

**HIDDEN CRIMES:
EFFORTS TO REDUCE DOMESTIC AND
SEXUAL VIOLENCE IN IRELAND**

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Domestic and sexual violence are major issues in Ireland. Research shows that 29% of women and 26% of men suffer domestic abuse, when severe abuse and minor incidents are combined. Furthermore, 15% of women and 6% of men have experienced severely abusive behaviour from a partner. And yet less than 25% of these people have reported these incidents to An Garda Síochána.¹ 70% of the Irish public believe that domestic abuse against women is common, but only 38% of us would be willing to help a neighbour subjected to such abuse.² The statistics for sexual violence are even more worrying. 42% of women and 28% of men have experienced some form of sexual violence in their lifetime, with only 1% of men and 7.8% of women reporting such incidents to An Garda Síochána.³ This situation has been consistent over recent years, despite a wide range of initiatives to prevent and respond to these crimes.

Because of the high prevalence of domestic and sexual violence, and the low level of disclosure and reporting, the Government established Cosc in June 2007. Cosc is the

* Éimear Fisher was appointed as the first head of Cosc, the Irish National Office for the Prevention of Domestic, Sexual and Gender-based Violence, in June 2007. The office is tasked with developing the State's response to tackling domestic, sexual and gender-based violence.

¹ Watson and Parsons, *Domestic Abuse of Women and Men in Ireland: Report on the National Study of Domestic Violence* (Dublin: Stationery Office, 2005), p. 53, available at: http://www.esri.ie/pdf/BKMNEXT056_Domestic%20Abuse.pdf.

² Horgan, Muhlau, McCormack and Roder, *Attitudes to Domestic Abuse in Ireland* (Cosc, 2008), pp. iii and iv, available at: http://www.cosc.ie/en/COSC/Cosc_Attitudinal_Report_08.pdf/Files/Cosc_Attitudinal_Report_08.pdf.

³ McGee et al, *Sexual Abuse and Violence in Ireland (SAVI) Report* (Dublin: The Liffey Press in association with The Dublin Rape Crisis Network, 2002), pp. xxxiii and xxxvii, available at: <http://www.drcc.ie/about/savi.pdf>.

National Office for the Prevention of Domestic, Sexual and Gender-based Violence, and has been given responsibility for ensuring the delivery of a well co-ordinated “whole of government” response to domestic, sexual and gender-based violence. The key questions being examined by Cosc are:

- What is the current Irish system of prevention and response?
- What are the best systems internationally?
- What are the barriers hindering disclosure and reporting?
- What changes are required to ensure a more effective system in Ireland?

Domestic and sexual violence, and the interplay of organisations that provide frontline services and support in these fields, are very complex, and not very well aligned. In addition, the general societal response to these issues is falling short of what victims need. Cosc supports and works closely with service providers (both state and non-governmental organisations) who support victims and treat perpetrators. This work includes:

- Raising awareness about (i) the level and impact of these crimes and (ii) the local services that are available for victims.
- Developing strategies for preventing and dealing with these crimes, in line with best international practice.
- Further developing standards for service delivery and for training programmes.
- Putting in place positive actions that work with perpetrators.
- Facilitating the implementation of internationally established best practice throughout the sector.
- Working with relevant bodies to put together research which will inform future policy.⁴

⁴ There is very little research on domestic and sexual abuse in Ireland, but we can only identify the best way to tackle such abuse by taking an evidence-based approach and through using robust research. We need to build an accurate picture of the extent of the problem, societal attitudes and we need to

Research has shown that the attitude of the community surrounding the victim, and that of wider society, is an important consideration for the victim in deciding whether to report domestic and sexual violence.⁵ It is for that reason that one of Cosc's first research projects was a national survey of Irish attitudes to domestic abuse. The findings of this survey were launched on 13 January 2009.⁶ Simultaneously, we began a national public awareness campaign – “Your Silence Feeds the Violence” – aimed at encouraging the general public to become involved in supporting victims of domestic abuse.

The campaign itself was directly informed by the research on the public's attitudes. The research showed that although the Irish public was very sensitive to the issue of domestic abuse, and indicated high levels of awareness of its prevalence and its criminal nature, there was a marked reluctance to get involved in supporting the victim. As a result, we designed the campaign to illustrate that domestic abuse is not someone else's business. The key message is “Your silence feeds the violence”, and it is a challenge to the community to take positive action when we encounter such abuse. While domestic abuse may happen behind closed doors, it is often known to us, and we as a society, by not supporting victims, are giving perpetrators tacit permission to continue to abuse.

We are not, however, recommending that bystanders or neighbours directly confront the perpetrator. Such action may, of course, be dangerous for the bystander or neighbour, but crucially also may be a trigger for further abuse against the victim. Due to the need for appropriate action and the need to raise awareness of the many services in this area, the campaign call to action is to visit the Cosc website.⁷ There, people will find out what steps to take, and where to find the support agencies that are the experts in this area.

know and understand the current system. It is only then we can make informed changes.

⁵ Horgan, Muhlau, McCormack and Roder, *Attitudes to Domestic Abuse in Ireland* (Cosc, 2008), chapter 1.

⁶ Horgan, Muhlau, McCormack and Roder (previous note).

⁷ <http://www.cosc.ie>.

It is not enough just to drive awareness and change attitudes. The state services and NGOs must also deliver a system that prevents and responds effectively to domestic, sexual and gender-based abuse. This involves facilitating and coordinating existing services across the system, so that they work together to give victims the service and help they need. We are drawing on the immense experience that NGO and State service providers possess, to help structure services that support the victim and expose the perpetrator.

To do this we are currently working on the development of a national strategy on domestic, sexual and gender based violence. Late in 2008, we completed a round of regional and national consultations where we spoke to local service providers, NGOs, current victims and survivors. We are now working in partnership with a number of organisations, to determine and agree the actions to be taken to respond to the issues raised in the consultations. The national strategy is due to be published at the beginning of 2010.

The justice system plays a unique role in the response to domestic and sexual violence. It is often the intervention of last resort. As mentioned above, the National Crime Council survey found that less than 25% of people that have experienced severely abusive behaviour from a partner have reported it to An Garda Síochána.⁸ According to Yearnshire, on average a woman is assaulted 35 times before reporting it to the police.⁹ Even where victims make the courageous decision to report there are many complex reasons why they may withdraw their application in a civil/family law court, or be unwilling to act as a witness in a criminal court. Having taken the step into the court system, victims are often apprehensive about completing the process, because of emotional attachment to their abusers, fear of retaliation, mistrust, or lack of information about the criminal

⁸ Watson and Parsons, *Domestic Abuse of Women and Men in Ireland: Report on the National Study of Domestic Violence* (Dublin: Stationery Office, 2005).

⁹ Yearnshire, "Analysis of cohort data" in Bewley, Friend and Mezey (eds.), *Violence against women* (London: Royal College of Obstetricians and Gynaecologists, 1997), p. 45.

justice system, or fear of the demands of court appearances.¹⁰ Some victims have told Cosc that women do not want to end the relationship, but they want the violence to stop. This can be for a variety of reasons including shame, economic dependency, and family influence.

Often the courts are accessed at key points in the victim's disengagement from the perpetrator, such as when the victim is seeking a protective order. The initiation of legal action can sometimes spur the perpetrator to more extreme abuse. It is critical, therefore, that all those involved in the process have a good understanding of the complex dynamics of this abuse. Furthermore, support and court accompaniment services are often a key source of hope for the victim. Their involvement is important to support the legal process and the victim's progression to a non-abusive life.

The court experience is central to the recovery of victims. Survivors have reported that the experience has a very real potential to cause further significant damage and distress, but when effective it can greatly assist in recovery. In the submissions received on the development of the national strategy, Cosc received a number of suggestions relevant to the courts. Respondents repeatedly expressed concern at pre-trial decisions which determine the progress of a prosecution, pre-/during trial experiences which affect attrition rates, and what they perceive as inconsistent sentencing in cases of domestic and sexual violence.

A broad range of actions relevant to the courts were suggested for inclusion in the national strategy, but the common thread was the value of the provision of information to all those involved in the court process on the dynamics of domestic and sexual violence. This information would cover matters such as how perpetrators "groom" their victim's friends, family and support services. This is particularly important in the consideration of risk assessment of both perpetrators and the safety of victims and their children. A number of submissions

¹⁰ Goodman, Bennett and Dutton, "Obstacles to Victims' Cooperation with the Criminal Prosecution of Their Abusers: The Role of Social Support", (1999) 14 *Violence and Victims* 427; Miller, "An Arresting Experiment: Domestic Violence Victim Experiences and Perceptions" (2003) 18 *Journal of Interpersonal Violence* 695.

also highlighted the issue of access to and custody of children in cases where domestic violence has been a feature, and the potential for offenders to use access to children as a means of control and ongoing violence. In this regard, it is important to recognise that domestic violence forms a pattern of abuse combining physical and psychological pressures that can turn even seemingly innocent activities (such as sending flowers to the victim or passing messages via children) into further opportunities for the perpetrator to intimidate or pressure their client.

There are some myths surrounding domestic abuse, such as “it only happens to low-income couples”, or the pernicious “s/he could/should have just left at any stage”. Equally pernicious in cases of sexual violence is the tendency to confuse or equate the expectation that a victim should have avoided risk with culpability for the actual sexual assault. This results in the victim being held responsible, in whole or in part, for the assault on the basis that they failed to avoid the risk. Only through a clear understanding of the prevalence of the issue, and the measures that a perpetrator uses to exercise control over the victim, can the true nature of the victim’s plight be comprehended. In addition, an understanding of the behaviour patterns of abuse aids the detection of tell-tale indicators and the recognition of potential strategies that may be used to avoid criminal penalties or court-mandated domestic violence intervention treatment.

The “timeliness” of the court process was emphasised as a critical determinant of a complainant’s willingness to assist a prosecution. It was pointed out that many victims, particularly those dependent on carers, are trapped in extremely vulnerable situations while awaiting court procedures. Submissions emphasised the importance of speedy procedures to deal contemporaneously with issues of access, maintenance, loss of family home and disposal of household chattels, and orders under the Child Care Act, 1991. Other suggestions included the establishment of specialised Domestic Violence Courts; the use of family conferencing methods (as already applied in work with young people) in complex cases of violence against older adults; and that court scheduling has regard to the particular nature of

these cases, including the ongoing pattern of abusive behaviour and the proximate relationship of the victim to the perpetrator.

These are a sample of the range and nature of the submissions made in relation to the courts. A full report of the submissions received and being considered by Cosc, in the context of developing the national strategy, is available on our website.

An effective national strategy which makes victims aware of the services available to them, exposes perpetrators to censure and intervention, and encourages Irish society to play its part in preventing this criminal abuse, will undoubtedly increase the number of such cases before the courts. An increase in reporting will be an indicator of a successful strategy, but with strong complementary preventative actions it should also lead to a reduction of abuse in the longer term.

We consider it important that you are aware of the actions taking place to improve the system of prevention and response for these horrific and usually hidden crimes as well as tragic personal situations. If you are interested in this subject please visit www.cosc.ie for more information on the development of the strategy and on Cosc's broader work.