sure how to protect family relationships while not putting children at risk. Our findings suggest that in this discretionary area of the law, there is a need for judicial education and for judges to be supported in their decision making. Those are our main points.

Chairman: I thank Ms Muldoon. That was very interesting. I now call on Ms Niamh Wilson to make her presentation.

Ms Niamh Wilson: I thank the committee for inviting us here and for giving our organisation an opportunity to present to it today. The Domestic Violence Advocacy Service, DVAS, is a support and advocacy service for women at risk of abuse and violence in intimate relationships. In our daily work, we witness the myriad of barriers women face in attempting to access safety for themselves and their children. Some of these barriers are created by State responses, so we wish to take this opportunity to highlight two key issues that we believe underpin particular weaknesses in the State's response to domestic violence.

The first example I wish to highlight refers to the 2011 housing regulations that have excluded women who are joint owners of the family home from being assessed for social housing supports. This in turn leads to women in this situation who are experiencing domestic violence being deemed as ineligible for rent supplement. In 2013, 12 women accessing our service who sought to leave home because it was no longer safe for themselves or their children could not access alternative accommodation because of these regulations. Local authorities, although sympathetic to the dilemma this placed the women in, were unable to step outside of the housing regulations to make exceptions. After prolonged periods of advocacy from the DVAS, during which the women remained at risk, four women were provided with a short-term interim payment for accommodation support by the Department of Social Protection community welfare service. The DVAS wishes to acknowledge that at local level, the local authorities and the Department of Social Protection collaborated with us to find a solution to this problem and have agreed a local protocol. However, decisions by the Department will continue to be made on a case-by-case basis subsequent to a risk assessment and advocacy provided by the DVAS. This may provide a solution to those women who access our service, but there remains a concern about those women who experience domestic violence and who do not approach us or any other domestic violence service for support. We know from a forthcoming EU prevalence study that approximately 11% of women experiencing domestic violence might access a victim support service or refuge. We support the recommendation made by Safe Ireland that the 2011 housing regulations be amended to ensure that all women presenting for social housing support because of domestic violence are assessed as eligible when it is clear that they cannot provide alternative accommodation from their own means.

The second issue has already been addressed by Safe Ireland but I wish to take this opportunity to provide information from our service in support of its submission. Its soon-to-be-published research illustrates that even where legislation and policy are fit for purpose, their efficacy can only be assured when those charged with their application and enforcement are fully equipped with knowledge and understanding about domestic violence. In addition, informed and evidence-based responses must be delivered within strong institutional mechanisms that are primarily focused on accountability for how victims are protected from further victimisation and harm. Where legislation including the Domestic Violence Act and the Non-Fatal Offences Against the Person Act have been enforced and the Garda and courts have worked together to hold the perpetrator to account, women have reported to us that their safety and that of their children have increased significantly. Numerous other positive outcomes are then possible once this safety is achieved. However, many of the problems lie in the inconsistent enforcement and application of legislation in Ireland.

The experiences of our service users indicate a worrying level of inconsistent responses. We have received reports of highly effective responses but we have also received a number

of reports where this did not happen. Examples of ineffective practice from our data include women who are told there is nothing the Garda can do unless they have a court order, even though they have reported a crime, women not being informed that they could make a statement even though a crime had taken place, and women understanding that they had made a formal complaint when reporting to the Garda but subsequently realising upon accessing our service that no complaint can be made until a formal statement is taken and signed by the woman. Our records also indicate a significant discrepancy between the level of crime women are experiencing and the level of subsequent prosecutions and convictions. In a review of our case files in 2010, 64 of our service users reported a total of 157 crimes to us including assault causing harm, rape, sexual assault, threats to kill and false imprisonment. Half of these women, 32, reported the crimes to the Garda and on 12 occasions statements were made. There is a record of only one prosecution proceeding and no conviction of any of the perpetrators of the reported crimes in that year.

While our records do not provide a comprehensive overview of Garda or court responses, we assert that these records reflect the experience of our service users and of women throughout Ireland. The effective decriminalisation of domestic violence is leading to a situation where perpetrators continue to abuse and violate with impunity and woman and children remain unprotected. We therefore support the recommendations emerging from the SAFE Ireland legal and housing research. Strong institutional mechanisms focusing on accountability of all agencies responsible for the protection of women and children should be prioritised.

Ms Eibhlin Byrne: I will be brief because the role of the Child and Family Agency is very much as the backdrop to the front-line services and to be a support to those services which are working with the victims of abuse in all its forms. I am the executive manager in the chief executive's office in the Child and Family Agency. He is committed to this problem and we acknowledge that the sector is fragile and in need of much consolidation, and that is why it is not being put directly under services but being kept within the chief executive's office. I am joined by Ms Joan Mullan, our newly-appointed project manager, who will be the operational lead for the Child and Family Agency in designing the roadmap for services.

From 1 January 2014, only the last six weeks, domestic, sexual and gender based violence, DSGBV, services have been under the remit of Tusla, as the Child and Family Agency is known. Under the Child and Family Agency Act 2013 we hold responsibility for the wider health services. It is unique in that most of our services relate to children but in terms of domestic, sexual and gender-based violence we work with all families where violence is present, not just those families where children are affected, although we all realise the effect on all children where domestic violence takes place in the home.

There are many areas which we need to prioritise but we have recognised two particular areas. We need a system of national oversight. We work under the oversight provided by Cosc, and the national strategy on domestic, sexual and gender based violence, but the services are delivered throughout the country by a variety of national, voluntary and local organisations all with their own remits, boards and management structures. A key challenge for the agency will be how to draw all these services together in a comprehensive response to domestic, sexual and gender based violence which is not just dependent on whether one is a child, woman or man in Clonakilty or Coolock, but ensures one gets the same response wherever one lives. The second priority is to move from a national response to regional co-ordination and local management. A key issue for our agency will be responses at the most local, practical level. We do not want diktats coming nationally which do not match local needs.

In 2013 we funded 20 crisis refuges, 16 rape crisis centres and 24 support services. Crisis refuges accounted for 57% of our total budget, rape crisis centres 23% and support services 20%. The money was spent fairly equally around the country, approximately €4 million in each region. However, within those regions it is not well-dispersed. Some areas are very well provided with services while others have no services at all. That will be a challenge for us. We will need to examine how we disperse services throughout the country. Like all services we will face reductions in 2014. We will face a 2.5% reduction in this sector, as in our other services. Our regional directors have been asked to examine their budgets for 2014 to reduce regionally their budgets by 2.5%, but they must make the decision where, within their region, they must make those cuts and where the greatest needs are within regions. Where possible we are trying to address local needs.

We are very conscious that we need to work with other Departments, for example the Department of Justice and Equality in terms of legislation improvement and, very importantly, with the Department of the Environment, Community and Local Government in housing which is a major priority. There are many challenges. The beds we seek for people who are suffering from domestic, sexual and gender-based violence are very often used to address homelessness as well. That is a particular problem for us and we have worked very closely with SAFE Ireland on this and it has given us very good advice. As well as SAFE Ireland we have worked with Rape Crisis Network Ireland, RCNI, and these two networks have supported the agency. A tendering process will take place in the next two months to identify what supports are required to deliver the services nationally and they will be tendered.

This new agency, the drawing together of services and the fact that we will have a real national operational plan for the first time gives us an opportunity to examine a more streamlined service delivery to decide what we can do better in terms of delivering services for the children and families. I would like to examine how we will deliver services within communities. While I strongly believe we need to support refuges, crisis centres, etc., we have not addressed the issue for the women, men and children who are anonymous sufferers in their homes. Are our social workers and therapeutic workers in communities qualified to recognise and deal with domestic violence in the homes where people have not sought services elsewhere? I look forward to working with my colleagues as we go forward.

Mr. Brian Killoran: I thank the committee and its members on behalf of the Domestic Violence Coalition for the opportunity to speak on this important topic. The Domestic Violence Coalition comprises ten nationwide front-line organisations and combines services working primarily to support women who are experiencing domestic abuse and those working to support persons from a migrant background. The members of the coalition are Women's Aid, Adapt Domestic Abuse Services, Ascend Domestic Abuse Services, Doras Luimní, Nasc – the Irish Immigration Support Centre, the Domestic Violence Advocacy Service Sligo, AkiDwA, Longford Women's Link, Sonas Housing and the Immigrant Council of Ireland.

The focus of the coalition has arisen from the experiences and difficulties encountered by all its member groups in providing support and services to women from a migrant background, both from the European Union and beyond, who are experiencing domestic violence and abuse. In all circumstances of domestic abuse the immediate safety and security of the women involved is paramount. However, in circumstances where the woman is from a migrant background, she may face restrictions and limitations on her ability to access support and safety by virtue of her limited immigration status or her inability to access public funds because of tests such as the habitual residency condition. These additional barriers and obstacles not only cause consider-

able difficulties for women seeking support, but also cause considerable fear and uncertainty for women who are considering reaching out. This uncertainty is often used as a further method of control by her abuser. Many of those who approach us cite a fear that they will be deported if they come forward.

The problem from an immigration perspective mainly impacts upon women from outside the EU and revolves around the issue of dependence of immigration status. Often when a person is given permission to live in Ireland based on their family circumstances, such as being married to an Irish citizen, the continuation of that status is based primarily on the continuance of that relationship. When the relationship ends, or couples no longer cohabit, the separation places the dependant person's immigration status in question. It becomes necessary at this point for that person to seek an immigration status that is independent of their former relationship. As many of the members will be aware, there is an absence of legal provisions governing this process and the issuing of this status is more often than not at the complete discretion of the Minister and the immigration authorities.

As a result of successful lobbying by the Domestic Violence Coalition the Irish Naturalisation and Immigration Service issued a policy statement in August 2012 that clarified its position on applications of this nature. The Domestic Violence Coalition acknowledges this positive step by the INIS and the Minister, and further acknowledges that, in the majority of cases, applications for independent status are treated sensitively and positively by the immigration authorities. However, a number of issues remain unresolved. There is a need to formally recognise domestic violence in immigration law. The policies of INIS are governed by the discretion of the Minister and as such are often unclear. Often the lack of clarity surrounding the process adds an added level of pressure, fear and uncertainty to an already very vulnerable situation. The impending publication of the immigration, residency and protection Bill by the Minister is an opportunity to legislate for these circumstances in detail.

Reform of current administrative process is required between now and when legislation is possible. The processing time for applications can vary from two weeks to six months in some cases. We acknowledge that the Department handles applications very quickly in some circumstances, but in other cases the processing time can take a number of months, during which time the person is in a very vulnerable situation, often without an immigration status.

We have concerns over the fee attached to the immigration application. Women from outside the EU who are successful in receiving an independent immigration status are then required to register or reregister their presence with the Garda National Immigration Bureau. In the majority of cases this incurs a fee of €300 to be issued with a certificate of registration. In cases where the women have no financial means or have no access to public funds, this fee is a monumental obstacle to them regaining their immigration status and getting their lives back on track. There are a number of exceptions to paying this fee, such as those formally recognised as victims of human trafficking, but to date the INIS has refused to add victims of domestic violence to the list of exceptions. This must be carried out with immediate effect.

Chairman: I ask Mr. Killoran to conclude as his time is up.

Mr. Brian Killoran: May I take 20 seconds to conclude?

Chairman: That is acceptable.

Mr. Brian Killoran: Reflecting much of what we have heard already, the second main

concern of the coalition relates to the habitual residency condition. The habitual residency condition is of itself quite difficult. However, for someone from a migrant background it adds significant barriers to it, especially if the person lacks clarity around his or her immigration status.

We need reform of the immigration procedures. The IRP Bill represents a great opportunity to legislate, but we also need to look at issues such as HRC. We feel the overall domestic violence legislation should now reflect the demographics in Ireland that have changed so considerably in the past 15 years. We need to update our legislation to take account of the people from so many different backgrounds in the State.

Chairman: I thank Mr. Killoran for being on time.

Ms Margaret O’Keeffe: I am a lecturer in the department of applied social studies at Cork Institute of Technology. The law and social policy elements have been informed by my work there. Today I am speaking on behalf of MOVE Ireland, with which I have been working as a volunteer for the past 13 years. I am grateful for the opportunity to participate in this important discussion. Not surprisingly some of what I have to say will echo the concerns outlined earlier.

MOVE stands for men overcoming violence and is an organisation that has been in Ireland for some 25 years. In that time it has evolved from using a mainly self-help approach to one which prioritises the safety of women and children living with or affected by domestic violence. We work with men in a structured group programme using an accredited and recognised programme of delivery. We recognise that domestic violence and abuse is predominantly in the context of a man being the perpetrator, and a woman and possibly children being victims. We consider the safety of women and children as the bedrock on which we organise and develop the work we do with men. We only work with men in a heterosexual context. At the moment there is no service for people in same-sex relationships.

MOVE offers two services, one for women partners, or ex-partners, and one for men. When a man wants to join a MOVE programme he has to furnish details of his partner or ex-partner - that is core to the woman’s safety - in order that MOVE can make contact with the woman and offer individual support via our dedicated partner contact workers, who are all women with experience in domestic violence outreach work. These people are from external agencies to maximise safety. These are all within accredited women’s services. MOVE has found that this can be the first time a woman will have contact with a support service dedicated to her.

The first priority is to understand what risk the man may pose to the woman and any children, and what type of safety plan can alleviate this. It is important for us to get the woman’s account of the violence or abuse in order to fully understand the dynamics of what is happening, as we have found and the literature shows abusers will generally minimise what they do and downplay its perceived impact. That is a core safety principle. Ultimately it is the partner, the woman, who can best attest to whether a man has changed his behaviour. Any information we receive from partners is used to inform our intervention but never shared or alluded to in working with the men, as this not only would be a breach of privacy, but also potentially dangerous.

The MOVE partner contact is core to what we do and we work with women for at least three months after a man finishes a programme. This is important in order to understand if change is happening and being maintained, and to refer the woman on to longer-term support services. In this situation our partner contact workers are either working in local women’s services or have long-standing relationships with them, and may have already introduced a woman to the wider service options available to her and her children. Her wellbeing and safety are central.

MOVE adopts an interagency approach. This is important and consistent with best practice because it widens the information and expertise base, and also creates a unified and clear approach to working with both perpetrators and victims of domestic violence or abuse. This co-ordinated approach is consistent with what is deemed to be best practice in the field of intervention work with men who abuse in their intimate relationships because he is getting an unequivocal message that what he is doing is wholly unacceptable and will result in sanctions.

We use a dual focus in working with a man. The first strand is that domestic violence and abuse takes place in a society which continues to prescribe gender roles for men and women. Generally women are still conceptualised as the primary care givers and men are still at the top of the work hierarchy. The split of gender roles creates attitudes around what a woman should provide and what a man can expect to receive. It is impossible to undertake work with men without recognising this wider structural context for domestic violence and how it is justified by society. We often tend to see his individual problem when it is a societal issue that demands a clear unequivocal societal response.

We are talking here at the very least about potentially criminal acts and that is not given sufficient weight. In the work we do we try to promote positive behavioural change in the man. Core to that is getting him to recognise that what he is doing is wrong and hurtful, and has a harmful impact. That is the assessment level when we decide whether the man is sufficiently motivated to change.

While what we do is very useful and consistent with good practice, we are absolutely clear that we remain a tiny part of a very complex and intricate system which tends not to take full cognisance of the damage done to women and children in domestic violence situations. Overall we echo the concerns already raised here. We also recommend that the kinds of mechanisms that have been instituted under the UK Domestic Violence, Crime and Victims Act, particularly specialist domestic violence courts, multiagency specialist domestic violence courts, multiagency risk-assessment conferences and independent domestic violence advisors, should be considered in the Irish context.

Responses to domestic violence or abuse need to be victim-centred in their approach. These need to address where they will live, how they will survive economically and what will happen when the abuser is released from prison. In the current economic climate trying to respond effectively to women and children is quite difficult. The Garda is a key resource for women trying to survive and leave domestic violence. The high standards of this work must be maintained.

There is a need to eradicate indirect discrimination as well as discriminatory measures perpetuated through societal norms and views. In the case of ethnic minority women there is also a need to address the complexity of how public, State and institutional practices intersect with racism and class and gender oppression. These factors produce outcomes, which make it more difficult for women not only to disclose abuse but also to access services which support positive decision-making in very complex situations.

I thank the committee for its time. I welcome any comments or questions.

Chairman: I thank Ms O’Keeffe for her very interesting presentation.

Mr. John Doyle: I am grateful to the committee for this opportunity to present some of our work. I am the co-ordinator of the south east domestic violence intervention programme which is a project of the Men’s Development Network. Through its work and engagement with cam-

paigns such as the white ribbon campaign and the turn off the red light campaign the Men's Development Network supports men in playing an active role in ending violence against women.

We deliver four men ending domestic abuse, MEND, programmes in the south east for men who have been violent in intimate relationships. These programmes also provide an integrated one to one support service for the partners or ex-partners of the men in the programmes. We have a similar structure to MOVE Ireland in this regard. As the focus of our work is the delivery of intervention programmes we feel the most helpful contribution we can make to the committee is to provide our reflections based on our experience of working with men who are violent and abusive in an intimate relationship and their partners or ex-partners. Our approach is supported by emerging evidence-based practice and input from trainers such as Dr. Mark Farrall of Ignition UK, Paul Wolf-Light of Ahimsa UK, Christina Dickinson of the Sensorimotor Psychotherapy Institute in Boulder, Colorado and others. Our reflective learning has led us to review our understanding of the causes of domestic abuse in intimate partner relationships.

The national strategy on domestic, sexual and gender based violence acknowledges:

[D]omestic violence perpetrators are not homogenous and some may have multiple problems and complex needs. These multiple problems complicate their ability to respond to interventions and/or their motivation to change. Therefore evaluations of perpetrator programmes should focus on what kind of interventions work best for whom.

There is clear evidence that like all behaviours, violence and abuse in intimate relationships occurs on a continuum. The most severe form of abuse could be called intimate terrorism and is at the high end. The continuum goes through what has been termed situational couple conflict through to respectful relationships. For those on the high end of this behaviour the criminal justice system is appropriately the first port of call, with subsequent treatment in prison if there is a custodial sentence. Policy and practice need to be flexible enough to respond to the variety of behaviours on this continuum, otherwise we will not serve the needs of the women, children and men in these relationships. The cycle of violence and abuse will continue into the next relationship and or into the next generation. Another outcome of not recognising the spectrum of behaviour involved is that we may end up seeing men moved into the criminal justice system too early or too late. In addition, recognition of the complex nature of the issue of intimate partner violence and the continuum of behaviour allows for the development of safe and appropriate responses where the victim is male or where the abusive behaviour occurs in same-sex relationships.

An understanding of individual influences and dynamics, such as the impact of early childhood trauma including domestic abuse, is essential and compatible with a focus on responsibility and holding men accountable for their behaviour. Neuroscience has established almost beyond doubt close links between early traumatic experience with primary attachment figures and difficulties in later adult intimate relationships.

Historically, policy and practice almost exclusively focused on the perceived male desire to control women, driven by patriarchal beliefs about identity and entitlement. This has given rise to a one-size-fits-all policy and has narrowed treatment options. To quote a recent paper by John Devaney of Queen's University Belfast, "One of the weaknesses of group-based programmes is that they were originally developed by and have evolved through an ideological perspective on the root causes of domestic violence, rather than an empirical model of intervention development".

There is growing evidence that intimate partner violence is often rooted in traumatic child-

hood experiences and related issues such as poverty, substance misuse and lack of education, which may be linked to experiencing domestic violence as a child. Therefore, as domestic abuse is about far more than power, control and patriarchy, effective solutions need to be drawn from a much fuller understanding of the problem. While we are conscious that responsibility and accountability must be to the fore in our response to intimate partner violence, an effective response, which will be of most benefit to the partners and ex-partners of the men and their children, must take into consideration the traumatic roots of this behaviour and develop responses based on this knowledge. When we seek solutions we should not see perpetrators in a particular carbon cut-out image but rather examine the issues underlying their behaviour.

A common misconception prevails however, that acknowledging complex influences and relationship dynamics excuses perpetrators and moves the debate away from responsibility and choice. This need not be so. We know that recognising complexity adds a greater challenge to already over-stretched services and increases the need for inter-agency co-operation. It is, however, our contention that if we are to respond in a just, safe and effective way to violence and abuse in intimate partner relationships we must deal with the root causes of this violence and abuse through an approach grounded in current evidence-based research.

We recommend recognising and supporting the role played by intervention programmes working to change men's violent and abusive behaviour in intimate partner relationships, while keeping the safety of women and children as a priority; actively supporting making visible intervention programmes part of the solution to reduce violence against women; acknowledging that while nothing justifies violence or abuse in a relationship, effective treatment models must take into consideration the underlying complex issues underpinning this behaviour; supporting the development of intervention programmes in line with current evidence-based treatment approaches, which deal with the significant impact of childhood trauma, difficulties with early attachment and other issues such as addiction on behaviour in later adult intimate relationships, as this would allow for an appropriate and safe gender-inclusive response to the issue; and supporting the development of clear referral pathways onto intervention programmes for men who are violent and abusive in relationships.

I thank the committee members for their attention.

Chairman: I thank Mr. Doyle. What he stated was fascinating. It is a different approach which is very useful. I thank Ms Martin for being so patient.

Ms Margaret Martin: Women's Aid welcomes the opportunity to present today on the review of domestic violence legislation. Our submission, which makes 12 recommendations, deals with three main areas where we believe change is needed. These are the extension of eligibility for barring orders under the Domestic Violence Act and the introduction of emergency barring orders when courts are not sitting; measures to address the safety and welfare of children with regard to custody and access in the context of domestic violence; and the limitations of stalking legislation.

Domestic violence is a 24-seven crime which primarily happens in the home, and therefore access to protection needs to be available 24-seven. However, this is not the case at present. I will give the example of Sarah, who was badly assaulted at home by her husband on a Friday night and called the Garda. The gardaí were very helpful and called an ambulance but said there was little they could do as no barring order was in place, and suggested she go to court as soon as possible, which was the following Monday morning. When she was discharged from hospital Sarah telephoned the Women's Aid helpline as she was afraid to go home. There was

no refuge space available and, as her husband had threatened to burn down her parents' house or sister's house if she went to either place, she felt she had no option but to sleep in her car until the courts opened on Monday morning.

If the gardaí responding to Sarah that Friday evening had been able to apply for an emergency barring order to cover the weekend Sarah could have remained in her own home before going to court. If she had children this would have been far more serious. As has been outlined, domestic violence is a very common context in which child abuse takes place and it has been found that the more severe the domestic violence, the more severe the child abuse will be.

Our submission includes four recommendations dealing with issues where parents separate because of domestic violence and where provision needs to be made to ensure children's safety and well being, especially in respect of access. I am happy to answer questions on these recommendations if time allows.

Since our first statistics report in 2003, thousands of callers to our freefone national helpline have confirmed that stalking is a serious form of abuse for Irish women. It happened before the advent of new technology and, while new technology has added to the repertoire of tactics available to an abuser, physical stalking continues to be a serious concern, carrying with it the threat of imminent harm. Stalking by ex-partners accounts for the largest group of victims, with the stalking beginning before separation takes place in up to half of all cases.

Niamh, who is 19 years of age, went out with Sean for a few months last year, but split up because he was "too intense and clingy". He has not left her in peace since. He always seems to be at the corner of her road when she leaves her house no matter what time it is and he follows her much of the time. He calls and texts her almost every day. After he bad-mouthed her on Facebook, she went to the Garda and was informed that it could not do anything until he made more serious threats or actually harmed her. She was deeply shocked at this, as she is extremely frightened. She does not go out any more than she has to. As such, she has lost her freedom as well as her peace of mind.

Stalking often escalates after separation and is linked to the abuser wanting to control a partner or ex-partner, isolate her and restrict her movements. Abusers use multiple methods to stalk and monitor women. In our experience, the current definition of harassment is complex and hard to prove and, therefore, is rarely used to protect women. I am referring to the Non-Fatal Offences against the Person Act. We recommend that a specific offence of stalking be introduced and that it be recognised as a ground for a safety order.

As Mr. Killoran pointed out, Women's Aid is a member of the Domestic Violence Coalition. Approximately 30% of women who use our services for the first time are migrants. We strongly support the call to recognise domestic violence in immigration law and the need for the Istanbul convention. I thank the committee for its time.

Chairman: I thank Ms Martin, including for her brevity. Her contribution was interesting. Mr. Hennessy is last, but by no means least.

Mr. Don Hennessy: I knew the Chairman would recognise an east Corkman.

Chairman: Indeed.

Mr. Don Hennessy: He has kept the good wine until last.

Chairman: Well, there you go. Mr. Hennessy has five minutes.

Mr. Don Hennessy: I thank the committee for inviting me to speak. A couple of words that I want to introduce early are “crime” and “evil”. I have heard one but not the other. Male intimate abuse is the most widespread form of crime in this country, but it is also the most evil form of behaviour that I have ever encountered. All of our efforts to deal with this crime have failed because of our ignorance, our tolerance and our desire to be fair.

Our ignorance is founded on our reliance on the victim to explain her experience while she is unaware of the covert tactics of targeting, setting up and grooming that are used by all psychophiles to establish and maintain mind control. This is why I call them “psychophiles”. Our tolerance is founded on our ambivalence about male sexual priority, which is rife throughout the country.

Our desire to be fair causes us to misdiagnose the perpetrator and to fail to recognise his psychopathic terrorism and his sociopathic lying. It leads us to blame the victim and collude with the psychophile. It will lead us to be groomed by the psychophile and will inevitably cause us to wilt under his persistence. It will allow us to resist putting human rights legislation into our law and to claim constitutional support for putting property rights before victim safety rights. It will give the word of a sociopathic liar equal status with that of the victim. It will allow the psychophiles, who account for one in four of all men in relationships, to dictate our response. It will eventually lead to us doing nothing to solve the problem.

For a few minutes, I would like to put on record how people can do nothing energetically. The similarities between the report of the Task Force on Violence Against Women in 1997 and a mid-term progress review of the national strategy of Cosc in 2012 are extraordinary. In 1997, there was a clear need for more accurate and comprehensive statistics. In 2012, a lack of consistent information limited the capacity to respond. In 1997, there was a need for a public campaign to raise awareness and change attitudes. In 2012, there were no hard data available on the impact of awareness campaigns on attitudes and behaviours. In 1997, it was deemed that, through training, people would be able to work together. By 2012, no training programmes had been developed. In 1997, it was determined that health service providers should adopt written protocols in respect of domestic violence. By 2012, an assessment form with domestic violence questions had not been advanced because of the industrial relations environment in the health service. In 1997, it was recommended that specialist training be provided to the Judiciary. In 2012, the issue of judicial training remained a high priority. In 1997, there was a lack of comprehensive data on domestic violence, a void that the task force believed could be addressed by developing a code of practice for reporting incidents. In 2012, there was a particular gap with regard to data on the prevalence of domestic and sexual violence. In 1997, it was recommended that public and voluntary services and agencies work together to maximise the effective use of resources. In 2012, Cosc found that co-ordination on issues of domestic and sexual violence was at an early stage. If anything, its review suggested that the situation may have worsened.

A solution to the problem is to stop talking, to read what we promised to do in 1997 and to make a start there. As the President of the District Court recently stated in Cork, we need to ensure that the response of the committee becomes part of the solution and not continue to be part of the problem.

Chairman: I thank Mr. Hennessy for being so concise and focused. It gave food for thought.

It has been suggested to me that we suspend for approximately five minutes. If people are

under pressure to be elsewhere, we will understand. They might let the clerk know if they cannot return. We will resume at 4.05 p.m. to give people a chance to stretch their legs. Is that agreed? Agreed.

Sitting suspended at 3.57 p.m. and resumed at 4.05 p.m.

Chairman: We will resume in public session. I want to be as brisk as possible with the question and answer session. I will invite members to ask a question of one particular person and seek a brief response. I ask that the representatives answer the questions and that, on both sides, people should not make speeches. We will try to get as much information as we can in this regard. We aim to finish here by 5 p.m. Is that agreed? Agreed. Deputy Corcoran Kennedy is first on my list.

Deputy Marcella Corcoran Kennedy: I thank all the representatives for coming in this afternoon to assist us with our work. I also thank them, and those who are not here, for their submissions. There was a substantial response.

Chairman: A question, please.

Deputy Marcella Corcoran Kennedy: I am coming to that. The problem is trying to decide which question to ask first.

This area is something we have all been considering in terms of thinking about the Sexual Abuse and Violence in Ireland, SAVI, report, looking at Cosc and thinking about matters such as prevention and causes. The National Women's Council of Ireland representative was critical of Cosc and called for a SAVI II report. Given the amount of information out there, do we really need another report?

Ms Orla O'Connor: The point Mr. Hennessy made is important. The issue is that one needs to collect good data in order to be able to get a clear picture of the problem and what works in dealing with it, and we do not have those mechanisms in place.

The SAVI report was groundbreaking and useful research, but that was a benchmark in time. We have moved on more than ten years. We need to conduct such research on a regular basis.

Deputy Marcella Corcoran Kennedy: The National Women's Council's presentation was slightly critical of Cosc, stating there could be more it could achieve. I think it was the National Women's Council, but perhaps it was Safe Ireland.

Ms Orla O'Connor: To be quite honest, I am not sure. If the Deputy was more specific, I might get a better sense.

Chairman: We might come back to it in a moment. Does Deputy Corcoran Kennedy have another question?

Deputy Marcella Corcoran Kennedy: I refer to the causes. The groups all deal with the outcomes of violence. Is there an overall cause? I spoke to somebody working in the Rape Crisis Centre and that person indicated that inevitably alcohol or drug abuse is involved in the majority of cases. Is that what the witnesses are finding? I do not know to whom that should be addressed specifically.

Chairman: Ms Ryan may offer a brief response.

Ms Fiona Ryan: We should be very clear about the alcohol and drugs issue. I am the former chief executive of Alcohol Action Ireland. We know there is a correlation of incidence with regard to alcohol and domestic violence but there is no evidence base to support the statement that alcohol causes domestic violence. We would obviously disagree with the idea. There may be a correlation in that it occurs at the same time but there is normally no causal relationship. When it is there, it is a smaller factor.

There is no simple reductionist answer to this. The traditional feminist analysis was that this is about exemplary male power and expectations but at the same time we know domestic violence happens in different sections of society. We know that, generally, where women have a low status, it is more likely to be of a higher prevalence. That is why people ask us when it presents in ethnic minorities if they are more prone to it. There are many reasons for it. Many women experience poverty and have fewer resources so they may be more likely to turn up for services. If a woman is in an upper or middle class, there may be more resources at their disposal.

Deputy Marcella Corcoran Kennedy: How is our society doing compared to other European countries and worldwide from a statistical perspective? What can we do as a society to prevent this? Are public intervention and awareness campaigns the way to go? I know Mr. Hennessy referred to that in the submission. Would that be effective? Is there any evidence internationally that those kinds of public awareness campaigns are working?

Ms Caitríona Gleeson: On 5 March, the European Union is releasing the first ever extensive robust violence against women prevalence study in which Ireland has been included. It will have results from interviews with 1,500 women. Until we see the data for that, we will not know how we are doing relative to other countries. We will be able to answer that question in two weeks.

Ms Margaret Martin: There is a closer analogy in that the PSNI has collected data on crimes relating to domestic violence for over five years, so a comparison can be done through the range of crimes, from threats to property damage, injuries, assault, etc. Nothing like that is being collected in the Republic of Ireland.

Ms Margaret O’Keeffe: With regard to what can be done, in the UK they have embedded “respect” type programmes from early in the primary school cycle outlining what a respectful relationship looks like. They seek to embed the idea from the start of the formal school experience for most children. We do not have anything to compare to that, although there is a real need for it.

Ms Niamh Wilson: This also relates to an earlier question. Domestic violence happens because perpetrators have a sense of entitlement, so public awareness campaigns do not work because they do not see such campaigns as speaking to them. They feel entitled to do what they are doing, and international evidence indicates that what creates a deterrent in the community is the criminalisation of perpetrators of domestic violence. That is an evidence-based idea. We need to see criminalisation as a really strong deterrent backed up by strong public awareness campaigns so the public in general can get behind the law.

Mr. John Doyle: There is a concern if we speak about perpetrators as if they are a group of men from Mars. These are our fathers, brothers, uncles and men in the community. It is obvious to ask why we do not engage with perpetrators to ascertain why they behave in this way. There is an assumption that perpetrators have no interest in change, which is a dangerous belief.

I respectfully disagree with Mr. Hennessy that these people are simply sociopathic liars. For various reasons, with some linked to trauma, these men act in a certain way. Studies indicate how early trauma experience can lead to very inappropriate behaviour in later life. We would be making a fundamental mistake if we put perpetrators outside the room and did not engage on what is at the root of the behaviour. We have certainly done that.

Ms Catherine Joyce: I agree with Ms Wilson's comments about criminal sanctions and challenging behaviour from that route. There is something to be said about prevention, which relates to intervention in children and young people. We need to consider therapeutic supports and mental health services for children and young people. We must try to support children when they exhibit aggressive behaviour early in life. It should be dealt with and processed so the people in question do not become the next generation of perpetrators.

Mr. Brian Killoran: From an immigration perspective, when we ask the question of what can be done to address the issue there is an added level of complexity with regard to dependencies. If somebody's immigration status is dependent on a continued relationship, it can exacerbate the element of control and fear that may exist for somebody trying to leave. In other jurisdictions, dependency of status may exist for a very limited time but after that the person would get his or her own independent immigration status. That would be six or 12 months later. We do not follow that route and we keep the process going for years. Dependency in immigration status is a massive element of control within domestic violence examples where immigration status is an issue.

Deputy Marcella Corcoran Kennedy: Women's Aid referred to stalking. We all face challenges relating to social media so should we strengthen the legislation in that regard?

Ms Margaret Martin: Yes. It is extremely important that legislation be brought up to date and there is much detail in our submission in that regard, with examples of what happens in other jurisdictions. I will not go into it at this time as I know the committee has access to it and the different examples of what has worked. I was very disappointed to see the Law Reform Commission did not see the need to change the definition of conventional stalking. There are additional tactics available to an abusive partner but that does not mean the other practice has gone away. There is no effective protective mechanism or sanction to combat this.

Deputy Marcella Corcoran Kennedy: I have a last question. I am interested in what SAFE Ireland's speakers have to say about coercive control.

Ms Caitriona Gleeson: Research we have conducted has indicated that if we take a single incident of what happens to a woman and how it is seen in the courts, there is no indication of the tactics and ongoing abuse from the partner or perpetrator. He may appear on one incident but that does not capture the totality of the woman's experience; the evidence may not be admissible, it may not have been collected or the legislation may not cover it. We did an initial review of international legislation that indicated a trend, particularly in Europe. The trend in the 1990s was to introduce protective measures, and Ireland was at the table in that regard. The trend in Europe now is to look to capture both within our civil remedy but in the criminal element an offence that deals with the gross violations perpetrated against the individual. The Swedish package is one to consider, although we cannot transfer laws easily.

We are seeking to capture ongoing abuse as an offence that is seen as a greater offence because it is perpetrated in an intimate relationship. Even at a cultural level we could start to think like that. In Ireland, we have put domestic violence in civil law, with proceedings taking place

in camera in a hidden system. We need to turn the idea so that it is an even greater offence if somebody breaches the trust of an intimate relationship and violates it. That is what the Swedish legislation has done and it has been evaluated after ten years. I am not saying we must cut and paste anything but if we want to shift change, we could consider that legislation. People would have the option to seek prosecution under such a law.

Chairman: I note somebody referred to the term “they are only having a domestic”. I thank the Deputy for being precise and focused.

Deputy Anne Ferris: I cannot promise to be as precise as Deputy Corcoran Kennedy.

Chairman: You can of course.

Deputy Anne Ferris: As co-rapporteur of this body of work, along with the Deputy, I thank the witnesses for appearing before us. We will have the second round of this next week. I am also grateful for all the submissions we received. In the case of some of them, we could not ask these people in because they gave us personal accounts of what had happened to them. They were absolutely harrowing.

However, there were a number of themes through all the presentations, such as people who need to apply for housing but are prevented from doing so because they are joint owners of a property. That legislation will have to be changed. Another theme is the education of judges. One hears stories about a person seeking a barring order and then a couple of weeks later they are back before a different judge with possibly a different attitude. There is also the immigration issue, where somebody is tied into a relationship with a person because their immigration status is a worry. There are also the funding issues and the cuts in funding to the various organisations. To ask a rhetorical question, how is one expected to provide these services if the funding is being cut, particularly to refuges and emergency accommodation?

I am sorry, Chairman, I realise I am making a speech, but you said at the start we could make a speech if we wished. I was particularly interested in the comments of Ms Margaret O’Keeffe and Mr. John Doyle with regard to the education of men and the programmes for men. We do not often hear about men who are victims of abuse and, second, the programmes that are available to help men who are abusers. How successful are the programmes? Again, this aspect is not highlighted.

Ms Margaret O’Keeffe: Basically, the programme we run is based on cognitive behavioural analysis supported by a gender analysis of power and control. It is very much within a feminist model of engagement, but taking into account that the person can change their behaviour. The best supporting evidence for it is through the work of Professor E. W. Gondolf, who did a multi-site research in 2002 and follow-up, which showed that a man was capable of changing his attitudes and behaviour. However, he entered the caveat, and this is one that is stressed in the presentation today, that it must be grounded in a co-ordinated approach. In other words, the culture, society and economy all must give the guy the same message that what he does is unacceptable.

In terms of the micro outcomes, I have been a facilitator on a programme and I am aware of my colleagues’ work in Cork and elsewhere across the country, and we definitely see positive changes and guys do change their behaviour. However, I must make an important point which we did not make earlier, due to time constraints. We can only work with a certain type of man. He must pass the rubric of being willing to change and being motivated to do so, whatever the

motivation might be. Hopefully, it is good. I would be loath to advance a professional opinion on the type of person Don Hennessy refers to as the domestic terrorist or intimate terrorist, but we could not deal with somebody like that. We could only work with somebody who is willing to change their behaviour and sees the benefits in doing so. However, I must be clear, and I am very clear about this in my work, that we cannot be used as a substitute for the criminal justice system. Nevertheless, change is most certainly possible.

Mr. John Doyle: The programmes were historically developed in a particular ideological response to the issue. I believe that to be fully effective programmes must look at a variety of men. There are different reasons for men's behaviour. The idea that one size fits all, that one can talk about perpetrator and victim and think that there is just one person with all of these characteristics is a mistake. Many men coming into our services have very different experiences. There is often childhood trauma. Things have happened to them where they were the victim as a child. They turn 18 and now they are the perpetrator criminal, but actually they have the same psychological trauma. Again, I emphasise that neuroscience has shown the impact of trauma on people in their lives. It does not just go away. There are those men who may be very much fuelled by a sense of entitlement as men, but there are also men with a desire to change because they recognise that they were the sons of those fathers. They come to us saying, "I thought I would never be like my father, but here I am doing this". That man who has a desire to change deserves a choice. Do not think there is one man coming to our services that one would recognise and point out, as they are not a homogeneous group.

Deputy Anne Ferris: It is quite different from what Don Hennessy was saying, in the interests of being fair. In the book he speaks about the man who starts off by going out to find somebody and groom them to be a victim. That is a very serious and awful concept. It is not somebody who is a victim of abuse. Perhaps Mr. Hennessy would comment.

Mr. Don Hennessy: I am reluctant to get into a debate. The issue is way too important to have disagreements at this end of the table.

Deputy Anne Ferris: It is from two different aspects and both of them are relevant.

Mr. Don Hennessy: I am not sure if they are relevant. The people who arrive at the services, which is what all of the people here are dealing with, have already experienced the setting up and the grooming that I describe in my book. The people who perpetrate that are all of an ilk. They are all the same and they all operate in the same way. I call them "psychophiles" for the simple reason that they are driven by the desire to sexually control their partner. I know for a fact, because I have reviewed all the programmes these people are discussing, that nobody addresses the sexual aspects of their criminality. Their sense of entitlement is fuelled by their sexual desire to maintain priority.

Ms Margaret Martin: I wish to comment on the perpetrator programmes. The experience of Women's Aid very often has been that there has been a change in behaviour, but what happens is that the physical abuse will sometimes reduce, but the psychological and sexual abuse does not.

Ms Orla Muldoon: I wish to enter the debate even if other people are more reluctant. There is a great deal of evidence that the impact of trauma can be seen as a type of learning impact. It is not necessarily changes in pathways in the brain, as neuroscientists would tell us, but also that trauma can motivate us to learn or not learn particular ways of being. The trauma we are discussing in this context can make girls who experience or view domestic violence believe that

this is acceptable behaviour and that this is women's lot in life and it can make men think that this is the best way in which they can keep their wife in line. These are not entirely incompatible with the two positions that might be seen as being opposite. One can put a neuroscientific explanation for it or one can put a more social level explanation for it. Either way, a key part of the prevention must be making sure that children understand, or somebody somewhere tells them, that these behaviours, where they see them as normative in the family home, are not acceptable and that it is not acceptable to treat others like this or to be treated like this. At present, we do not do that.

Deputy Anne Ferris: My final question is about advertising. There is a daily advertisement on the television that particularly annoys me, but I will not mention the brand. It is where the mother and child are doing stuff and the husband or partner comes over with an iPad and tells them to use it, rather than the post-its and paper. She gets her revenge at the end of the advertisement, if the witnesses are familiar with it. Is there subliminal or other advertising in our daily lives that condones the domestic and-or sexual behaviour of men?

Chairman: Does anybody wish to answer?

Mr. Don Hennessy: Yes. Sex is used as probably the primary marketing tool, even though it might not be explicit in many of the advertisements. Anybody who is engaged in business and commerce uses sex in some way, and the sexual image is that the man is in charge of it.

Ms Margaret O'Keeffe: Members might remember an advertisement for a very famous brand of crisps about nine months ago. Cork Feminista was among other signatories that wrote in protest, because the message was very clear.

Chairman: The message that has come across to us, and from the submissions made earlier, is that domestic violence is an extremely and deeply ingrained problem.

Deputy Anne Ferris: I do not want to be here in ten years' time with somebody quoting this debate to us and putting us on the list. We need to take action now. I was in Istanbul and think that it is time we signed the convention. It is also time that we changed legislation such as that dealing with housing. We must do whatever needs to be done and all of us here are committed to doing so.

Senator Katherine Zappone: I thank all of the people who have made presentations. I thank them for being so focused and articulate.

Chairman: I like focus.

Senator Katherine Zappone: I shall start from where Deputy Anne Ferris finished. My question could be answered by a couple of the organisations because it is the same question and concerns legislation. Many of the witnesses have argued that we need to recognise domestic violence in different types of legislation, whether it is the Housing Act 1988, the Housing Regulations 2011, immigration law, the new Immigration, Residence and Protection Bill and also in terms of the habitual residence condition in legislation. The delegations have largely argued for domestic violence to be recognised in different legislation so that women and children have access to services. Why do they think there is a resistance to recognising domestic violence in each of those pieces of legislation? What would they say to us, as lawmakers, to get around that problem?

Ms Caitríona Gleeson: As Ms O'Halloran said in her opening statement, there is no infra-

structure and prioritisation of the issue at national level historically and, as it drilled down into the system, nobody kept an eye on the matter. When housing changes were introduced in 2009 nobody had domestic violence within the Civil Service space that was making decisions and the same is applicable right across the board. There is nobody to cast an eye across the system. That is why we are delighted that the committee has taken the matter on board. We have sought such recognition for years. We seek a high level Cabinet sub-committee to be established that will deal with domestic and sexual violence, and until such time that we are confident that the infrastructure is in place, so each of the Departments can work very closely together. We want expertise held across all agencies so that we are not here in ten years' time looking at the same problems.

Chairman: I can assure Ms Gleeson that a lot of people are watching and listening to what is happening here today and hopefully we will see results.

Ms Niamh Wilson: I addressed the matter in my submission. I shall outline my experience at local level. When I went to local authorities or the Department of Social Protection locally and asked if they were aware of the national strategy that said they must do this and that, I was informed that the strategy had not reached their desks. If people do not see it as their purpose then they will not do anything about it. If it is clearly within their core purpose, and it is their job to respond to people experiencing domestic violence, my experience is that they will do it.

I shall return to the point made by Ms Gleeson. The message must come from the top down with very strong institutional mechanisms for monitoring the issue and ensuring that it happens. It is only then that people at local level will be willing to discharge their duties but they must be told that it is their job.

Mr. Brian Killoran: I shall speak from an immigration perspective. The unwillingness or lack of clear legislation on the matter has generally focused in the past on treating the Minister's discretion as being the holy grail and that we must have the entire immigration system based on the discretion of the Minister. We would always argue that discretion is necessary within a system to take care of situations that are exceptions rather than the norm and that one cannot govern a whole immigration system based on the principle of discretion. It should be 80% rights and entitlements with clear procedures and responses that are possible to do and have been done in other jurisdictions. Overwhelmingly the tendency is now to go towards legislation even though it is painstakingly slow. Here we still seem to hold discretion as being the holy grail but it needs to be the exception rather than the rule.

We have been told by very senior civil servants in the Department of Justice and Equality that if we legislate for domestic violence, we will have to legislate for divorce and for X, Y and Z. Our answer is "Yes, you do and that is it."

Chairman: I am expecting to receive the immigration Bill before the summer.

Mr. Brian Killoran: That would be a great opportunity.

Chairman: There will be a lot in the legislation to be dealt with.

Ms Catherine Joyce: I have concerns about the rhetoric and approach adopted in recent years. Particularly as we go through a recession, we will be told that whatever we do now we cannot have additional resources and there are financial implications. That is a real problem for systems and infrastructure that have been, in the long-term, either ignored or been the subject of massive under-investment. The issue will arise in things like family law reform. We have what

looks already to be a very good Bill on family law reform but if we do not have the resources to put in place implementation structures, then we will be here in ten years' time talking about how it did not work.

Ms Fiona Ryan: I echo the comments of everyone seated around the table. We are missing a general systemic response to the problem. I can tell the committee how it works for real. For example, if one lives in one Dublin local authority area and experiences domestic violence one cannot opt for housing in another local authority area. That sounds ridiculous. I am talking about not being able to move from one local authority area to another even though it may be in the best interest of risk and safety planning. That is a ludicrous situation. Who does it suit? Are we letting bureaucracy dictate safety priorities? The truth is that we are and I am reporting what happens on the ground.

We are suffering a resource shortage and this is not Sonas making a pitch for extra funding. At present, domestic violence services are under pressure. It needs to be recognised that women and children are being made homeless due to domestic violence even if one is a homeowner or lives in a local authority house. This is not an alternative accommodation issue having to be taken into account because domestic violence means one must leave one's home.

I agree that the ideal solution would be for the perpetrators, not women and children, to leave their homes. When such a measure was implemented in Australia or the UK it required a high level of police and emergency first response buy-in. Ireland is not at that place yet. It would be great if we were but the reality is that we still need refuges and we need a continuum. To a certain extent - and let us be honest here - domestic violence services are being asked to take in general homelessness needs. That is the truth of it. The reality is that when it comes to finding a place for someone who, for example, leaves our refuge in Blanchardstown, that person ends up in homeless services because there is nowhere to put him or her. We have a massive housing shortage. We heard Ms Byrne from the Child and Family Agency identify the housing need. This is not just about housing but a place of safety. I am talking about a place where someone's risk and safety can be managed. We have a massive housing shortage at the moment but we are not addressing the problem. The system is not working. Only 2% of landlords are willing to take rent allowance. Rents in Dublin average between €1,200 and €1,400 per month so that means a €400 shortfall for any family.

We need to address the core issues and politicians have the power to do so by changing housing legislation, and calling on the Minister for Social Protection and various Ministers responsible, including the Minister for the Environment, Community and Local Government, to work together to provide real solutions for victims of domestic violence. Otherwise, we will be here in ten years' time. It will like rearranging the deckchairs on the *Titanic*.

Senator Katherine Zappone: I have two more questions. I have more questions for Ms Byrne from the Child and Family Agency. Can she describe for the committee the relationship between her agency and Cosc? I know she talked about it earlier but I want her to explain it a little more.

Ms Eibhlin Byrne: Cosc is the interdepartmental group that developed the national strategy across Departments that covers domestic, sexual and gender-based violence. Cosc is the strategy-making body and my agency has responsibility for the delivery of the services. The key principles are decided by Cosc and we are then charged with implementing them. We are the operational arm of the services.

Senator Katherine Zappone: I refer to the division of the budget for the services which now come under the agency's remit, between crisis refuges, Rape Crisis Centres and support services. Was there some rationale behind the percentages of the total budget?

Ms Eibhlin Byrne: To be absolutely blunt, historically, a lot of services arose because individuals in areas fought hard to get a particular refuge or crisis centre in their area. There was no overall planning for this sector. That will be a huge challenge for this agency and for all of us in the sector to ensure that men, women and children throughout the country get an equal chance of a service. I feel very strongly that living in a refuge or a crisis centre is no way for children, in particular, to live. These should be emergency options and there should be longer-term solutions within communities where families can live.

Senator Katherine Zappone: Does Ms Byrne believe the division of the budget will change in the future?

Ms Eibhlin Byrne: We have only taken this over and we are literally trying to find where the money is. Some was with social inclusion and some was with the HSE. It was all over the place. We are now drawing it together. We have told our regional directors that we will take cuts and allocations where they decide. Ms Joan Mullen's job for this year will be to work with her colleagues in the sector on a plan for next year, so that it is a strategy rather than a random shot at where we deliver services.

Senator Ivana Bacik: My first question follows on from Senator Zappone's and it is about Tusla. It is very welcome to see one body taking on overall responsibility for service delivery and trying to do it in accordance with a plan. Given what Ms Byrne said about the division between Cosc and Tusla, is it envisaged that at some point Cosc and Tusla will merge and that the body overseeing service delivery and service provision and ensuring consistency of provision and so on will also be the body developing strategy? Does Ms Byrne think that is a good idea?

Ms Eibhlin Byrne: In the summer of last year, Mr. Gordon Jeyes, the chief executive officer, and I met the voluntary and community sector individually to look at their services. The first thing at which we looked was the relationship between front-line delivery and back-room costs because we wanted the back room to be at an absolute minimum, with everything going into the front line. By joining Cosc and Tusla - by joining the strategy and the operation - one should be able to cut down on some of the back-room costs and put them into the front line. If the Senator is asking me my opinion, the answer is that I think they should be joined, but if she is asking me whether we are in discussions about joining them, the answer is that we are not yet in discussions.

Senator Ivana Bacik: Given what people have said about nobody having joined-up thinking and looking at the impact of immigration law, housing law and criminal law, it would seem sensible to have one body. I thank Ms Byrne for that response.

My second question is to Sonas and to Ms Wilson from the Domestic Violence Advocacy Service on the issue of housing and this critical issue of where the victims of abuse - women and children - go. Clearly, there is a shortfall in emergency refuge provision but, as Ms Byrne said and I think we would all agree, that should only be short-term and nobody should be stuck in that accommodation. Where do women and children go? I understand they go into homeless services. Will the changes being made by the Department of Social Protection to give responsibility for the allocation of the housing supplement to the local authorities improve things? We heard there is a real difficulty for a woman who jointly owns a family home. Should barring

orders not kick in at that point so that the woman can move back into her home?

Ms Fiona Ryan: Yes. To give the Senator an evidence base, which is a term being used a lot today, Sonas is the biggest provider to women and children experiencing domestic violence in this State. We have more than 100 homes spread across the four local authority areas in Dublin and into Wicklow. We think we can speak pretty authoritatively about this.

Traditionally, we have come from a continuum of care model whereby people would have gone into our refuge and would have progressed through supported housing. They would have stayed with us for two years and moved on into local authority housing or other private rented accommodation. With the reconfiguration of services by the Dublin Regional Homeless Executive, with the housing collapse and with everything else that has happened, it has had a severe impact on domestic violence services. Put bluntly, our whole national housing policy, which I do not think has a gender reference in it, is “housing first”, but in case anyone has not noticed, there is no housing. We are constantly told in terms of policy that housing first is the way to go, but the only choice for people leaving our refuge in Blanchardstown is to go back home with a risk and safety plan. We try to extend our outreach service to cover them because we are committed to a continuum of care. They can try to get a local authority house but the chances of getting one are very slim. I think there are 10,000 people on the waiting list in Fingal County Council. They can present to homeless services and often the only option when they do so is a hotel room with their children. When I say “hotel room”, let us not get any ideas about four-star service. We are talking about a very modest standard of accommodation. The other alternative is supported housing such as ours.

However, in the Dublin region, tenants generally go through what is called a common referral process, where needs are assessed. Through a service provider and the local authority, it is decided who goes where. Many domestic violence survivors may have very high domestic violence needs but they may be lower on other thresholds - for example, substance misuse. It is Sonas’s position that they are getting squeezed out of the system and that, in effect, what are coming through the common referral process are the very high-end complex cases involving domestic violence, substance misuse and other forms of potential criminality. They are really complex needs.

There is a shortage of local authority provision and there are not enough private landlords. The thrust of things at the moment is that private landlords are the way to go, but they are not there. I hope that helps.

Senator Ivana Bacik: I have a question on criminal law, which is a huge issue. A few speakers mentioned the UK 2004 Act, which I think brought in specialist domestic violence courts. Is there a particular model from the criminal law prosecution strategies there which we might adopt? I was very struck by Ms Martin’s statement that the PSNI is collecting all of the data on domestic-violence-related offences. Examination of breaches of barring orders is the only real mechanism for assessing the level of prosecution here. There are so many others but they come under general assault. Have we seen an increase in risk to women and children since the 2002 change to emergency barring orders? Is there some change at which we should be looking in regard to the barring order law? That is really where criminal law and protection against domestic violence is currently located.

Should we look at the Swedish reform of making a specific offence of domestic violence? In terms of court access, there should be 24-7 access to the District Court. There is for criminal prosecutions, but the same mechanism or procedure is not there for domestic violence. Presum-

ably something could be done procedurally through the Courts Service.

Ms Margaret Martin: In terms of emergency barring orders, we recommend that a garda of suitable rank approve the call to the judge. This does not need legislation or anything else. In terms of addressing gaps in provision, it could be done immediately.

Ms Caitríona Gleeson: The committee received the 27 recommendations, but none should be taken in isolation. In terms of the Senator's question on specialised domestic violence courts, we set out to review them and to see what models there were. We discovered that there are multiple models across the world and that in the wrong hands they could be very detrimental to victims but in the right hands they could be very beneficial. In the UK, we spoke to a judge who oversaw one of the specialist domestic violence courts and to a judge who had responsibility for the mandatory training of all magistrates in England and Wales. Both of them were able to highlight the benefits of each of the systems. We either have one or both. The reality is that we have a very small country and a very small court system. We do not want domestic violence to be further ghettoised, but we want to address the fragmentation.

Some of the case studies in our research refer to women who have had 64 appearances in the court system - not in the criminal court system but in the civil one. There are significant failings in the system. The legislation is not being implemented consistently across the country by the Garda Síochána, the Courts Service and judges. That is one of the problems. A potential solution is the one family one judge model, which we are also discussing. It has major benefits in terms of the perpetrator not being able to what we term "forum shop"; in such instances the perpetrator is given a warning by a judge, but the following week he jumps the list and picks another judge to hear his case. Then 64 case appearances later the victim is still trying to be heard. One of the caveats - this is where the victims' rights directive is critical for many of the recommendations we are making - is that a victim gets stuck with a judge who does not have the expertise. We have seen two such cases, in which this was very detrimental.

On a point of clarification, I will comment on the breakdown of funding for support services and refuges. We represent all services across the country. Refuges provide an extensive range of support services. We need to be careful that when people look at the cost of a refuge, they realise that not only do the refuges around the country provide supports for women in refuge but also the whole range of services provided in the community.

Ms Fiona Growley: I was pipped at the post. I, too, wanted to mention the victims' rights package. It is very important in rolling out that directive that it attend to the issues we have raised today.

I urge the joint committee to look at the Istanbul Convention for its benchmarking potential, not only in terms of the criminal law which is under discussion today but also what will be discussed next week. In the case in point, the stalking legislation about which Ms Margaret Martin has talked, the Istanbul Convention requires states to criminalise stalking. This is very clear not only in Article 34 of the convention but also in the explanatory report that goes with it. It will give the committee good and useful information not only on the ambit of the offence but also its content. The convention is the product of states, including Ireland, negotiating for two years on this issue. We, too, were part of the negotiations and the convention really needs to be used, as it is the basis for good practice. We will not be able to accurately compare data for crimes across Europe unless there are comparable crimes.

Senator Tony Mulcahy: I wish to set the scene. I am a member of the Joint Committee on

Public Service and Oversight, but the matter under discussion at this committee is much more serious than the three ring circus being discussed at that meeting. However, the proceedings of this committee will not get the media coverage they should get.

I was born in 1959 and my first memory is of the radio broadcast of the Sonny Liston and Cassius Clay fight in 1964. For as long as I can remember, my father was a thug and a bully. I am not altogether sure how my mother who is still alive and my brothers and sister will react to what I will now say. What has changed since 1964 to the present day? The answer is nothing. Ms Catherine Joyce made a very good point on the impact on children who grow up in these environments. What she said challenged me to speak out. I am now 54 years, but I remember that night which I have never forgotten. The first idea in my mind was I should be able to deal with him. I was big enough at 16 years of age to be able to do this. I left the house in 1976, but I believe the violence continued. As he was getting older, he was not able to do it after that. We received no protection from the Garda Síochána. It could not give us protection, but I did not know this. When I was 16 years going on 17, my sister who was then 15 years old and I dealt with the situation and locked him out of the house.

I believe the first people who witness the scene of domestic violence should see it as a crime scene. I do not know how the treatment and reform programme works in cases that took place in the past. What was perpetrated at the time was an absolute assault, a criminal act. We need to treat it as a criminal act. I have seen cases in the past couple of years and saw a case in which the house was taken apart. The garda who comes to the house should be investigating a crime because it is a crime; it does not become a crime afterwards.

Ms Fiona Ryan: I agree.

Senator Tony Mulcahy: We must empower the garda to take statements and give his or her version of what he or she has witnessed, photograph the scene of the crime and, if the victims are willing, they should be photographed at that stage and doctor called immediately. That is when the bar is set. It should not be a case of having to consider where the woman and her children will be housed; the criminal is the person who should be removed from the house. That would solve the housing problems. If the perpetrators of these crimes knew there would be a criminal charge on foot of their actions, we might eliminate between 50% to 60% before they start. A major issue for local authorities is that a couple may be the joint owners of the family home and one cannot go on a housing list if one owns a house. This is a major challenge. We should focus on those who respond to the call for help. It should be a criminal offence and I hope this will happen in my lifetime. As I said, I had not intended to make a public statement on what needed to be done - I do not know what my brothers and sisters will think of these revelations - but I believe we need to deal with the criminal act. First, let us try to deal with the assault and the criminal act and then we could try to deal with some of the other issues.

I am a peace commissioner and gardaí come to my house at 1 a.m. or 2 a.m. If they were to come to my house, having witnessed a crime, to ask me to sign an order, I do not see any reason a peace commissioner or a commissioner for oaths could not do this. I do not see any reason community courts could not deal with such cases. We could look at providing such a role for them. It would be a good idea to look at that suggestion. A peace commissioner or a commissioner for oaths could certainly sign the order and there should be no need to look for a judge. Members of the Garda Síochána witness this on the front line. Unlike what is happening elsewhere, I trust 99.99% of gardaí implicitly and know they would not come to me unless a case warranted it. That is what we need to do. I will engage with the committee rapporteurs, Deputies Marcella Corcoran Kennedy and Anne Ferris. My belief is we should deal with the

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criminal acts first and then take it from there.

Chairman: I thank the Senator for that powerful presentation. I do not think a response is needed as it speaks for itself.

I thank everybody for giving of his or her very valuable time. I apologise for the length of the hearing, but it is an important issue. Many matters were discussed and I know that we could have spent an entire session dealing with any one of them. I invite the delegates to engage with the two rapporteurs, Deputies Marcella Corcoran Kennedy and Anne Ferris, or any member of the committee should they wish to draw the attention of the committee to a particular matter. The dialogue is open. We will publish the transcript and when the process is over, we would like to have a series of clear recommendation to send to the Government. As Senators and Deputies on the Opposition or Government side, we will try to progress them with the officials in the various agencies and Departments involved.

We will hold a second meeting on this matter on Wednesday, 26 February.

The joint committee adjourned at 5 p.m until 10 a.m. on Wednesday, 26 February 2014.