North South Co-operation to Tackle Violence Against Women

Dialogue Report

November 2024

An Roinn Gnóthaí Eachtracha
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Background

This report builds on the extensive cross-border experience and expertise of groups working to address violence against women and girls (VAWG). With a relationship cultivated over years of collaboration through the All Island Women's Forum (AIWF), the National Women's Council (NWC) and Women's Aid Federation Northern Ireland (WAFNI) developed the North-South Cooperation to tackle Violence Against Women (VAW) project, aiming to foster practical cooperation and develop all-island strategies to combat intimate partner violence (IPV) and support victims and survivors.

The North-South Cooperation to tackle VAW project brought together an *All-island Violence Against Women Working Group* made up of key organisations working at local, regional, and national levels, all of whom have extensive expertise in addressing male violence against women, with a specific focus on intimate partner violence. These organisations are well-established partners within their respective jurisdictions and are crucial in shaping policies and enhancing service provision for women victim-survivors. The group's broad representation includes voices from migrant, Traveller and Roma communities, ensuring that diverse experiences of IPV are addressed.

The group's discussions have centred on key differences between service provision, legal protections for IPV victims-survivors, and approaches to punishing perpetrators in Northern Ireland and the Republic of Ireland. It has also explored the unique challenges the border presents for both victims-survivors and service providers.

Organisations involved in the working group include Akidwa, Aoibhneas, Cavan Traveller Movement, Domestic Violence Advocacy Service (Sligo, Leitrim, West Cavan), Donegal Travellers Project, National Women's Council of Ireland, Pavee Point Traveller and Roma Centre, Survivors Informing Services and Institutions (SISI), Tearmann Domestic Abuse Services (Safe Ireland Cavan & Monaghan), Women's Aid Northern Ireland (Antrim, Ballymena, Carrickfergus & Newtownabbey Women's Aid, Armagh Down Women's Aid, Belfast & Lisburn Women's Aid, Causeway and Mid Ulster Women's Aid, Fermanagh Women's Aid, Foyle Women's Aid, North Down & Ards Women's Aid, Omagh Women's Aid, Women's Aid Federation Northern Ireland), and Women's Aid (Ireland). Additionally, the 2022 Shared Island Dialogue series, organised by the Shared Island Unit in the Department of the Taoiseach in collaboration with the Department of Foreign Affairs and other stakeholders, held the *Tackling Gender-Based Violence and Abuse on a Shared Island* event. The report published from this event highlighted key themes closely aligned with the focus of this project.

This report is based on a series of in person and online meetings of the group, which began in November 2023 and concluded in July 2024. The aim of the report is to amplify survivor experiences across the island, to reflect on the epidemic

of violence in both jurisdictions, to make visible how the border is an issue for consistency in supports available for survivors, and to highlight the vital role that civil society organisations play in both jurisdictions in this area. This report does not aim to provide an action plan but seeks to highlight how the border affects the recognition and consistent response to intimate partner violence, including cross-border collaboration and its impact on women and children across the island of Ireland. It serves as the beginning of a dialogue on IPV issues, with the goal of deepening and expanding collaboration in the future.

To support this, the group discussed a high level, preliminary analysis of both jurisdictions in terms of policy and legislation relevant to IPV, access to emergency and long term accommodation and supports for women and children victim-survivors of IPV (including social protection schemes, psychosocial supports, healthcare, legal aid); as well as the Justice System (e.g. access to justice-courts, Gardai and PSNI, order efficacy and enforcement, access and custody issues, the inclusion of survivor voices, interconnection with the criminal justice and child care processes, etc.), and additional barriers and specific issues that Traveller and Roma, as well as migrant women have to endure.

The report makes recommendations for both jurisdictions on the need to increase access to cross-border and all-island supports for all survivors of IPV living on the island of Ireland, with clear, comprehensive, co-ordinated and adequately funded services, with a victim centred approach.

Context

Policy and Legal Frameworks in Republic of Ireland (ROI) and Northern Ireland (NI)

Both jurisdictions have seen significant progress in policy and legislation related to intimate partner violence in recent years.

The United Kingdom (in 2022) and the Republic of Ireland (in 2019) have both ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), the international treaty obligation to tackle violence against women in all its forms. The Domestic and Sexual Abuse Strategy (2024-2031) in Northern Ireland and the Third National Strategy on Domestic, Sexual and Gender-Based violence (2022-2026) in the Republic of Ireland have each developed their own strategies for combating violence against women, grounded in this shared international framework. It is important to note that until 2024, Northern Ireland was the only part of the UK and the island of Ireland that did not have a specific strategy focused on bringing an end to VAWG. The strategies in both jurisdictions follow years of campaigning by women's and specialist services organisations. In both jurisdictions the strategies were developed in consultation and through processes of co-design with civil society, and in line with the four pillars of the Istanbul Convention, to prevent violence against women, protect victims-survivors, prosecute perpetrators, and establish institutional mechanism to implement co-ordinated policies.

In Northern Ireland, notable examples include the *Domestic Abuse & Civil Proceedings Act 2021*[1], that introduced the offence of coercive control. It is important to note that the Act is still not fully operational with no Domestic Abuse Protection Orders and Notices enforceable, which puts NI in breach of the Istanbul Convention, Article 52[2].

Other advancements include the *Protection from Stalking Act (Northern Ireland) 2022*[3], which makes stalking a specific offence, the *Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022*[4], that makes non-fatal strangulation a specific crime and the threatening to publish image-based violence a crime, along with upskirting, downblousing and cyber flashing.

In the Republic of Ireland, progress includes the *Domestic Violence Act 2018*[5], which also introduced the offence of coercive control, and *'Coco's Law' (Harassment, Harmful Communications and related offences Act 2020)*[6], that contains provisions to prosecute online harassment and image based sexual abuse. Further legislative developments include the *Criminal Justice (Miscellaneous Provisions)*

1 Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021 (legislation.gov.uk)
2 ES190177_Prems 084117 GBR 2574 Convention Istanbul Article 52 WEB A5.pdf (coe.int)
3 Protection from Stalking Act (Northern Ireland) 2022 (legislation.gov.uk)
4 Justice (Sexual Offences and Trafficking Victims) Act (Northern Ireland) 2022 (legislation.gov.uk)
5 https://www.irishstatutebook.ie/eli/2018/act/6/enacted/en/html
6 https://www.irishstatutebook.ie/eli/2020/act/32/enacted/en/print

Act 2023[7], which addresses the offences of harassment, stalking, non-fatal strangulation or suffocation and non-fatal strangulation or suffocation causing serious harm.

Differences in policy and legislation between the two jurisdictions include the provision for paid domestic violence leave. In NI the *Domestic Abuse (Safe Leave) Act*[8] provides for victims-survivors of domestic abuse to take up to 10 days paid leave annually. ROI have moved forward with 5 days paid domestic violence leave under the *Work Life Balance and Miscellaneous Provisions Act 2023*[9], which provides for five days of paid domestic violence leave annually at full pay. In NI, however, there is no commencement date for this legislation and therefore it has been stalled.

The *Domestic Homicide Reviews*[10] in NI aim to prevent future domestic homicides by learning lessons from the death and improving responses to domestic abuse victims-survivors (and their family and children). Currently no similar scheme operates in the ROI. The *Domestic Abuse, Stalking and Honour Based Violence (DASH 2009-2022)* in NI provides for a risk identification, assessment and management model implemented across all police services in the UK from 2009 to ensure a more proactive risk-based approach to keep victims-survivors safe. Additionally, the *Domestic Abuse Multi-Agency Risk Assessment Conference (MARAC) Review* in NI is a police led process attended by agencies that can provide relevant information, expertise and actions to safeguard the adult victim. In ROI there is a Domestic Abuse Risk Evaluation tool operational and in use in every Garda District, Division and Region, to assess the risk posed to a Domestic Abuse victim by the perpetrator when responding to Domestic Abuse incidents, but there is no multi-agency engagement as in NI.

The *Domestic Violence & Abuse Disclosure Scheme (DVADS)*[11] is another example of progress by which the police across the UK have a common law power to disclose relevant information to members of the public when it is necessary to do so to prevent crime (e.g. it lets a person aged 16 or over to make inquiries to the police where they are concerned that their partner, or the partner of someone that they know has a history of abusive behavior). Currently no scheme operates or is planned for introduction in the ROI.

Finally, *Operation Encompass*[12] in NI is a partnership between the Police Service of Northern Ireland, Safeguarding Board Northern Ireland, the Education Authority and schools that aims at supporting children who witness domestic violence or abuse in the home. It allows the officers to pass on relevant information to the safeguarding team at the child's school, so the right support can be put in place. Operation Encompass recognizes children as unseen victims of domestic abuse and the impact of the trauma that children experience from being in a house where there is domestic abuse. Currently no scheme operates in the Republic of Ireland.

Despite significant progress in the north and south, domestic violence and abuse remains at critically high levels across the island of Ireland. Police Service of Northern Ireland (PSNI) statistics show

7 https://www.irishstatutebook.ie/eli/2023/act/24/section/23/enacted/en/html
8 Domestic Abuse (Safe Leave) Act (Northern Ireland) 2022 (legislation.gov.uk)
9 https://www.irishstatutebook.ie/eli/2023/act/8/enacted/en/html
10 Domestic Homicide Reviews (DHRs) | nidirect
11 Domestic Violence and Abuse Disclosure Scheme | Department of Justice (justice-ni.gov.uk)
12 Operation Encompass | PSNI

that there were 32,875 domestic abuse incidents[13] reported in the year 1 April 2022 – 31 March 2023, an average of **one call every 16 minutes**[14]. In the Republic of Ireland, in 2023, the Gardaí received 59,625[15] emergency calls reporting domestic abuse, an average of more than **one call every 10 minutes**[16]. It is important to note the difference in population between the 2 jurisdictions: in 2022 NI had an estimated population of 1,910,543 and ROI of 5,149,139.

As of September 2024, 24 women have been murdered in Northern Ireland since 2020. Northern Ireland has one of the highest femicide rates in Europe per capita.[17] In the Republic of Ireland, according to Women's Aid Femicide Watch[18], for the period 2017-2023, 57 women have died violently; and overall statistics show that 63% of women have been killed in their own homes. More must be done in NI and ROI at a societal level to stop abusive relationships from escalating to the point where a femicide occurs. It is important to note that data is shown as recorded and collected by each jurisdiction, making it difficult to compare statistically, as there are currently no common definitions nor joint data collection cross border.

Post conflict Society

Our island is a post-conflict society, and both jurisdictions still grapple with the transgenerational trauma of centuries of unrest. The most recent period of conflict, particularly intense in the north, saw significant violence and harm that remain within living memory. While 25 years have passed since the signing of the Good Friday Agreement, and the region is now largely at peace, the legacy of violence has shaped a unique societal landscape. This presents distinct challenges in addressing domestic abuse and violence against women and girls, setting the NI context apart from that of neighbouring jurisdictions.

The lasting impact of the conflict, particularly in the north, complicates efforts to tackle VAWG. Perpetrators of violence against women and girls who have known paramilitary connections often wield an implicit form of protection within their communities. This association with paramilitary groups can act as a powerful deterrent for survivors and witnesses, making it incredibly difficult for victims-survivors to speak out. Fear of retaliation or ostracism within tight-knit areas, where paramilitaries have historically had strong influence, creates an additional layer of

13 Reported Domestic Incidents to the police include violence against the person offences (Violence with injury including homicide and death or serious injury by unlawful driving), violence without injury, stalking and harassment), sexual offences, theft (including burglary), criminal damage, breach of non-molestation order, all other offences.

14 Police Service of Northern Ireland (May 2023) Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland Update to 31st March 2023. Northern Ireland Statistics and Research Agency. Available at https://www.psni.police.uk/system/files/2023-05/325336748/Domestic%20Abuse%20Bulletin%20Period%20Ending%2031st%20March%202023.pdf

15 Domestic Abuse calls are counted as any of the following incident types: coercive control, breach of interim barring order, breach of protection order, breach of barring order, breach of safety order, domestic - no offence identified, breach of emergency barring order, also included are incident types with a recorded motive of 'Domestic Abuse', as well as any incident type with an original CAD incident type of 'DVSA'.

16 https://www.oireachtas.ie/en/debates/question/2024-02-07/364/

17 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

18 Women's Aid (2024) Women Included in the Women's Aid Femicide Watch 1996-2024: Updated August 4th 2024. Women's Aid. Available at: https://www.womensaid.ie/app/uploads/2024/08/Womens-Aid-Femicide-Watch-1996-2024.pdf

intimidation. This is especially pronounced in working-class communities, where the historic mistrust of law enforcement persists, further hampering efforts to address domestic violence. Despite efforts to reform and build trust, the legacy of conflict continues to act as a barrier between vulnerable communities and the police, making reporting incidents or seeking help more fraught than in other regions.

Another complicating factor is the ongoing financial and political prioritization of tackling paramilitary violence. Even 25 years after the Good Friday Agreement, significant government funding continues to be directed towards addressing paramilitary activity, often overshadowing the resources available for tackling domestic abuse and VAWG. This imbalance in resource allocation makes it harder for civil society organizations and support services to respond adequately to the scale of the problem. Domestic abuse victims-survivors are left competing for funding and attention, which can feel like an uphill battle, in contrast to the substantial and continued focus on paramilitary-related violence.

In February 2024, the Northern Ireland Assembly (Stormont) returned after a 24 month absence having collapsed in 2022 over political disagreements regarding post Brexit arrangements. When it is sitting, the Northern Ireland Assembly exercises devolved powers over matters including the economy, education, health, policing and justice. Other areas including taxation, international relations and defense remain 'reserved matters' and are handled by the British Parliament and it's Government in London.

As a result of the Peace Process and Good Friday/Belfast Agreement, the Northern Ireland Assembly is a multi-party mandatory coalition by design. Due to this the assembly has been historically subject to collapse, every time the NI Assembly has not been functioning it has caused a delay in new policy decisions, new legislative developments and creates a very challenging context for frontline services.

It is important to outline this context as it had significant implications for this project.

The Cost of Domestic Violence and Abuse in the Island of Ireland

Domestic violence not only causes pain and suffering for victims-survivors, but also places significant costs on the economy and society as a whole. However, it is noted that "the extent and associated costs of gender-based violence, encompassing lost economic output, public spending on health, legal, social and specialised services to mitigate harms, and personal impacts on victims, are rarely seen"[19]. In 2021, NUI Galway, in partnership with Safe Ireland, conducted research to assess the social and economic costs of domestic violence in the Republic of Ireland[20]. The study focused on both direct costs (such as expenses for services to support abused women and their children, and to bring perpetrators to justice, including NGOs, social services, health, legal, and judicial services) and indirect costs (such as lost employment and productivity, foregone income, property damage, and relocation). Lost income and productivity emerged as the largest financial burden for women. The research excluded costs related to State-provided services but determined that the total indicative cost of domestic violence across the three phases of a woman's

19 European Institute for Gender Equality (2021) The costs of gender-based violence in the European Union. Luxembourg: Publications Office of the European Union.

20 Forde, C. & Duvvury, N. (2021) Assessing the Social and Economic Costs of DV. NUI Galway & Safe Ireland.

journey—from abuse and entrapment to safety and freedom—amounts to €113,475 per woman, with a national estimate of at least €2.7 billion annually (excluding the cost-of-service provision). The overall societal cost of domestic violence in ROI is estimated at €56 billion.

There has been no similar research conducted in Northern Ireland. However, the *Tackling Violence at Home* report[21] gives an estimate of the annual costs in Northern Ireland by extrapolating figures from research conducted in England and Wales by Professor Walby in 2004 focusing on the State costs. "It is estimated that the direct costs of services (ie for police, criminal justice system, health and social services care, housing, civil legal cases and legal aid) plus the loss of economic output in Northern Ireland due to domestic violence, could amount to about £180 million each year. A similar estimate for the "intangible costs" associated with pain and suffering of victims-survivors could amount to some £500 million each year."[22]

A woman's journey from domestic, sexual or gender-based violence to safe independent living and safety is a long and difficult process[23]. It may require women to access several general support services in different domains including accommodation, legal, finance, education and therapeutic services[24]. The cost of domestic violence, both in terms of pain and suffering for victims-survivors, as well as to the economy and society, highlight the need for consistent and adequately funded supports. These supports must meet the increasing demand and recognise the vital role that services provided by civil society organisations play for society as a whole in reducing trauma, improving outcomes for survivors in courts through specialist DV supports attached to judicial process, offering recovery supports, and preventing IPV through campaigns and training, amongst other efforts.

Resourcing is particularly urgent in Northern Ireland, as their Department of Health's core funding to Women's Aid Federation was cut, impacting on their role coordinating work on behalf of 8 Women's Aid local services throughout their jurisdiction who provide front line support services for victims survivors of violence against women and girls[25].

Access to Emergency and Long-term Accommodation and Supports North and South

Violence against women and girls is a human rights issue which often directly impacts the right to a safe and stable home[26]. In both jurisdictions home is often the most dangerous place to be, and domestic abuse continues to be the leading cause of homelessness amongst women. The demand for emergency refuge accommodation is high in the north and south as women try to break free from the

21 Women's Aid Federation Northern Ireland (2005) Domestic violence costs.

22 Tackling Violence at Home (2005) A strategy for addressing domestic violence and abuse in Northern Ireland. Northern Ireland Office

23 Safe Ireland (2021) NO GOING BACK A sustainable strategy and infrastructure to transform our response to DSGBV in Ireland. Available at: https://www.safeireland.ie/wp-content/uploads/No-Going-Back-Discussion-Paper-Safe-Ireland-March-2021-single.pdf

24 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

25 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

26 WAFNI, WSN, here, Women's Policy Group NI (2023) Ibid

violence being perpetrated against them and refuges are often operating at full capacity as a result. There are currently 14 refuges across NI, which are provided by Women's Aid and "are operating at capacity on a virtually permanent basis and women are forced to spend long periods in refuge due to lack of alternative housing provision"[27]. In the Republic of Ireland recently, there has been an increase in domestic violence accommodation units, however, this number still fall far short of the approximately 500 units required if Ireland were to be compliant with the Council of Europe guidelines, spread across the 26 counties[28].

Housing insecurity and uncertainty is one of the major barriers for women attempting to leave their abuser and create a safer environment for their children[29]. The housing crisis means women cannot access safe affordable accommodation when they need it. The rental market in both jurisdictions is largely unregulated and rents have been rising rapidly, reducing access to alternative housing for victims-survivors of violence. In addition, the current cost of living crisis impacts disproportionately more on women. Marginalised and socially excluded groups endure further barriers such as racism and discrimination in the private housing sector, and/or lack of financial means to pay rent. There are further problems for victim/survivors in accessing suitable long-term housing and the primary and universal barrier for all caught up in the housing crisis is the lack of availability of social housing. Particularly in the South, social housing is only available to those who cannot provide housing for themselves, and this is assessed primarily by income which varies by local authority region, which is often a serious block for people who cannot live in a house they own[30]. Moreover, applicants for social housing must also have a long-term right to reside in Ireland and generally will need to show a 'local connection' to the area which they are applying in, placing an additional barrier for women who want to leave their local area and move elsewhere due to safety concerns, and places an additional burden on migrants who may have few connections outside the place they currently live[31].

It is important to note a significant difference across jurisdictions, as in the north, domestic abuse constitutes grounds for women and children to be defined as statutorily homeless, and therefore prioritised on the housing waiting list through the so called 'points system'. However, the lack of available housing means that the practical impact of this is limited - as of June 2023, there were 45,292 applicants on the housing waiting list, of whom 33,130 were in 'housing stress'[32]. The current *Domestic Abuse & Civil Proceedings Act* in NI had an opportunity to address this but omits mention of housing. WAFNI would argue that this

27 WAFNI, WSN, here, Women's Policy Group NI (2023) Ibid

28 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

29 Women's Aid Federation of England (2020) The Hidden Housing Crisis. Available at: https://www.womensaid.org.uk/wp-content/uploads/2020/06/The-Domestic-Abuse-Report-2020-The-Hidden-Housing-Crisis.pdf

30 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

31 Observatory on Violence Against Women (2023) Ibid

32 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

ignores a fundamental issue faced by victims-survivors of domestic abuse. Similar legislation in England and Wales very clearly mentions housing and the government's duty pertaining to victims-survivors of domestic abuse. Moreover, there should not be a hierarchy of victims-survivors in relation to homeless provision as there currently is in NI with different types of intimidation being weighted higher, which simply does not take into consideration the risk to life of those affected by domestic and sexual abuse.

Currently in the south women in domestic violence refuges do not find their way into statistics[33], as women and children residing in domestic violence refuges are not counted as homeless. There is also a lack of joined up housing solutions that prevents specialist providers from maintaining specialist care over families as they face the unknown having to register as homeless following exit from the refuge, an additional burden on women and children's journey to safety.

Women from minority and marginalised communities face additional barriers when trying to leave domestic violence situations, which increases their risk of harm as they may be forced to remain in abusive relationships. Disabled women, for example, often lack equal and appropriate access to shelters, and many facilities are not accessible to those with physical disabilities. Women with disabilities, Roma and Traveller women, rural women, and migrant women also encounter difficulties accessing transport, making it challenging to reach refuges—particularly in areas without adequate shelter facilities.[34]

Moreover, women with larger families are not always able to be facilitated due to limited space at the refuge and some refuges do not allow young boys of a certain age into the refuge, which means that women cannot bring all their children with her.

For women with "No Recourse to Public Funds" (NRPF) in Northern Ireland, the situation is even more precarious. Women with NRPF are not eligible for most benefits, tax credits, or housing assistance provided by the state, and they are often excluded from social housing due to their immigration status. Resolving their immigration status can take years, during which time they remain vulnerable.[35] Partners of settled persons, students, temporary workers, and asylum seekers do not have access to public funds or housing benefits. As a result, women with insecure immigration status may struggle to access refuge services when fleeing abusive partners. It is crucial that all victims-survivors, including women with no recourse to public funds, receive the protection and support they need.

Residence status is a major barrier to seeking help for women and girls whose immigration status depends on a spouse, and fear of deportation is frequently used as part of intimidation and violence. In the South, Akidwa reported that while the *Victims of Domestic Violence Immigration Guidelines* allows non-EEA persons, whose status depends on someone who is abusing them, to apply for permission to stay in their own right, the application process is unduly complicated, involves lengthy delays, it does not cover 'undocumented

33 National Women's Council (2024) 'Sex For Rent' An NWC Report on Sexual Exploitation and Sexual Harassment in the Rental Housing Market. Available at: https://www.nwci.ie/images/uploads/NWC_Sex_For_Rent_Research.pdf

34 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

35 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

women', and when independent status is granted it is normally at a level that does not permit economic independence (e.g., Stamp 3) and entails payment of a substantial registration fee that is unaffordable for many[36]. In both jurisdictions, these women end up in 'limbo' situation in which they cannot move on with their lives.

The Northern Ireland Human Rights and Equality Commissions has been urging policy makers to address gaps in information/support for migrant women experiencing domestic violence, to take steps to increase awareness amongst these women of their rights relating to securing immigration status, and to increase guidance and support for them on securing their immigration status post Brexit[37]. These recommendations have also been extended to accessible information on the impact of Brexit on everyday life in Northern Ireland, particularly in relation to rights and entitlements including cross border issues, as there is a significant risk that many women might find themselves without a home or may have no alternative but to stay in the home with their abuser(s)[38].

Traveller and Roma women continue to face discrimination in accessing adequate and safe accommodation and supports. The Irish Traveller and Roma Women-Joint Alternative Report to Grevio[39] reported negative or discriminatory treatment or outcomes in services. This included by members of An Garda Síochána, Courts Service, DSGBV services, TUSLA family support services, and accommodation based services, such as in Local Authority accommodation services, as well as Traveller children over-represented in State Care in Ireland and in many European countries. The fear of child protection and welfare concerns acts as a significant deterrent for Traveller and Roma women to access and fully engage with mainstream services[40].

Moreover, Pavee Point[41] has asserted that the application of the *European Directive 2004/38, Habitual Residence Condition*, and the *Housing Circular* prevent many Roma women from exiting violence and accessing essential emergency, medium and long term accommodation and housing supports, including Housing Assistance Payment/Rent Allowance and social housing. Roma women who have fled domestic violence between jurisdictions can also be impacted by the *Habitual Residence Condition*. The inability to prove one's connection to the state impacts women's capacity to access homeless and domestic violence accommodation services and makes it difficult for Traveller and Roma women experiencing domestic and sexual violence to seek support and protection. Despite residing in the jurisdiction for several years, many Roma women lack the necessary documentation, proof of address and/or language and literacy skills to prove their connection to the State.

36 Reilly, N. (2023) From commitments to actions: responding to migrant women's experiences of DSGBV. University of Galway/Akidwa. Available at: https://www.universityofgalway.ie/media/collegeofartssocialsciencescelticstudies/schools/socpol/2023-From-commitments-to-actions-responding-tomigrant-womens-experiences-of-DSGBV-(23-Jul).pdf

37 Wright, K., McAreavey, R. and Donaldson, R. (2024) The Impact of Brexit on Women in Northern Ireland. Northern Ireland Human Rights and Equality Commission. Newcastle University

38 Wright, K., McAreavey, R. and Donaldson, R. (2024) Ibid

39 Pavee Point Traveller and Roma Centre, Galway Traveller Movement, Wicklow Travellers' Group (2022) Alternative Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence IRELAND Irish Traveller and Roma Women- Joint Alternative Report. Available at: https://rm.coe.int/alternative-report-to-grevio-ireland-irish-travellers-and-roma1908202/1680a81393

40 Pavee Point Traveller and Roma Centre, Galway Traveller Movement, Wicklow Travellers' Group (2022) Ibid

41 Pavee Point Traveller and Roma Centre, Galway Traveller Movement, Wicklow Travellers' Group (2022) Ibid

Addressing the housing needs of victims-survivors of domestic abuse requires urgent attention across both jurisdictions. Without sufficient emergency and long-term accommodation, vulnerable women, particularly those from minority and marginalized communities, remain trapped in abusive environments. To break this cycle, it is essential that housing, immigration, public services and social support systems are reformed to remove the barriers that prevent women from escaping violence and creating safe, stable homes for themselves and their families.

The Justice System in Both Jurisdictions

With regards to the Justice System, in both jurisdictions the general lack of understanding of the dynamics of violence against women and girls in Courts continues to be a major barrier for women to engage with court proceedings. This is especially concerning for migrant, disabled, Traveller and Roma women, who are less likely to report male violence due to previous experiences of not being treated appropriately by service providers, or not being believed due to racism and discrimination.

The court system itself has huge delays in ROI and NI, with victims-survivors facing years-long waits for court dates. The justice system overall lacks a gender and trauma-informed approach failing to consider the impact of domestic abuse and how women often feel alone and confused with the whole criminal justice process. Both jurisdictions have identified the need for support to be available to victims-survivors throughout their engagement with the criminal justice system to reduce the significant distress and often the re-traumatisation.

Victim-survivors need a dedicated and effectively resourced specialist support service to take them through the process. The judicial system in both jurisdictions provide limited support for victims-survivors of domestic and sexual abuse with long processing times, high attrition rates and very low conviction rates. Breaking this cycle will require investing in gender and trauma-informed responses across the criminal justice system.

In NI, 'women who have experienced domestic abuse report that the family courts do not always understand the complexities of domestic abuse'.[42] Similarly, in the South, Research on the *Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence*[43] highlighted that the victim's experience in the court process in many cases causes secondary traumatisation. Moreover, the figures from the Courts Service supplied by the Department of Justice in the Republic of Ireland in Q3 2022 show that domestic violence victims-survivors are having to wait up to four months for the courts to hear their safety applications[44]; these delays to seeking protection compound additional trauma for victims-survivors.

The Observatory on VAW identified in 2023 that it is still a concern that in new policy and legislation the experiences and needs of domestic violence victims-

42 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

43 Egan, N. and O'Malley Dunlop, E. (2023) A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence. Department of Justice and the National Women's Council.

44 Phelan, C. (2023) Domestic Violence Victims Waiting Up To Four Months For Courts To Hear Safety Applications, Irish Examiner. Available at: https://www.irishexaminer.com/news/arid-41071751.html

survivors, including children, are not sufficiently considered and addressed in family courts, not only in relation to domestic violence orders but also in relation to other matters such as custody, access and maintenance[45]. Every year in NI, Women's Aid supports thousands of women who have consistently and repeatedly told support services over many years that their perpetrator is using the Family Courts to continue their abuse by constantly bringing the woman to Court over child custody arrangements, despite these perpetrators often having criminal convictions due to their abuse of their child's mother[46].

Furthermore, both jurisdictions have long way still to go to fully recognise children as victims in their own right and how they are impacted by domestic abuse, as well as to end a pro-contact culture that prioritises the right of access of the abuser over the safety and welfare of the child and mother. There is a 'pro-contact' culture institutionalised over decades of judgements, which prioritises contact with a parent above safeguarding concerns resulting from domestic abuse. Coercive and controlling behaviour, and its devastating impact on children is poorly understood, and in addition judges, and family court professionals fail to understand that abuse doesn't end at the point of separation. Civil society organisations in both jurisdictions have long advocated that contact should never be presumed to be in the best interests of the child and that the view of the child needs to be heard.

Organisations north and south have also expressed great concern about the misuse of the term 'Parental Alienation'[47] in Family Courts (including the use of so-called experts in parental alienation and related pseudo-concepts) and its impact on women, often not being believed in courts, or preventing them from reporting abuse, as well as in limiting the voice of children. GREVIO on their Baseline Evaluation Report in respect of Ireland observed and recalled 'that the so-called "parental alienation syndrome" is not recognised and should therefore not be used'.[48] This was also highlighted in the NWC National Observatory on VAW Report to the Grevio Committee[49]. There is a particularly urgent concern about the use of 'Parental Alienation' in Family Courts and its impact

45 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

46 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

47 While there is varying interpretation of what these terms mean, generally it has been accepted that 'parental alienation' refers to the unwarranted rejection of the non-resident parent and an alliance with the alienating resident parent. This is characterized by the child's extreme negativity towards the alienated parent due to the deliberate or unintentional actions of the alienating parent so as to adversely affect the relationship with the alienated parent. There is a problematic assumption with PAS – that abuse allegations are typically merely 'evidence' of one parent's campaign of alienation against the other parent. This is particularly destructive when it comes to cases of contact/custody in the context of domestic abuse and child abuse, where PA allegations against mothers are increasingly being used as a tactic by perpetrators in courts to deny, minimise or counter abuse allegations, effectively silencing women and children and diverting attention away from the perpetrator. Womens Aid Federation Northern Ireland Available at: https://www.womensaidni.org/assets/uploads/2020/06/WAFNI-Parental-Alienation-Briefing.pdf

48 Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) (2023) GREVIO Baseline Evaluation Report Ireland. Available at: https://rm.coe.int/grevio-s-baseline-evaluation-report-on-legislative-and-other-measures-/1680ad3feb

49 Irish Observatory on Violence against Women (2022) National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland. National Women's Council. Available at: https://www.nwci.ie/images/uploads/IOVAW_GREVIOS.pdf

on women, often not being believed in courts, or preventing them from reporting abuse, applying for protection orders or insisting on safer access arrangements[50].

Traveller, Roma and migrant women victims-survivors of DSGBV face additional barriers to access to justice. As noted in the Irish Traveller and Roma women (2022) report[51] in the South, relationships between An Garda Síochána (AGS) and these communities are often characterised by mistrust and conflict due to under policing (not providing sufficient support and protection), over-policing and the excessive use of force against Travellers and Roma, due to racial stereotypes and prejudices[52]. These negative experiences have led to a reluctance on the part of many Traveller women to report such abuse at all[53].

For migrant women, fear of deportation is frequently used as a mechanism of abuse. Refugee and asylum-seeking communities as well as people with insecure immigration status in Northern Ireland are overall reluctant to deal with authorities, including the PSNI, for fear of being reported to the Home Office[54].

Layers of paramilitary related political and social control are being examined in how it interacts with, and operates on top of, IPV-related controls experienced by women.[55] As highlighted by the recently published report by Foyle Family Justice Centre on Paramilitary-related Gendered Coercive Control, an individual's "ability to report IPV is directly impacted by the abusers' paramilitary-related status".[56] This paramilitary related coercive control plays directly into the experience of one-to-one control by a partner; and furthermore is implicitly and explicitly present as highlighted in a dualistic role in IPV within some women's experiences both in the home, and wider community. Moreover, the services sector is also directly affected, as is its ability to respond appropriately to women's needs. Much more must be done to address the culture of silence and suffering by IPV victims-survivors from marginalised communities.

Women are also faced with further economic and financial abuse through legal fees. Access to legal aid as a general support service is a particular challenge for victim-survivors' access to justice in both jurisdictions. This challenge arises from the requirement that victim-survivors satisfy an income test to determine if they qualify for legal aid, and the current threshold in the two jurisdiction is too low and restricts access to financial assistance for most women. In addition,

50 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

51 Pavee Point Traveller and Roma Centre, Galway Traveller Movement, Wicklow Travellers' Group (2022) Alternative Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence IRELAND Irish Traveller and Roma Women- Joint Alternative Report. Available at: https://rm.coe.int/alternative-report-to-grevio-ireland-irish-travellers-and-roma-1908202/1680a81393

52 Egan, N. and O'Malley Dunlop, E. (2023) A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and Sexual Violence. Department of Justice and the National Women's Council. Available at: https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf

53 Egan, N. and O'Malley Dunlop, E. (2023) Ibid

54 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

55 Swaine, Aisling. 'When you know what they are capable of': Paramilitary-related Gendered Coercive Control (Foyle Family Justice Centre, University College Dublin, 2024)

56 Ibid 31.

the understanding of legal professionals, including solicitors and barristers is also an additional challenge in both jurisdictions, as violence against women and girls is not specifically mandatory training for legal professionals. Civil Society organisations are providing vital court supports and legal aid to victims-survivors of domestic violence, often organisations that are already under pressure due to the high demand and the lack of appropriate resources. This needs to be urgently addressed by policy makers. Every victim of domestic abuse in the family courts should have access to adequate specialist court support and free legal aid. These matters should be chaired by a panel of experts and aim to ensure the courts work in a more trauma informed way and has victims-survivors (women and children) at the heart of the process.

The Border for Victims and Survivors of IPV

Anecdotal evidence from service providers both sides of the border indicates that movement across the jurisdictions is used by victims-survivors in both sides as a way of "starting afresh". Obstacles, including lack of clarity surrounding access to social supports, housing, healthcare, access and custody issues in the other jurisdiction subsequently pose a significant barrier for victim-survivors and in many cases women with their children have had to return to their abusers, and/or enter into invisible forms of homelessness. Research on cross-border engagement between women's organisations and groups working on gender equality policy shows that key barriers to cross-border work were perceived to be post-Brexit political turmoil, a lack of appropriate funding and knowledge of policy differences between the two jurisdictions.[57]

As already addressed, there are significant, multiple barriers to victims-survivors to accessing support and the border, and developments since Brexit have exacerbated these barriers. The ability of a woman to flee across the border and get a house and a job could be the difference between running to safety and staying in an abusive relationship[58]. Under the Good Friday Agreement several mechanisms and new institutions were set up to facilitate cross-border co-operation across the island of Ireland including initiatives for improved cross-border policing, the *Joint Agency Task Force,* the *Organised Crime Task Force*, a cross-border policing strategy and increased co-operation between the PSNI and AGS[59]. The post Brexit landscape has introduced significant uncertainty and has presented new barriers threatening this important cooperation.

WAFNI has been outspoken in their concerns about the loss of practical EU-based support mechanisms, like the European Protection Order, Europol, and pan-European inter-agency cooperation and information sharing to help keep victims-survivors safe[60]. Brexit has indirectly impacted efforts to address violence against women and

57 Kapic, T., Connolly, E., Doyle, J. (2023) Gender and Cross-border Cooperation on the Island of Ireland. Irish Studies in International Affairs, Volume 34, Number 2, Analysing and Researching Ireland, North and South.

58 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

59 Chisholm A., Willekers L., (2024) An Assessment of Migrant Safety and Community Policing in Border Regions between Ireland and Northern Ireland. International Organization for Migration, London.

60 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

girls in Northern Ireland, the only region without a dedicated VAWG strategy until September 2024, as the political impasse over the Protocol/Windsor Framework between 2022 and 2024 led to legislative deadlock and exacerbated budgetary challenges[61].

"Under the UK-EU Withdrawal Agreement and the Windsor Framework, the UK is required to ensure that 'no diminution' of rights and equality protections arises from the UK's withdrawal from the EU and that equality law in NI keeps pace with EU developments"[62]. In practical terms, Brexit meant that while the UK recognises EU Domestic Protection Orders, this is not necessarily the case the other way around. This means that any orders made in the UK in respect of domestic violence will not be automatically recognised in the EU, adding a burden, risk and uncertainty to victims-survivors, as an additional application would need to be made in the EU to recognise any UK court orders in order for that order to be enforced in the member state.

Moreover, WAFNI has significant concerns regarding the impact of Brexit on protections for domestic abuse victims-survivors, particularly how it has impacted on the ability of women to access services. This is especially critical for women in border areas, where the nearest and most accessible services—both geographically and logistically—are often across the border[63]. Collaboration between the PSNI and the AGS does continue; however, this is on an informal basis and cannot for example include continuing pursuit of a suspect crossing the border[64].

Similarly, IOM reported[65] that whilst law enforcement working on the ground in the border region may not have seen immediate change since Brexit, overall operational response and access to information or data sharing has been restricted following Brexit. The recognition and enforcement of orders relating to parental responsibility were previously decided under Brussels IIa Regulation across the EU and served as additional Protection to the 1980 Hague Child Abduction Convention. Post Brexit solely the 1996 Hague Convention applies, and it is therefore necessary to take additional legal advice in the relevant country.

Moreover, while women who are UK or Irish citizens, as well as EU nationals with settled status in the UK can continue to freely cross the border in Ireland, this is not an option for third country citizens. Common Travel Area[66] rights do not extend to migrants living on both sides of the border even if they hold lawful residency[67] and the IOM have raised concerns about the effects on individuals from ethnic minority or migrant backgrounds, leading to racial profiling and

61 Wright, K., McAreavey, R. and Donaldson, R. (2024) The Impact of Brexit on Women in Northern Ireland. Northern Ireland Human Rights and Equality Commission. Newcastle University

62 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

63 WAFNI, WSN, here, Women's Policy Group NI (2023) Ibid

64 WAFNI, WSN, here, Women's Policy Group NI (2023) Ibid

65 Chisholm A., Willekers L., (2024) An Assessment of Migrant Safety and Community Policing in Border Regions between Ireland and Northern Ireland. International Organization for Migration, London.

66 The Common Travel Area (CTA) provides for a long-standing arrangement between the UK and Ireland, allowing for UK and Irish citizens to move freely and reside in either jurisdiction, enjoying associated rights and privileges, including the right to work, study and vote in certain elections, as well as access to social welfare and health services facilitates. However, all other non-EU nationalities are required to hold separate visas to visit both jurisdictions.

67 McGee, E., 2023. Common Travel Area: Calls for rule changes for non-EEA citizens. BBC. [online] 21 September 2023. Available at: https://www.bbc.com/news/uk-northern-ireland-66868408

the inadvertent creation of an "invisible border"[68]. Crossing the border to access support in NI is also no longer an option for EU citizens living in Ireland, as they are considered third country nationals in UK legislation.

Examples of these additional barriers placed by the border and Brexit in particular were provided by NI and the ROI service providers, as well as the vital role that civil society organisations play for women and children victims-survivors of domestic violence with a broad range of needs, especially on cross border collaboration.

> *"A domestic violence service in the Republic of Ireland provided support to a woman who fled NI due to domestic violence. She came to the Republic of Ireland from a refuge in NI. Her husband, who was living in NI, took her to court for access to their children. On both sides of the border, significant child protection concerns were reported. However, there was a delay in assessment due to jurisdictional issues concerning where responsibility lay. In the end, jurisdictional issues [as a result of the border between jurisdictions] trumped child protection interventions and the father was granted access to the children. The woman returned to NI, where her support system was, once she secured accommodation, which took a significant amount of time. The woman greatly benefited from the support she received on both sides of the border."*[69]

A service provider in NI shared a direct experience,

> *"I received a call from a social worker. She was preparing to receive a vulnerable domestic abuse victim with learning disabilities, who was being transferred to a facility for safety and protection. The complicating factor was that the woman normally resided in the Republic of Ireland, and this is the jurisdiction in which protection orders had been put in place against her perpetrator. The concern was that if the perpetrator found out where she was, he would find her and she would go back to him, as she didn't have capacity to understand the level of danger she was in. Following multiple agencies collaborating, the woman was moved to a safe facility in Northern Ireland, and an application was made in a Northern Ireland court for a European Protection Order, an EU mechanism by which any non-molestation or protection orders served in one EU jurisdiction can easily be applied in another. This is no longer available."*[70]

The complexities of cross-border movement for victims-survivors of intimate partner violence have only deepened since Brexit, creating new and significant barriers to safety and justice. While cross-border cooperation between Northern Ireland and the Republic of Ireland remains critical, the loss of EU mechanisms such as the European Protection Order and ongoing jurisdictional challenges mean that victims-survivors are often left in vulnerable and precarious situations and service provider feel their hands are tied. To truly protect women and children, it is essential that these cross-border issues are addressed with renewed focus and that mechanisms are strengthened to ensure seamless support across both jurisdictions.

68 Chisholm A., Willekers L., (2024) An Assessment of Migrant Safety and Community Policing in Border Regions between Ireland and Northern Ireland. International Organization for Migration, London.

69 Service provider in the Republic of Ireland

70 Service provider in Northern Ireland

Highlights of the Project Working Group Discussions

This section will provide an overview of the proceedings, engaging discussions and insights shared by the project working group between November 2023 and July 2024. It will focus on the key challenges raised by the organisations across both jurisdictions, the differences noted and explored by the group; and also the opportunities for knowledge exchanges on best practices across the island. This section will address where valuable learnings can be applied to improve practices and outcomes.

The first meeting of the working group took place in November 2023, with all members of the working group meeting for the first time in the Women's Aid Federation Offices in Belfast. It was clear from the outset of these meetings that members were curious to build greater understanding with one another across the island. Attendees wanted to find common sense solutions for all victims-survivors of intimate partner violence across the island, to ensure recognition of this violence, and to address that the border is a feature in perpetrating this violence. It was important for the working group to use this opportunity to inform one another, to allow questions to be asked, and for a sharing in understanding how co-ordination of this portfolio differs in each jurisdiction for these same issues.

The early discussions underscored a strong commitment to addressing violence against women as an all-island priority. From the outset, the group recognised that, despite geopolitical differences, there is a critical need for collective leadership to tackle and end violence against women. The commitment to highlighting these issues and keeping them high on the political agenda working together to address their impact on women and children across both the Republic of Ireland and Northern Ireland was a central focus of the group.

The working group approached these series of meetings across the following thematic areas: Access to Emergency and Long-term Accommodation, Access to Supports, Access to Justice across the island for victims-survivors of intimate partner abuse.

The following provides an account of these discussions, highlighting specifically the key issues in both jurisdictions, while also understanding where the border becomes a barrier for women fleeing intimate partner abuse.

Access to Emergency and Long-Term accommodation and Supports – The Journey to Safety

The journey for a woman from IPV to safety is a complex, exhaustive, and often repetitive process. To adequately address the vast array of pathways a survivor may have to grapple with, and to ensure full consideration and amplification in these discussions, the working group considered the journey to safety by examining access to refuges and long-term housing; and social protection schemes and how barriers to accessing supports for survivors exist.

Across both jurisdictions it was highlighted that there remains consistent uncertainty about refuge spaces. Refuges are operating at capacity level with many women being affected by this. It is noted in monitoring the implementation of the Third National Strategy (June 2022-June 2023) in reference to Objective 2.3.: "Enable victims-survivors of DSGBV to rapidly access and live in safe, accessible, short and long-term accommodation as a priority", refuge spaces has increased in the past year, with further commitment to double capacity of refuge accommodation in the Republic of Ireland throughout the duration of the strategy. But again, as noted above, this commitment still falls short of the recommended required units in the Republic of Ireland under guidelines from the Council of Europe.[71]

In Northern Ireland, Women's Aid refuges provide the largest specialists support services for women affected by domestic abuse and they have remained operating at full capacity; providing emergency accommodation for 518 women and 342 children, floating supports services to 7,543 women in 2022 / 2023.[72] The funding in which to provide direct service provision, and floating service supports remain stretched and uncertain.[73]

Despite the increase in capacity, the current refuge system does not fully meet the needs of all women seeking safety. In the Republic of Ireland, although progress have been made, nine counties still lack refuge spaces, disproportionately affecting rural women who continue to be isolated from sexual violence centres, due to the lack of refuges available at a regional level.[74] It also affects women in urban centres, as there are highly populated areas, putting refuges in cities under a huge pressure to meet the high demand per capita without sufficient resources. Migrant women often face language barriers which can limit their awareness to what services are available to them. Disabled women often lack equal and appropriate access to shelters, and many facilities are not accessible to those with physical disabilities. A woman's journey to safety often places the onus on the victims-survivors to navigate the system negatively impacting their experience in accessing services. And this can become two-fold when marginalised women must navigate through the systems and barriers in fleeing violence.

As previously reported from the Irish Observatory on Violence Against Women, intersectional discrimination remains a significant concern, particularly regarding negative stereotypes and prejudices about the Traveller and Roma communities, which can impact their experience when accessing and using services.[75]

For migrant women in Northern Ireland with No Recourse to Public Funds , the journey to safety is particularly challenging. NRPF is an immigration restriction that prevents access to most

71 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

72 Women's Aid Federation Northern Ireland (2024) The 2022-2023 Annual Report. Available at: https://www.womensaidni.org/assets/uploads/2023/12/FINAL-WAFNI-Annual-Report-22-23.pdf

73 WAFNI, WSN, here, Women's Policy Group NI (2023) Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

74 https://www.irishtimes.com/politics/2024/06/18/nine-counties-have-no-refuge-for-women-children-suffering-domestic-violence-sf-leader/

75 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

state-funded supports, such as housing or welfare benefits, until women obtain settled status. This severely limits their options, leaving them almost entirely dependent on refuges or charitable services. Some pilot programs, like the Southall Black Sisters No Recourse Fund[76], provide limited subsistence, and it was noted that some refuges are sheltering women with NRPF at their own expense, straining already limited resources.

Cross-border movement between Northern Ireland and the Republic of Ireland introduces further complications. Women fleeing violence across jurisdictions often encounter unforeseen obstacles. For example, while seeking safety in the north, migrant women may not qualify for support due to their immigration status. Similarly, in the south, the Habitual Residency Condition (HRC)—a requirement for accessing social welfare benefits like child benefit and one-parent family allowance—can be manipulated by abusers to maintain control over their partners. This leaves survivors trapped, unable to access the financial support they need to escape.

SAFE Ireland has highlighted that these barriers not only limit women's ability to seek safety but also contribute to a broader system of control, where survivors of abuse are left in a vulnerable position due to their immigration status or lack of access to social protection.[77]

The journey to safety for women leaving intimate partner violence becomes even more complex when transitioning from emergency accommodation to long-term housing. It is clear that "insufficient refuge places can mean those fleeing domestic violence sometimes find themselves caught between domestic violence supports and homelessness supports" when seeking a clear pathway out of refuges.[78] The working group noted significant differences in accessing longer-term housing between the two jurisdictions. In Northern Ireland, those at risk of homelessness due to domestic violence are eligible for the homelessness register and social housing, a provision that does not exist in the Republic of Ireland.

When children and young people are exposed to domestic violence, their experiences should be viewed through the lens of being victims in their own right, not just witnesses. In the Republic of Ireland, the allocation of children's support officers to all refuges as part of the Third National Strategy to end DSGBV is a very positive step. However, challenges remain as families in refuge with no long-term housing options mean women and children continue to be unsupported as victims.

In Northern Ireland, there has been a concerning rise in the number of children on the child protection register, with a growing number of compulsory removals. WAFNI highlighted that many referrals from the PSNI to the Health and Social Care Trusts are a direct result of domestic abuse in the home, a statistic that continues to rise each year.[79]

A successful program in Northern Ireland often referenced in the working group proceedings as an example of useful

76 https://southallblacksisters.org.uk/our-services/sbs-no-recourse-fund/

77 Safe Ireland (2013) Report on the impact of the Habitual Residence Condition on women seeking protection and safety for themselves and their children from a domestic violence perpetrator. Available at: https://www.safeireland.ie/wp-content/uploads/SI-Impact-Habitual-Residency-Condition-Sept2013.pdf

78 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

79 Women's Aid Federation NI 2023 Ending Violence Against Women and Girls in NI – The Strategic Framework Consultation Response by Women's Aid. Federation.

information sharing in relation to children and young people was *Operation Encompass*. A collaboration between the PSNI, the Safeguarding Board for Northern Ireland, the Education Authority and Northern Ireland schools, *Operation Encompass*, which recognises children as victims of domestic abuse, operates as a program for police attending a domestic abuse call when a child is present, to inform the appropriate designated teacher in the classroom and to ensure the right supports can be put in place for the child involved.[80]

While providers acknowledged the lack of available refuge spaces and the high demand for services, the discussion facilitated valuable information sharing on refuge provision, future development plans in the South, and resources in the North.[81] Many participants agreed that strengthening data collection across the island would benefit service providers and policymakers by highlighting the inconsistencies in support systems between jurisdictions.

Currently, *Routes to Support,* a UK-wide online database for domestic abuse and violence against women services, enables refuge providers to access daily statistics on available beds in England, Scotland, Wales, and Northern Ireland.[82] Coordinated by Women's Aid Federation England, and owned by the four regional Women's Aid bodies, this project offers crucial, up-to-date information on residential and community-based supports.[83] Although there is a pilot program in Dublin North East between 7 DV providers, no similar tool operates at the same level as *Routes to Support.* Expanding such a resource across the entire island would provide a comprehensive understanding of available support services for providers in supporting victims-survivors fleeing IPV.

The great efforts of the specialist domestic violence organisation in civil society to operate in trauma informed practices were acknowledge by this working group. When expanding on the journey to safety for victims-survivors, the working group highlighted the need for statutory services to operate in a trauma-informed way as a critical discussion point of these proceedings.

Safe Ireland's design guide for refuges was highlighted as an innovative guide to designing refuge services which adequately and wholly responds to domestic, sexual and gender-based violence.[84] This guide looks at refuges as a local, community-based response to violence, and aside from providing short-term accommodation supports, further expands thinking and action on domestic violence, and intimate partner violence to a full spectrum of services on the needs of the woman who has experienced trauma. This is the kind of thinking is key to combat IPV and to fully support victims-survivors.

Aside from the increasing demand, refuges remain under huge pressure because of the significant number of women with a full range of complex needs and risks including mental health, loneliness, poverty, addiction and general health that present at refuges. In supporting the journey to safety for victims-survivors, moving to see specific efforts to target wellbeing should be part of the conversation to a full spectrum of healthcare needs for victims-survivors across all statutory services.

80 https://www.psni.police.uk/safety-and-support/keeping-safe/domestic-abuse/operation-encompass
81 Review of the Provision of Accommodation for Victims of DV – Feb 2022, Tusla
82 https://www.womensaid.org.uk/routes-to-support/
83 https://www.womensaid.org.uk/routes-to-support/
84 Safe Ireland (2023), Safe Place: Designing Centers for Domestic Violence Prevention and Response. Available at: https://www.safeireland.ie/policy-publications/#dflip-df_9589/1/

WAFNI highlighted a pilot program being undertaken in NI between primary healthcare providers and specialists supports services in the area of domestic and intimate partner violence. Identification and Referral to Improve Safety (IRIS) program[85] has produced strong outcomes in equipping general practitioners, and all staff within primary healthcare settings with knowledge and understanding to identify the signs of intimate partner abuse, and domestic abuse more broadly. This pilot training program for healthcare professions was highlighted as providing positive support for professionals that is trauma informed in its thinking. Statutory agencies and provision of services need a greater understanding of being trauma informed, to best and fully support victims-survivors.

Experiences with the Justice System

Throughout these proceedings there was strong agreement within the working group that a cultural shift is needed in the courts to engage with victims-survivors of intimate partner violence.

Both jurisdictions recognise that more needs to be done to support victims-survivors through the criminal justice system, as high attrition rates and low conviction rates persist due to inadequate responses to their needs.

Court accompaniment emerged as a critical point of discussion among the working group, with notable differences between the two jurisdictions. In the south, accompaniment has become increasingly common, with organisations like Aoibhneas providing court support workers who follow cases throughout the entire legal process. This support is particularly vital when children are involved, as advocacy for both mother and child is automatically sought. However, in the north, court accompaniment remains limited, with advocates confined to the waiting room, unable to provide in-court support. Victim support services in NI, such as Victim Support for adults and NSPCC for children, are under-equipped to address the complex needs of domestic abuse survivors, as volunteers often lack specialised training in this area.

Both jurisdictions face challenges in how victims-survivors, particularly mothers, are treated in family court settings. The focus on ensuring child contact often leads to the minimisation of the threat posed by perpetrators, which compromises the safety and welfare of both children and mothers. Additionally, the issue of recognizing children as victims in their own right is a pressing concern across both jurisdictions. A 'pro-contact' culture, which emphasizes parental access over safeguarding concerns, compromises the safety of both children and mothers. Civil society organizations in NI and ROI advocate for the need to end this culture and assert that children's voices must be heard in custody matters. The misuse of concepts such as 'parental alienation' further complicates the situation, often undermining women's reports of domestic abuse and silencing children's needs for safety and support.

While there are survivor-informed advocates in the ROI court system who share real-time information and advocate on behalf of survivors, there remains a need for these efforts to be integrated and ensured to all victims when demanded. The group acknowledged the need for a systematic approach to court accompaniment, which currently relies on NGOs facing uncertain funding. Across both jurisdictions, there was agreement on the need for a more comprehensive, standardized approach to court accompaniment and case management, particularly in family courts.

85 https://irisi.org/about-the-iris-programme/

The group also discussed broader justice system issues, notably the lack of coordination between family and criminal courts in both ROI and NI, which complicates the legal process for victims-survivors of domestic violence. A key concern was the inconsistent handling of undertakings, where lawyers often advise clients to agree to arrangements in order to avoid going before a judge. This practice, particularly in accessing arrangements or agreements to not cause harm, circumvents judicial scrutiny, often leaving no formal record and creating problems later on for victims-survivors. Undertakings are frequently used as a time-saving measure in a judicial system bogged down with excessive volumes of cases and long waiting times, but this has serious implications for legal transparency and victim protection.

The issue is further compounded by limited capacity for legal aid allocation, with undertakings often used to expedite cases rather than ensuring a thorough judicial process. The absence of standardized procedures for court accompaniment in ROI, along with the ad hoc nature of its implementation, places additional burdens on victims-survivors and their advocates. These challenges are especially acute for marginalised women, such as migrants and Roma women, who face extra barriers to accessing legal support. Language and literacy barriers, rushed interactions with legal representation, and insufficient access to interpreters intensify the difficulties these women experience in navigating the justice system.

The potential for virtual or hybrid court access also drew attention, with pilot programs in ROI showing promise for improving accessibility. NI briefly implemented hybrid access during the COVID-19 pandemic, but this option has since been withdrawn, raising concerns about the future of such initiatives. There was a consensus that reviewing the performance of these pilot programs could provide valuable insights for both jurisdictions. Additionally, the group highlighted the need for data collection and analysis with a gender lens, standardized monitoring and regulation of court support services to ensure that victims-survivors, children, and even perpetrators are adequately served within a more structured and trauma-informed legal framework.

In both ROI and NI, access to legal aid remains another significant challenge. Victims-survivors often face stringent income thresholds that limit their eligibility for legal support, leaving many without sufficient resources to navigate the legal process. Legal aid waivers are available for specific cases, but there is a lack of awareness and use of these provisions. Addressing these gaps, alongside the broader cultural and structural changes needed within the courts, is essential to ensure a fairer and more supportive legal system for victims-survivors of intimate partner violence across the island.

Overall, civil society organizations play a critical role in providing support, yet they are often under-resourced to meet the high demand for services. To address this, civil society organisations need to be better integrated into the strategy and oversight of family justice, as their current involvement is often limited to lobbying efforts rather than direct engagement.

Another key issue raised during discussions was the absence of Domestic Homicide Reviews in ROI. In NI, these reviews provide a multi-agency assessment of how local professionals and organisations interacted with individuals who died as a result of suspected domestic violence. This victims-survivors centred approach is an essential part of the response to domestic

violence, but there is no equivalent framework in the South. Frontline support services emphasized that there is no clear or linear escalation process for feedback into justice structures in either jurisdiction.

Additionally, data collection on the access to court orders, and the need for a gendered analysis of outcomes in both jurisdictions was highlighted as a pressing issue. While there has been some funding through the ROI Department of Justice to build data in this area, a more comprehensive and coordinated strategy is still lacking. A more joined-up approach is necessary to inform policy and ensure that responses are effectively addressing the needs of victims-survivors across the island; as well the collection on ethnic data, crucial for the courts and the DSGBV service providers and agencies to understand the experience of all services users.

Lack of Multiannual Secured Funding for Frontline Services

Throughout these discussions, members of the group emphasized the stark differences in funding for domestic abuse and VAWG services between NI and ROI, highlighting the significant impact these disparities have on frontline services.

In NI, there has been chronic underfunding of domestic abuse services, which predates the collapse and return of the Northern Ireland Assembly. The situation was worsened by the lack of a functioning Executive and compounded further by the cost-of-living crisis and the 2023-24 budget cuts.[86] These cuts severely impacted the voluntary and community sector, leaving organizations like WAFNI with reduced capacity to support victims-survivors. Other critical services, such as Disability Action NI, also suffered, with the loss of essential information services for disabled individuals.[87] Notably, NI received no additional funding for domestic violence services during the Covid-19 pandemic, unlike other regions in the UK, which further set back refuge services during a time when domestic violence was at its peak.

In contrast, the Republic of Ireland announced in 2022 a €363 million five-year strategy to address domestic, sexual, and gender-based violence (DSGBV), rolled out under a new statutory agency, *Cuan*.[88] This strategy represents a comprehensive national response, with plans to double the number of refuge spaces from 141 to at least 280 in the next five years, meaning places will be available in every county for the first time. Concerns remain, however, regarding the short-term nature of funding for frontline services. The Observatory on Violence Against Women has highlighted how the state's response, particularly in the justice system, is falling short in considering victim-survivors' experiences[89]. Specialist services that provide support to marginalised and socially excluded groups, continue to face uncertainty due to the precarious nature of their funding.

Despite the differences in funding levels, it was clear that in both jurisdictions, civil society organisations play an indispensable

86 Northern Ireland Office (April 2023) NI Finances 2023-24. Available at: https://questions-statements.parliament.uk/written-statements/detail/2023-04-27/hcws748

87 Disability Action website article (September 2023) Political Crisis Ends Essential Services and Representation of Disabled People in Submission by Northern Ireland civil society in response to the baseline report of the United Kingdom to the Istanbul Convention on tackling violence against women and girls. Available at: https://rm.coe.int/northern-ireland-civil-society-submission-to-istanbul-convention-basel/1680ad9265

88 Department of Justice (2022) Third National Strategy on Domestic, Sexual and Gender-Based Violence

89 Observatory on Violence Against Women (2023) Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf

role in supporting victims-survivors of VAW. However, without secure, adequate and multi-annual funding, these organisations struggle to meet the growing demand for their services.

NI has seen a seismic shift of legislative changes over the last three years including but not limited to *The Domestic Abuse & Civil Proceedings Act NI (2021),* but unfortunately there were no budgetary elements attached to the legislation to ensure vital training, implementation and roll out. The long awaited VAWG strategy published in September 2024 must include ringfenced, multi-annual funding to ensure the sustainability of vital support services for women and girls. In the Republic of Ireland, the success of the Zero Tolerance Strategy will depend on adequately resourcing it, including adequately funding cross-government commitments, as well as *Cuan* to ensure that specialist and community-based DSGBV services are available to all who need them.

Ultimately, both jurisdictions need to prioritize long-term, sustainable funding for frontline services, ensuring that civil society organisations can continue their critical work. This includes not only service provision but also advocacy, research, and co-designing responses with survivors at the centre of policymaking. Failure to secure consistent funding risks leaving the most vulnerable—particularly those experiencing intersectional forms of violence—without the support they desperately need.

Recommendations

Authorities in both jurisdictions must ensure increased to cross-border and all-island supports for all survivors of IPV living in the island of Ireland, with clear, comprehensive, co-ordinated and adequately funded services, with a victim centred approach, including but not limited to:

- Clarify existing rules on accessing cross-border and all-island IPV services for NI, EU and third-country nationals and introduce guidance with clear and comprehensive information on rights and entitlements of victims-survivors when crossing the border (e.g. court orders, custody and access, social housing, refuge, welfare payments), including the use of the border by perpetrators.
- Ensure there are no immigration or visa recognition barriers impeding access to IPV services.
- Ensure a humanitarian response to women who are unable to satisfy or prove their right to reside in the jurisdiction. Introduce in ROI an exemption to the Habitual Residence Condition and Housing Circular for women who experience domestic and sexual violence.
- Map out IPV supports available across the island and ensure this is available and accessible with live information to all services working with survivors of IPV (e.g. set up an all-island IPV App for information sharing on services and supports).
- Conduct state-funded research and data collection to further the knowledge and understanding of IPV on an all island basis, to ensure an informed picture of trends and patterns across the island. Research and data must include the impact of the border on victims-survivors and perpetrators, and the lived experience of survivors.
- Resource the All-Island VAW working group to continue with the collaboration on the issue of IPV between ROI AND NI to facilitate information-sharing, improve working relationships and facilitate more joined-up responses, particularly on identified issues of common concerns and inconsistencies across jurisdictions. This group could work with statutory and non-statutory agencies and bodies across the island towards developing all-island guidelines, standard operating procedures, and/or referral mechanisms for a more coordinated approach to research, training and victim support.
- Adequate, multi-annual and ringfenced funding must be ensured to support IPV victims-survivors in NI and ROI, including but not limited to i.e. App-bed availability, court accompaniment service.

Conclusion

This working group marks the beginning of a critical cross-border dialogue on violence against women, creating a valuable space for organisations across the island to come together, learn from one another, and explore how best to issue joint responses to male violence. The North-South cooperation on this issue presents a unique opportunity for engagement, and the strong participation throughout all meetings demonstrates a clear appetite to continue this conversation and advocate for the rights and safety of women victims-survivors.

Throughout these discussions, it became evident that, on both sides of the border, the majority of specialist services for women victims-survivors are outsourced to civil society and voluntary organizations. These organisations play an essential role, yet their funding remains primarily limited to frontline services, leaving them reliant on external fundraising to sustain efforts in prevention, advocacy, and education.

The report was based on the experiences, through front line services, of survivors and highlight the epidemic of violence on both jurisdictions. While this report does not claim to offer a definitive solution to this endemic violence, it serves as a starting point—a call to action. By drawing attention to the border and the unique challenges it presents for victims-survivors of intimate partner violence (IPV), this report initiates an essential conversation on how to harmonize laws, supports, and services across the island of Ireland.

This working group hopes that the insights gathered here will pave the way for improved cross-border access to IPV services, ensuring that no woman is impeded by jurisdictional barriers, whether in Northern Ireland or the Republic of Ireland. A comprehensive, all-island response to violence against women and girls is necessary to ensure that victims-survivors have the support they need, wherever they seek it. Additionally, frontline service providers must be equipped with clear and up-to-date information about the supports and services available to victims-survivors in both jurisdictions, particularly given the complications introduced by Brexit, which has added new challenges for cross-border cooperation and access to services.

Moving forward, it is vital to maintain a clear, informed understanding of the patterns of violence across the island. This requires continuous research, data collection, and an examination of the border's impact on victims-survivors and their ability to seek safety. Women in border areas, in particular, must be able to access the nearest services, even if they are across the border. The working group also emphasizes the need for ongoing engagement with civil society organisations, whose specialized experience in supporting women survivors must be fully integrated into future strategies and responses.

Ultimately, this report serves not as the end of a conversation, but as the beginning of a collective effort to address violence against women on a truly all-island basis. The work must continue, with greater collaboration and commitment to removing barriers and ensuring that all women, no matter where they live, have access to the supports and services they need.



An Roinn Gnóthaí Eachtracha
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