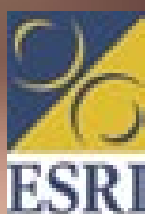




# Domestic Abuse of Women and Men in Ireland

## Report on the National Study of Domestic Abuse

From the National Crime Council in association with  
the Economic and Social Research Institute



# Foreword and Recommendations from the National Crime Council

## Part I: Foreword

The National Crime Council was set up in 1999 with two key roles, namely to focus on crime prevention and to raise public knowledge and awareness of crime. In deciding how best the Council could exercise these twin roles, it was decided initially to give priority to those crimes which cause personal trauma and distress to individuals and which cause fear and anxiety in the community, such as public disorder and domestic abuse.

The tireless work and efforts of many organisations and individuals over the last two decades has led to an increased awareness of domestic abuse as a serious and complex social issue. Nevertheless, the Council is very conscious of the need for reliable and up-to-date statistics and information to inform and guide policy formulation and decision making in this area. This is the first ever large scale study undertaken to give an overview of the nature, extent and impact of domestic abuse against women and men in intimate partner relationships in Ireland today. The report looks, in particular, at domestic abuse that is serious in nature and which is likely to call for an intervention from the Criminal Justice System and/or place demands on support services for victims.

The National Crime Council embarked on the preparations for this national study in the Spring of 2001 with financial support from the Department of Justice, Equality and Law Reform and the Department of Health and Children. We would like to thank both Departments for this support. In preparing the ground work for this study, we benefited from the advice we received from a range of experts and organisations and for this we are most grateful. The questionnaire was developed by the Council's then Research Officer, Ms. Nicola Hughes. The Advisory Group (details at Appendix 5) provided invaluable guidance during the drafting stage and great credit is due to Ms. Hughes for her diligence and attention to detail in ensuring that the questionnaire met the highest standards.

The Economic and Social Research Institute (ESRI) was commissioned by the Council to administer the questionnaire using a telephone methodology in 2003. The ESRI put in place a range of protocols and procedures to ensure the safety of both the respondents and the interviewers. This report is published in association with the ESRI. The report was written by Dr. Dorothy Watson, Senior Researcher with the ESRI, Principal Investigator and Senior Author, and Miss. Sara Parsons, Research Officer with the National Crime Council. Only those who have worked closely with the aforementioned and the Advisory Group in recent months will fully appreciate their dedication, patience and commitment to this project.

The Council believes that the results outlined in the report will provide policy makers, organisations providing help and support to women and men experiencing domestic abuse, the research community, the media and the general public with up-to-date information that will inform and assist in the further development of policies and initiatives needed to challenge and reduce this type of often hidden abuse.

Many of the behaviours which form part of domestic abuse are criminal although there is currently no criminal offence of 'domestic abuse' *per se* in Ireland. Given the numerous provisions in current legislation which may be utilised to address most forms of abusive behaviour, the Council does not believe it is necessary to create a new criminal offence of 'domestic abuse'. Furthermore, the study

findings do not suggest that the creation of such an offence would lead to increased reporting and/or prosecution of such behaviour.

Future policy formulation must reflect the fact that both women and men experience severe domestic abuse, albeit men to a far lesser extent than women. The survey findings suggest that domestic abuse has become a more prevalent phenomenon in Ireland in recent years; this demands a cohesive response from Government, statutory and non-statutory bodies. The Council calls on the Government, the National Steering Committee on Violence Against Women, and all other organisations dealing with women and men experiencing domestic abuse and perpetrating such abuse to give careful and urgent consideration to the findings and the recommendations set out hereunder.

## Part II: Recommendations

In framing its recommendations the Council recognises that domestic abuse can take many forms and usually consists of a pattern of behaviour - often with severe consequences - involving not only physical abuse but also other types of abuse such as emotional and sexual abuse, isolation from family and friends, control over access to money and threats to others including children. The Council's recommendations are divided into a number of subgroups: implications for the legal system; implications for other State services; awareness raising; service provision as well as research and data collection.

### a) The Legal System

The Department of Justice, Equality and Law Reform is responsible for legal initiatives, both civil and criminal, preventative measures that can be put in place, including intervention programmes for perpetrators of domestic abuse and awareness raising measures aimed at changing society's attitude to domestic abuse. The Department also co-ordinates the work of the National Steering Committee on Violence Against Women.

The Council acknowledges the work of An Garda Síochána in adopting a pro-active arrest policy when dealing with domestic abuse call-outs. However, the study findings have indicated that people are reluctant to involve the Gardaí in cases of domestic abuse with only a very small percentage of severely abused respondents having reported the incidents to the Gardaí. Many of the reasons for non-reporting stem from a minimising of the behaviour at the time, a belief that the behaviour was not serious enough to warrant Garda involvement and a reluctance to instigate criminal proceedings against a partner or ex-partner. The Council believes that the experiences outlined in this report are serious and do warrant intervention from the legal system which should be able to adapt and respond to the needs of victims of crime, including domestic abuse. Of course, any sanctions imposed by the legal system must prioritise the safety of victims and should aim to rehabilitate the offender. It is against this background that the Council makes the following recommendations to the Department of Justice, Equality and Law Reform and bodies under its aegis.

In relation to **An Garda Síochána** the Council recommends that:

- 1) **The recording of domestic abuse call-outs and the Garda action taken in response to such call-outs is closely monitored – consistent practices must be maintained and monitored nationwide if the public are to have the confidence to report experiences of domestic abuse.**
- 2) **The PULSE system must be able to capture repeat call-outs, the existence of court orders, convictions and charges pending.**
- 3) **Members of An Garda Síochána attending a domestic abuse call-out should have available to them, at the time that they respond, all the relevant information from the PULSE system outlined at (2) above.**
- 4) **A review of policy and procedures is undertaken to encourage increased reporting of domestic abuse incidents by women and men.**
- 5) **Members of An Garda Síochána receive on-going appropriate training in how to deal with domestic abuse call-outs placing particular emphasis on dealing with all cases in a confidential and sensitive manner.**
- 6) **Members of An Garda Síochána receive on-going training around cultural diversity to enable them to deal with call-outs from minority groups, including Travellers, in a confidential and sensitive manner.**

In relation to **court procedures** the Council recommends that:

- 7) **When domestic abuse is a contributory factor in a crime a Court should consider such conduct as an aggravating factor when sentencing.**
- 8) **Both the Criminal Courts and the Family Divisions of the Civil Courts should be provided with a wider range of disposal options, taking into account the safety of the complainant and the treatment and/or rehabilitation of the offender.**
- 9) **In criminal cases, where it is considered appropriate, the Court could use the option of deferment of sentence pending the completion of a mandated treatment and/or rehabilitation programme. In such cases, the granting of a Barring or Safety Order could be considered by the Court at the same time.**
- 10) **In family law cases, where it is considered appropriate, the Court could use the option of deferment of the granting of a final Barring or Safety Order pending the completion of a mandated treatment and/or rehabilitation programme. In such cases, the granting of intermediary relief such as an Interim Barring Order or a Protection Order could be considered for the duration of such deferment if deemed necessary by the Court.**

- 11) Judges who sit in Family Law Courts should receive appropriate training in this area and should thereafter receive on-going training.
- 12) The structures, resources and any necessary legislative changes should be put in place to ensure that, in appropriate cases, the Courts can make use of a wider range of sanctions, when dealing with the perpetrators of domestic abuse. In particular, the Probation and Welfare Service should be adequately resourced to enable it to discharge its functions. Consideration should be given to the Service resuming the provision of reports in family law cases.

The Council acknowledges that the Courts Service provides an essential service to those who have experienced domestic abuse and points to the link between domestic abuse and marital breakdown. This latter finding may have implications for the workload of the Courts Service.

In relation to the **Courts Service** the Council recommends that:

- 13) The establishment of dedicated Regional Family Law Courts, using existing court facilities, be considered to protect the privacy of the parties.
- 14) In its on-going court building and modernisation programme the Courts Service should take account of the possible increase in family law litigation thus leading to a requirement for additional accommodation for Family Law Courts with suitable ancillary services.
- 15) Data on the gender, age group and available demographic details of applicants and respondents in family law cases be collected.
- 16) Data on the gender, age group and available demographic details of both accused persons and injured parties in criminal law cases where domestic abuse is a contributory factor be collected.
- 17) Data on applications for domestic violence orders i.e. Barring and/or Safety Orders which are withdrawn or struck out be recorded separately. The Courts Service should put in place a mechanism to monitor and respond to significant variations which may occur in the withdrawal or strike out rates at a regional level.

#### **b) Other State Services**

It is clear from the findings in this report that there are implications for Government Departments and others outside the legal system.

The Department of Health and Children, through the Health Service Executive (HSE), has responsibility for the provision of care services to those who have experienced violence, including domestic abuse.

In relation to the **Department of Health and Children** the Council recommends that:

- 18) A Working Group be established to review the findings and recommendations of this report and assess the implications for the supports needed by women and men experiencing domestic abuse. The Working Group should liaise with the National Steering Committee on Violence Against Women to co-ordinate and enhance the provision of services to all those women and men who have experienced domestic abuse.**

In relation to the **Health Service Executive** the Council recommends that:

- 19) An awareness programme be co-ordinated amongst all health professionals of the range of service(s) available at a regional/local level to women and men experiencing domestic abuse provided by each of the recently established Health Service Executive Areas and also by other agencies.**
- 20) Specialist nurses and social workers be appointed in General Hospitals and Maternity Hospitals to help in the early detection of domestic abuse and to ensure that patients who disclose such incidents are given effective follow-up counselling and information. These health professionals should be particularly aware not only of the physical injury which can result from domestic abuse but also of the emotional and mental trauma which women and men may be experiencing.**
- 21) Counselling professionals and social workers should receive specialist training so that they are in a position to respond appropriately to women and men who have been emotionally damaged by domestic abuse.**
- 22) Appropriate information be provided to all General Medical Practitioners to assist them in advising patients who disclose incidents of domestic abuse in the confines of the doctor's surgery.**

In relation to the **Department of Education and Science** the Council recommends that:

- 23) A mandatory module on domestic abuse be included in the Social, Personal and Health Education (SPHE) programme at post primary level.**

In relation to the **Department of Social and Family Affairs** and the **Family Support Agency** the Council recommends that:

- 24) The link between domestic abuse and marital breakdown identified in this report be reviewed and consideration given to what strategies may need to be put in place to provide further supports to families.**

**c) Awareness Raising**

The Council recommends that:

- 25) A public awareness media campaign highlighting domestic abuse against women and men, including the damaging emotional impact, be developed by the Government with modules designed for different audiences such as young people, minority groups, the general adult population, employers and medical and legal professionals to help them recognise and respond appropriately to the issue.**
- 26) Information on the supports and services available to women and men experiencing domestic abuse should be widely disseminated and made available in user friendly format in appropriate settings.**
- 27) An easily accessible and 'plain English' guide to the civil and criminal litigation options of redress open to those who have experienced domestic abuse should be produced and widely distributed.**

**d) Service Provision**

The Council recommends that:

- 28) The findings from this report are used to inform decisions on:**
  - the supply and type of services available to women and men experiencing domestic abuse; and
  - the services to be afforded to perpetrators of domestic abuse who show a willingness to change their behaviour.
- 29) Consideration be given to establishing a refuge for men, initially on a pilot basis, in Dublin.**
- 30) Multi-annual funding is guaranteed to service providers, including those providing targeted initiatives for minority groups, to help them plan and develop responses in this area. In particular, the needs of children and the desirability of keeping the family unit together must be catered for.**
- 31) Such multi-annual funding is accompanied by independent evaluation of:**
  - the range and diversity of services provided to women and men experiencing domestic abuse; and
  - the services afforded to perpetrators of this behaviour.
- 32) To ensure the delivery of culturally appropriate services to victims of domestic abuse, appropriate training to increase awareness of the diversity of the Irish population and to promote a culture of anti-racism should be undertaken by service providers.**

### **e) Research and Data Collection**

The Council recommends that:

- 33) The planned National Crime Victimization Survey - arising from a recommendation of the National Crime Council - should include dedicated questions related to experience of domestic abuse.**
- 34) The Department of Justice, Equality and Law Reform should consider undertaking further research to examine the pattern of and regional variations, including variations by population, in:**
  - arrests, charges and convictions resulting from domestic violence incidents; and**
  - the outcomes of applications for domestic violence orders.**
- 35) Annual official data collected by the criminal justice agencies around domestic violence should be monitored by the Department of Justice, Equality and Law Reform to assist policy makers in assessing the response of the legal system to this area of crime and the adequacy of current legislation.**





# Executive Summary

What is domestic abuse? How common is it in Ireland? Is it something that affects only women or are men affected as well? Who is most at risk? What impact does it have?

These are some of the questions addressed in the present study. The project was commissioned by the National Crime Council and is based on a survey conducted by the Economic and Social Research Institute of a nationally representative statistical sample of over 3,000 adult women and men. In addition, a series of in-depth focus group interviews were conducted with marginalised women (Travellers and immigrant women) to draw out the issues of concern to them.

The goal of the project was to provide up-to-date information on the nature, extent and impact of domestic abuse against women and men in intimate partner relationships in Ireland today.

## What is Domestic Abuse?

Based on evidence from the international literature and evidence from the survey, it is clearly important to draw a distinction between those **experiencing severe abuse** (a pattern of behaviour with a significant negative impact) and those experiencing **minor incidents** that had little impact on them.

Severe domestic abuse is defined as

*a pattern of physical, emotional or sexual behaviour between partners in an intimate relationship that causes, or risks causing, significant negative consequences for the person affected.*

It is a *pattern* of behaviour (not just a single act) in intimate relationships of the kind that would typically have a *significant negative impact* (physical injury, high levels of fear or distress) on the person affected. The partners may be married, cohabiting or dating. The abuse may be physical (such as slapping, punching, kicking), verbal threats, sexual (such as actual or attempted forced sexual intercourse) or emotional (such as humiliation, depriving of money, preventing contact with family or friends, name-calling).

In general a single action would not constitute domestic abuse, unless it results in physical injury or high levels of fear or distress. A push or shove of sufficient severity to result in physical injury, for instance, would constitute domestic abuse if it resulted in the person being injured. However, such acts rarely occur in isolation – those experiencing severe abuse generally suffer a number of different types of behaviour from the abusive partner.

In the report we focus on those who have, at some time in their lives, experienced **severe abuse** in an intimate relationship. If we were to consider all isolated instances of pushing, shoving or name-calling as ‘domestic abuse’, this would lead to a misleading picture of the prevalence of abuse, the impact on those affected and the profile of those most at risk. Nonetheless, such forms of behaviour should not be ignored or excused as to do so could be seen as legitimising severe abuse.

## How Common is Domestic Abuse in Ireland?

***The results show that 15 per cent of women (or about one in seven) and six per cent of men (or one in 16) have experienced severely abusive behaviour of a physical, sexual or emotional nature from a partner at some time in their lives.***

One woman in 11 has experienced severe physical abuse in a relationship, one in 12 has experienced sexual abuse and one in 13 has experienced severe emotional abuse.

One man in 25 has experienced severe physical abuse, one in 90 has experienced sexual abuse in a relationship and one in 37 has experienced severe emotional abuse.

These figures show that ***while the risk to women is higher, domestic abuse is something that also affects a significant number of men.*** The survey suggests that in the region of 213,000 women and 88,000 men in Ireland have been severely abused by a partner at some point in their lives.

## Who is Most Likely to have Experienced Abuse?

The survey pointed to a number of factors associated with an increased risk of having experienced domestic abuse. The main ones are outlined below.

- As we saw above, **women** are over twice as likely as men to have experienced severe physical abuse, seven times more likely to have experienced sexual abuse, and almost three times more likely to have experienced severe emotional abuse.
- **Young adults** are more likely to have experienced severe abuse than older adults. For men, the odds of severe abuse decline by 37 per cent with each 10 year increase in age, but the odds decline more slowly for women (15 per cent every 10 years).
- Women and men whose **parents were abusive to each other** are at an increased risk of experiencing abuse as adults (more than double the odds of being abused). There is also an increase in risk if the partner's parents were abusive to each other.
- While there is no relationship between the risk of severe abuse and household income, it matters a great deal **who makes decisions about money**. The majority of couples who live together (80 per cent) make decisions about money jointly. Among people living with a partner, the odds of severe abuse are increased dramatically (seven times for women and 2.5 times for men) where the partner controls decisions about money.
- Those who have **ever had children** face over three times the odds of severe abuse compared to those without children. This pattern was found for both women and men and is unrelated to the age of the children or to the number of children. This greater vulnerability associated with parenthood could be due to a number of factors, including the stresses of parenthood or the greater difficulty in leaving a relationship when there are children involved.

- A number of findings in the report suggest an increased risk of abuse where the partners are **isolated from close family and neighbourhood supports**. The odds of having been severely abused are slightly higher (27 per cent) in **urban** than in rural areas; and are 76 per cent higher for **those born outside Ireland** (most of whom are other Europeans) than for those born in Ireland. Where the person does not know whether or not there was abuse between the parents of the partner, suggesting little contact with the extended family, the odds of abuse are almost doubled. These findings suggest that integration into a close-knit community may play a role in preventing abuse.
- Although the ultimate causes of domestic abuse are the subject of ongoing debate, we examined whether abuse appeared to be **triggered** by any specific types of events. In almost two out of five cases, the abusive behaviour **had no specific trigger or was triggered by minor incidents**. In about one third of cases, abuse is associated with the consumption of **alcohol**. However, in only one quarter of cases was alcohol consumption *always* involved. Nevertheless, abuse that occurs in the context of alcohol use may be more likely to lead to injury, so that its role in triggering domestic abuse needs to be taken seriously.

### What Impact does Domestic Abuse have?

Among those experiencing severe abuse (physical, emotional or sexual), **about half were physically injured**. Women's injuries tended to be more serious – **women are nearly twice as likely as men to require medical treatment for their injuries** and 10 times more likely to require a stay in hospital.

Domestic abuse is also associated with **poor health** and **disability**. Among those whose health is not good, the odds of having experienced severe abuse are 1.8 times higher than among those whose health is good. The odds of having experienced severe abuse are 2.9 times higher for those who are severely hampered by a condition or disability.

Those who had experienced severe abuse placed a great deal of emphasis on **emotional abuse**. This was also emphasised during the focus group interviews with marginalised women. Almost half of the severely abused respondents – even those who experienced severe physical or sexual abuse – listed an emotional incident as being the worst thing that happened to them, and women and men were very similar in this respect. Both women and men who have been severely abused report negative emotional consequences. Women, however, are more likely than men to have been **very frightened or distressed** (93 versus 62 per cent for men) and to report that the experience had a **major impact on their lives** (80 versus 56 per cent). More women than men also report a **loss of confidence** (30 versus seven per cent).

There is a clear link between domestic abuse and **marital breakdown**. Among those who are separated or divorced, almost 60 per cent of women and 30 per cent of men have experienced severe abuse at some point in their lives. The odds of having experienced severe abuse, when other factors are controlled, are 21 times higher for those who are separated or divorced than for those who are married or widowed.

There is also evidence that people are **leaving abusive relationships**. Of those who were ever physically abused, almost three quarters were no longer in that relationship. **Among those who lived with an abusive partner in the past, over half moved out** and three quarters of abusive relationships with the former partner were ended by the abused person.

### Telling Someone and Seeking Remedies

Most women and men who were abused had told someone about it: **almost half had confided in friends** and about two in five had talked to family members. **Only a minority (one in five) had reported the behaviour to the Gardaí**, however **and men were less likely than women to report** (five per cent of those severely abused compared to 29 per cent of women). Women and men give similar reasons for not reporting the abuse, most often related to the seriousness of the behaviour, a preference for handling the situation themselves, and shame or embarrassment. Part of the reason that men are less likely to report abuse may be that they are less likely to receive injuries that require medical attention and many of them are not as affected emotionally, but also that they may have concerns that their situation will not be taken seriously.

There is a fairly high familiarity with the existence of helplines but, perhaps because of the reliance on informal supports, **only seven per cent of those who were abused had contacted a helpline**.

Informal supports were also important when someone left an abusive relationship. Of those who were living with an abusive partner and moved out, **nine out of 10 stayed with family or friends**, and only seven per cent stayed at either a homeless hostel, a refuge or on the street.

Of those who had been severely abused, **one third have never told anybody** or sought help from any of the agencies.

### What are the Implications of the Findings?

The findings have implications for a number of areas of public policy.

#### The Gardaí and the Courts

Given the very significant numbers of women and men affected, domestic abuse should ideally be dealt with by the criminal justice system. However, the fact that many of the particular acts involved can also occur as isolated incidents with little or no impact presents difficulties for the criminal justice system. The criminal justice system is, in the main, designed to respond to particular incidents rather than to a pattern of behaviour and there are difficulties, in particular, in responding effectively to emotional abuse because the acts involved can vary tremendously in their impact.

The official figures on domestic abuse from the Garda statistics represent the tip of the iceberg, since most of those affected have never reported the behaviour. This makes it difficult to draw conclusions about underlying trends in domestic abuse on the basis of figures dealing with incidents reported to the Gardaí. It also means that it is not possible to use these figures with confidence in planning services for those affected in other areas, such as counselling, health and refuges.

In examining the reasons for not reporting to the Gardaí, the responses pointed to the need to emphasise that domestic abuse ***cases will be handled in confidence and with sensitivity, and will be treated seriously.*** There is also a need for clear information on how the legal remedies are applied.

The Family Law Courts need to be sensitive to ***the potential role of domestic abuse in separation and divorce cases.*** While it is certainly positive that people are leaving abusive relationships, it is important to ensure that their rights and safety are protected when they do so.

### Health Services

***Health care workers, such as doctors and nurses, may be among the first professionals to become aware that a person is being abused.*** It is important to ensure that GPs and other health personnel have an understanding of the impact of domestic abuse and have information on the appropriate referral agencies, including the Gardaí, helplines and refuges.

Those who experienced abuse rarely contacted social workers or the social services, pointing to a need for publicity on the role of Community Welfare Officers in referring those experiencing domestic abuse to the appropriate agencies, including social workers trained in domestic violence counselling.

### Public Education

The data on public attitudes towards abuse showed a high level of awareness of the problem and a low tolerance for abusive behaviour. Therefore, it would appear that it is ***the gap between behaviour and what people see as appropriate*** that needs to be addressed. An understanding of domestic abuse and how it could be avoided, and the role of alcohol could usefully be incorporated into the second level curriculum on Social, Personal and Health Education.

### Helplines and Refuges

Not all of those who have been abused may feel the need to contact helplines, given that most tend to draw on informal sources of support from friends and family. However, it is ***important that the service be available for those who do not feel able to talk to people close to them.*** One third of those who had been severely abused have never told anybody. It is likely that the confidentiality of the service and the benefit of simply talking about what has happened, or is still happening, needs to be emphasised to this group.

Again, not all of those who have been severely abused will need the services of refuges. The availability of other options such as staying with family and friends, or legal procedures (such as Barring Orders) for ensuring that the abusive person moves out probably explains why only two per cent of those who were severely abused contacted a refuge for help. Nevertheless, over 7,000 women and almost 1,000 men, had to rely on emergency accommodation from homeless shelters or refuges. Further research is needed on their circumstances at the time they moved out, such as whether they moved out alone or with children, and the nature of the threat from the partner, to determine whether they would require the extra security typically provided by women's refuges.

Another group of concern is those who did not move out and who are still living with an abusive partner. Confidentiality, sensitivity and security also need to be emphasised to this group.

The focus group interviews with marginalised women, who may be among the groups most in need of refuge, point to the need for **security and confidentiality** to be a priority at all refuges in Ireland, and for provision to be made for **the admission of older children to refuges**. The focus group interviews also highlighted the need for services to be **culturally appropriate** and for service providers to adopt an anti-racist code of practice.