



Submission to the Joint Oireachtas Committee on Justice, Equality and Defence on the issue of domestic violence

Introduction

Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre is a voluntary, or non-governmental, organisation committed to the attainment of human rights for Irish Travellers and Roma. The group is comprised of Travellers and Roma and members of the majority settled population working together in partnership to address the needs of Travellers and Roma as minority ethnic groups experiencing exclusion and marginalisation. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma through working for social justice, solidarity, socio-economic development and human rights.

Pavee Point Violence against Women Programme

Pavee Point has a dedicated Violence against Women (VAW) Programme since 1998 which aims 'to reduce gender based violence in the Traveller and Roma communities and increase access to services and supports by working with Traveller organisations, policy makers and service providers'. The VAW Programme works to increase awareness and to build the capacity of local Traveller groups and organisations to address the issues at community level. We also support best practice in service provision through the provision of training and guidelines in best practice in working with Traveller and Roma women. The VAW Programme also works to ensure that the needs and issues of Traveller and Roma women are included in policy and service development through our continued participation on national and regional committees on gender based violence. Pavee Point is represented on the National Steering Committee on Violence against Women, Cosc's Eastern Regional Advisory Committee and Public Awareness Steering Committee. Pavee Point also sits on the Irish Observatory on Violence against Women and is a Board member of the National Women's Council of Ireland.

We therefore have expertise in working on the issue of domestic violence, and in working to address the specific issues faced by Traveller and Roma women because of their experience of multiple forms of discrimination. The VAW Programme recognises that the intersection of discrimination based on ethnicity and gender can place minority ethnic women at further risk of gender-based violence.

The issue of domestic violence is a serious health issue and constitutes a violation of fundamental human rights and freedoms. Whilst domestic violence can also affect men, men against women perpetrate the majority of the abuse. Domestic violence is a form of gender-based violence inextricably linked to gender inequality. Pavee Point recognises that domestic violence against women is an issue of gender, a form of discrimination against women and a violation of a woman's basic human rights and that both women and men have a responsibility to work to prevent domestic abuse. Pavee Point welcomes the opportunity to make this submission to the Committee on Justice, Equality and Defence on the issue of domestic violence.

Traveller and Roma women are at risk groups

Women from every ethnic, cultural and social background can and do experience domestic violence. However women from minority ethnic groups, including Travellers and Roma, can be placed at further risk due to the intersection of gender and ethnic discrimination. Discrimination, and the resultant poverty, social isolation and disadvantage are structural inequalities faced by Traveller, Roma and other minority ethnic women, which compounds their difficulties in seeking help, support, protection and long term options when dealing with a violent relationship.

Traveller and Roma communities face multiple forms of discrimination and disadvantage and are more likely to be unemployed, have low income and be dependent on social welfare payments. Traveller and Roma women are often financially dependent on their spouse/partner and this dependency can make it very difficult to leave a violent relationship. Many Traveller and Roma women would not have access to money, a car and in some cases, their own mobile phone, factors which prove as considerable obstacles to accessing services. Limited access to financial resources is a factor for many women. However as the economic base in the Traveller community is linked to extended family networks, there is further pressure on Traveller women to keep the family together, pressure which may force a woman to stay within a violent relationship.

This is also the case for Roma women living in Ireland, who experience high levels of racism and social exclusion and further limited long term options when dealing with a violent relationship. Lack of employment, education and training opportunities and denial of access to primary health, housing and social protection are putting Roma families at risk of destitution and Roma women at increased risk of domestic violence with little or no access to support or refuge protection.

There is an urgent need to address the structural inequalities of discrimination and resultant poverty, which places Traveller and Roma women at further risk of domestic violence. Government policy which places Traveller and in particular Roma at further risk of poverty and destitution, the Habitual Residence Condition, needs to be urgently reviewed.

Impact of Habitual Residence Condition on Traveller and Roma women affected by domestic violence

The Habitual Residence Condition is proving to be a serious obstacle for Traveller and Roma women seeking to flee a violent relationship and get safety and support. The HRC is a restriction placed on certain social welfare benefits whereby assessment of an application must be considered with regard to a number of circumstances, including the applicant's length and continuity of residence in the State and the length and purpose of any absence from the State.

The HRC has impacted upon all women experiencing domestic violence where they do not have financial resources. Where a woman may be seeking to leave a situation of violence and applies for social protection she has to satisfy the five factors of the HRC. If the woman fails to meet the criteria, she may be forced to remain within that relationship or leave and be at risk of destitution and homelessness. Access to safety and protection may also be severely restricted as access to refuges and support services is dependent on the ability of the woman to pay or to be in receipt of social welfare. In cases where a woman does access a refuge, there is no exit point. Women who do not satisfy the HRC are being forced to remain or return to situations of violence with their children. There is no safety net for people waiting on a decision with regard to the HRC and the appeal process is onerous and lengthy. The HRC has no provision for women experiencing domestic violence.

Although the HRC applies to all applicants for social protection, the HRC has a disproportionate impact on Irish Travellers and Roma which places Traveller and Roma women experiencing domestic violence at further risk. There are a number of reasons for this. Systematic and endemic discrimination in education and the workplace have resulted in a situation where Travellers and Roma are more likely to be in need of social protection and less likely to have an employment record, one of the key factors in determining entitlement to social welfare payments under the HRC. Traveller and Roma women are often the primary caregivers and may not have worked in formal employment. When Traveller and Roma women seek to leave a violent partner, they may fail to satisfy the HRC even though she and all her key family members and connections are in Ireland.

Irish Travellers are a nomadic group who have habitually moved between different jurisdictions. The concept of 'a main centre of interest' is derived from the majority settled population and its application as key criteria in satisfying the HRC is therefore discriminatory against nomadic groups. Travellers who have moved outside of Ireland to other jurisdictions and then returned have been found not to be habitually resident, despite the fact that they may be Irish, have spent most of their lives living in Ireland and have extended family in Ireland. Habitually Irish Traveller families have moved through the Common Travel Area, which covers Ireland and the United Kingdom, including Northern Ireland. Traveller women, who have lived in Northern Ireland and have crossed the jurisdiction to seek safety from a violent relationship, are failing the HRC and have no access to social protection or emergency payments placing them and their children at risk of poverty and homelessness.

Lower levels of literacy, additional language barriers for Roma and lack of access to necessary documentation, present as further barriers in proving habitual residency for Travellers and Roma. Proving residency may also be problematic for Roma if living with extended families. The HRC has no guidelines for dealing with Irish Travellers, Roma or other vulnerable groups.

Traveller and Roma women who are being subjected to domestic violence are being put at increased risk because of the application of the HRC. Traveller and Roma women denied social protection are being forced to stay in abusive relationships, as they have no access to alternative and independent means of income. Traveller women having fled a violent relationship may be forced to return to a violent partner, with her children, or face destitution. Access to refuge and safety is being denied, as refuges under financial pressure cannot provide for women beyond a short period deemed emergency.

The Habitual Residence Condition is a serious obstacle for Traveller and Roma women seeking to flee a violent relationship and get safety and support. Traveller and Roma women's right to safety and protection against domestic violence is therefore being denied. Women experiencing violence, including domestic violence, should not be subjected to the habitual residence condition and there is a need for specific provision for Traveller and Roma nomadism.

Barriers to accessing services and legal protection

Domestic and sexual violence are often hidden crimes and much goes unreported. This is true for the majority settled population. However for Travellers and Roma, as well as for other minority ethnic groups, there are additional barriers to disclosure and seeking support. Discrimination, actual and feared, is a major barrier for Traveller women seeking protection. It has resulted in a mistrust of, and reluctance to disclose and seek support from authorities and services, including the Gardai and health, social work and specialised GBV services. In particular, Traveller women have reported that they may be reluctant to seek the protection of the Gardai as they fear that reporting will result in discriminatory attitudes and treatment, including particular harsh treatment of their husbands. Furthermore they fear a negative reaction from their own, because of the level of distrust of the Gardai that still exists within the Traveller community.

They also fear that that reporting abuse will further stigmatise their community, resulting in a reinforcement of negative prejudices and discriminatory attitudes that Traveller culture is endemically violent, widely perpetuated by media reports. Traveller women will often choose to protect her community against further racist stereotyping by remaining silent about her own experiences.

Our Geels Health Study showed a high level of mistrust of mainstream health services amongst the Traveller community. In the Study the level of complete trust by Travellers in health professionals was only 41% as compared with a trust level of 82% by the general population. Over 40% of Travellers had a concern that they were not always treated with respect and dignity. Over 50% of Travellers had concerns about the quality of care they had received when they engaged with services.¹ This level of mistrust has implications for Traveller women subjected to domestic abuse, as many women would confide domestic abuse to a GP or a mainstream health service.

Roma communities also have a high level of fear and mistrust of authorities, including the police and social work services because of widespread anti-Roma racism and discriminatory treatment throughout Europe. Roma living in Ireland also have experienced high levels of social exclusion and discrimination and because of the impact of the Habitual Residence Condition, many Roma do not have access to primary health care services, a key support in dealing with both the physical and emotional impact of domestic violence and a key link to GBV services.

Travellers also fear that disclosing and seeking support from social workers and service providers will result in their children being taken into care. The National Crime Council Report in 2005 identified that disproportionate numbers of Traveller children were being taken into care.² Similarly, assimilation policies throughout Europe resulted in Roma children being removed from their families and today Roma children in Eastern Europe are also over represented in state care, poverty and discrimination being the underlying causes.³

Barriers to accessing domestic violence service also include lower levels of literacy and language barriers. Furthermore there is a lack of awareness of the range of services available and how to access them. Traveller women traditionally have accessed local refuges for respite and support as they have built up trust in these services. However they are often not aware of helplines, outreach and counselling and local domestic violence services. From our knowledge, very few Roma women are accessing services and supports. As previously highlighted the application of the Habitual Residence Condition largely denies access to refuge protection, beyond a short-term emergency.

Furthermore, although services are working to become more inclusive minority ethnic groups, and in particular Traveller women, barriers to equality of access and outcome remain. There is a need for cultural awareness and anti-racism training and the development of inclusive policies and practice. Traveller and Roma representation on the management and staff of services is needed. Disclosing experience of domestic violence to a settled person can be difficult for some Travellers as they feel there is a lack of understanding of Traveller culture and that the settled worker could be prejudicial against them. Best practice would be

¹ Kelleher, C et al. (2010) *Our Geels All Ireland Traveller Health Study*, University College Dublin, Available at: <http://paveepoint.ie/travellers-and-issues/traveller-health/our-geels-health-study/>

² Watson, D. & Parsons, S., (2005) *Domestic Abuse of Women and Men in Ireland: report of the National Study of Domestic Abuse*, National Crime Council, available at: http://www.esri.ie/pdf/BKMNEXT056_Domestic%20Abuse.pdf, p160

³ Pavee Point (2012) *Roma Communities in Ireland and Child Protection Considerations*. available at <http://paveepoint.ie/sitenua/wp-content/uploads/2010/10/Roma-Communities-in-Ireland-and-Child-Protection-Considerations1.pdf>

for the Traveller and Roma woman to have an option, or to have a Traveller or Roma support worker available to complement the key worker of the organisation. All services also need to implement an ethnic identifier in the collation of data, which includes Traveller and Roma ethnicity, in order to further the development of inclusive policies and services.

As well as inclusion in mainstream information and awareness raising activities, services and support provision targeted Traveller and Roma led, culturally appropriate and community based initiatives are essential in order to outreach and work with the Traveller and Roma communities to increase awareness, provide support, information and links and build up trust in services and authorities. There is also a lack of research into the specific experiences of Traveller and Roma women and their needs in relation to domestic violence, and other forms of gender based violence.

Traveller and Roma women can also experience cultural constraints within their communities which may make it more difficult to seek support and deal with or leave a violent relationship. As with the settled community and other minority ethnic groups, there is increased recognition amongst the Traveller community of emotional abuse and financial control as forms of domestic violence and the recognition of the insidious impact that emotional abuse in particular has on a woman's self-esteem, confidence and coping skills. There is also increased recognition of sexual violence, including rape and sexual assault, within a marriage or a relationship as constituting domestic violence. However Traveller and Roma are still very reluctant to talk about and report rape and sexual assault that takes place within the domestic setting. Sexual violence is associated with high levels of shame and stigma and considered 'taboo' within both communities, making it very difficult for a woman to talk about and/or report the assault and to seek support. Furthermore the high value placed on family and extended networks in Traveller and Roma communities, and the belief that marriage is for life and that the mother is the primary care giver, can place further pressure on a woman to remain silent and withstand the abuse.

Additionally, Traveller women fear that leaving may bring shame and dishonour on themselves, and their immediate and extended family. Whilst it is seen by some that Traveller women who do leave and raise their family on their own are respected and praised within the community, others consider that they will be treated with suspicion⁴ and may risk ostracisation from their community. For a Traveller woman, leaving may mean leaving her community, culture and support networks, choosing between her identity as a Traveller and seeking help. Because of the widespread discrimination still pervasive in Irish society against the Traveller community, Traveller women fear entering into an environment where they may experience direct discrimination and increased levels of social isolation and face using supports and services which are not fully inclusive of their needs and culture. The high value placed on family and extended networks, and the belief and expectation that marriage is for life, can also pressurise a woman to stay.

⁴ Pavee Point (unpublished) *Traveller Women and Male Domestic Violence: Developing A Culturally Appropriate Response*

Again in working with Traveller and Roma communities on the issue of domestic violence, there is a need for culturally appropriate and community awareness raising and outreach support to further behavioural and attitudinal change and to ensure equality of access and outcomes from services and supports. However the Traveller sector has experienced severe disproportionate cuts to funding since 2008 under the guise of austerity, which will work to further marginalize Travellers and Roma and severely restrict the capacity of Traveller organisations to outreach and support Traveller and Roma women at risk⁵ The only dedicated Traveller and Roma violence against women programme (Pavee Point's Violence against Women Programme) has received cumulative cuts of 20% over the past five years, placing the programme at serious risk of closure.

Access to legal protection

The effectiveness of current legislation and the criminal and civil justice system to prevent investigate and protect women against domestic abuse has been seriously challenged by research commissioned by Women's Aid⁶ and Amnesty International⁷. These reports highlight inconsistent responses from the Gardai, long delays in accessing court orders and inadequate enforcement, the adversarial nature of the court system and low conviction and imprisonment rates. These issues affect all women. Lower levels of literacy, lack of accessible information and distrust and particular fear and mistrust of the legal system are further barriers for Traveller and Roma women. Knowledge of Traveller and Roma ethnicity and culture is needed in order that domestic violence orders are more effective – e.g. the granting of barring or safety orders need to take into account that the perpetrator may remain on site, only moving to another bay.

Training and inputs into the equality handbook for the judiciary, alongside accessible information and initiatives to build up trust in the legal system are needed to address these barriers. Furthermore there is need for Traveller representation in any future Judicial Conduct Committee, particularly in light of the more recent offensive and racist comments by a number of District Court judges.

⁵ Pavee Point (2013) *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services* available at: <http://paveepoint.ie/sites/default/files/2013/04/Pavee-Point-Austerity-PDF-1.pdf>

⁶ Kelleher, P. & O'Connor, M., (1999) *Safety and Sanctions: Domestic Violence and the Enforcement of Law in Ireland*

⁷ Amnesty International *Justice and Accountability: Stop Violence Against Women, Summary Report* Available at: http://www.womensaid.ie/download/pdf/justice_and_accountability.pdf

Access to accommodation

Accommodation is one of the most important issues for women experiencing domestic violence. There is a need for a range of options for women, and their children, fleeing a violent relationship – from crisis refuge provision to transitional and supported accommodation to opportunities for independent living. Persistent under-funding and cumulative cuts in the past three years has greatly impacted on the capacity of authorities and organisations to respond to increasing demand while women, and their children, are being denied much needed support and access to safety and accommodation options, including refuge, transitional and supported accommodation. In particular, women and their children are being turned away from crisis refuge protection because the refuge is full or there is not refuge in their area.

Traveller women predominately seek the support and safety of refuges when trying to deal with a violent relationship. Increasingly Traveller women are being refused access to as funding cuts has resulted in severe shortage of places and are therefore forced to return with their children to a violent situation. . The current practice of referral to homeless services and B&B provision service as an alternative to refuge placement is not suitable for any woman fleeing a violent relationship; and is not appropriate in particular for Traveller women who would not consider this accommodation as safe and will not risk attracting additional stigma from their community. As previously highlighted the application of the HRC effectively denies access to refuge protection for Traveller and Roma women and children who cannot afford to pay for their stay.

Refuge provision has largely focused on communal living. In particular for Traveller women living away from their community, support and cultural norms, communal living in a refuge can be extremely difficult and can place further stress on a vulnerable family. While there is a shift towards independent units, there are still only 141 family units in refuges in Ireland. Furthermore there is a need to work to develop best models of practice in terms of transitional and supported accommodation in order that they are inclusive of Traveller women's needs and culturally appropriate to work to ensure equality of access and outcomes for Travellers. There is also a need to specifically look at the accommodation needs of Traveller women and their children on site, including permanent and transient halting sites and group housings schemes and to explore the possibility of community based support initiatives within the context of domestic violence.

The failure of the state to adequately provide for Traveller accommodation severely impacts on a Traveller woman's options in leaving a violent relationship. 'Insecurely accommodated or nomadic women experiencing violence will put the requirements of their family first and prioritise the immediate basic needs of their children, placing the requirement to maintain a home over their own health and well-being'.⁸ The failure of successive governments and local authorities to implement Traveller accommodation policies, has resulted Travellers being forced to seek standard accommodation dislocating Traveller women from their support networks; and has caused severe overcrowding in bays placing vulnerable families and Traveller women at further risk.

⁸ University of Bristol (2009) *Inequalities experienced by Gypsy and Traveller communities: A Review*

Inadequate policy response

In the introduction to the National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014 there is recognition that domestic and sexual violence may be perpetrated against those with particular needs such as older people, young people, members of ethnic minorities, people with disabilities and members of the Traveller community. It then states that “to ensure a consistent approach to all victims” a mainstream approach is used in the strategy, but that the implementation of actions will consider the specific needs of particular groups. The only activity in the strategy which specifically mentions Travellers is as follows:

- 6.4 Identify and promote suitable State service responses in relation to domestic and sexual violence for vulnerable or high-risk groups (including Travellers, people with a disability, older people, migrants, and young people).

Stated actions in relation to Travellers were specified in the *1997 Task Force Report*. They were also specified in the *National Traveller Health Strategy*.⁹ However these are not reflected in the current National Strategy or in its implementation. It is imperative that the specific needs of Travellers and Roma are included; both through consideration of those needs in the planning, implementation and review of relevant policies and practices and through the funding of Traveller and Roma led targeted initiatives. Any future strategy needs to be fully inclusive of the needs of minority ethnic women and provide adequate resources for the development of culturally appropriate programmes.

Pavee Point is also concerned at the slow progress made in the implementation of the current strategy and at the increasingly gender neutral approach adopted by Cosc and the Department of Justice, Equality and Defence. Domestic violence is primarily perpetrated by men against women. It is imperative the domestic violence is recognised as an issue of gender and a form of discrimination against women and that all government responses are informed by this analysis, and include strategies to progress gender equality whilst providing for awareness raising and education on the issue of domestic violence, and providing for adequate and comprehensive legal protection and services and supports for victims.

Impact of cuts on Traveller and Roma women affected by domestic violence

Domestic and sexual violence services, including refuge and support service provision, have experienced severe and cumulative cuts in funding which hugely impacts on their capacity to support and protect women at risk, including Traveller and Roma women. The past 3 years in particular has seen a substantial increase in the need for domestic violence services (40% rise in demand for services between 2009 – 2011 and over past five years an overall increase of

⁹ Traveller Health A National Strategy 2002-2005, Accessible at:
http://www.dohc.ie/publications/traveller_health_a_national_strategy_2002_2005.html

56% up to 2012)¹⁰; whilst at the same time the government is cutting their funding. Women's Aid has highlighted cuts of 19% in its state funding since 2008 which has put a huge pressure on the organisation to continue to deliver the same level of services.¹¹

Traveller women have traditionally used refuges as they have build up trust with concept of a refuge and the staff. Traveller women also have more limited options for alternative respite than non-Travellers in terms of seeking safety by staying with other family members. Limited space particularly on halting sites, and the wish not to involve other families reduce a Traveller woman's options in seeking safety. However persistent under-funding and cuts in past three years for refuge provision has resulted in a severe shortage of places with women and children being turned away and forced to seek refuge in homeless service provision or return to the violent relationship.

SAFE Ireland statistics show an increase of 40% in the demand for refuge protection from 2007 to 2010 whilst some of the services involved have experienced up to 35% cut to their funding during this period. In 2010 more than 7,235 individual women and 2,850 individual children received support from domestic violence support services. This represents over 40% increase in demand for these support services. The organisation reported that in 2010 on over 3,000 occasions services were unable to provide accommodation to women and their children because the refuge was full or there was no refuge in the area. Nearly 8,000 women and more than 3,000 children got help with domestic violence in 2011, a 15 per cent jump on the 2010 figures. In 2011 almost 5,000 women and children were unable to get into refuges because they were full or nonexistent in an area. Services have seen a €4.5 million cut since 2008¹²

Cuts to refuge provision affect all women but impacts on Traveller women in particular as they are the key source of support and many Traveller women will not access homeless service provision and are forced to return to the violent situation. Current Council of Europe recommendations are for 1 refuge place per 10,000 of population Current refuge provision in Ireland currently stands at one third of this recommended level. Cuts to the wider community and voluntary sector also affect women affected by domestic violence, including Traveller and Roma. Local community projects and family resource centres can often be the first point of contact for women. Women's Groups in particular can be an important support in dealing with domestic violence. Furthermore cuts to the wider gender equality framework, including cuts of 45% to the National Women's Council of Ireland, severely restrict measures to combat domestic violence.

¹⁰ National Women's Council of Ireland Prebudget Submissions 2011 & 2013 available at
http://www.nwci.ie/download/pdf/pre_budget_submission_2011.pdf

http://www.nwci.ie/download/pdf/nwci_prebudget_submission_2013_final.pdf

¹¹ Women's Aid (2012) Briefing Paper on Domestic Violence

http://www.womensaid.ie/download/pdf/copy_of_womens_aid_briefing_paper_on_domestic_violence_14th_november_2012_2.pdf

¹² Safe Ireland national statistics available at:

<http://www.safeireland.ie/2011/annual-national-domestic-violence-services-statistics-released/>

<http://www.safeireland.ie/2012/safe-ireland-launch-2011-national-statistics-2/>

Recommendations

- Ireland should immediately sign and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence
- Development of an adequate National Integration Strategy for Travellers and Roma with clear indicators and timeframe to address the structural inequalities of discrimination and poverty that place Traveller and Roma women at further risk of domestic violence.
- Equality/Traveller and Roma proofing of all relevant government policies and dedicated strategies on domestic violence and other forms of gender-based violence
- Adequate resourcing of Traveller organisations to provide anti-racism and cultural awareness training of mainstream and domestic violence services and to inform the development of best practice in working with Traveller and Roma women
- Provision for inputs from Traveller organisations on judicial training days and into equality handbook for Judges; and for Traveller and Roma representation are part of lay representation in any future Judicial Conduct Committee
- Funding for Traveller organisations to carry out research into the specific needs and experiences of Traveller and Roma women affected by domestic violence and for the development of culturally appropriate and community based initiatives, services and supports.
- Funding for research and the development of pilot initiatives to support the employment of Traveller women in services, including refuge, housing, information and support services; and within an Gardai Siochana and the justice system
- Introduce an exemption for women affected by domestic violence and guidelines for Traveller and Roma communities in the Habitual Residence Condition
- Provide sufficient funding for the national and local gender-based violence services to ensure those affected by abuse are supported and protected.
- A minimum target of 1 refuge place per 10,000 of population needs to be agreed, and a timeframe set, so as to ensure women's access to safe emergency accommodation
- Allocation of adequate resources, and ensure full spending of allocation by local authorities, for the implementation of the National Traveller Accommodation Strategy
- Develop and implement a Women's Health Strategy in consultation with women's organisations including a specific focus on Travellers and Roma