



'A welcome change . . . but early days': Irish Service Provider Perspectives on Domestic Abuse and the Domestic Violence Act 2018

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Abstract

This article is an exploratory study of service provider perspectives on the impact and effectiveness of the recently commenced Domestic Violence Act 2018 in Ireland. Drawing on 22 semi-structured interviews with domestic abuse organisations, and a review of both national and provincial newspaper sources, the article highlights the challenges facing domestic abuse service providers in Ireland and identifies key areas in need of reform. The research was conducted during the ongoing COVID-19 global pandemic, and as such, provides a unique insight into the experiences of frontline service providers, and the victims that availed of their services, during the public health crisis.

Keywords

Coercive control, COVID-19, domestic abuse, domestic violence, Domestic Violence Act 2018, Ireland

Introduction

This article examines the impact of the Domestic Violence Act 2018 (2018 Act) in practice since its commencement in January 2019. The analysis is novel as it is the first to review the effectiveness of the provisions of the 2018 Act from the perspective of both male and female domestic abuse service providers. The study was conducted in the Republic of Ireland (hereafter referred to as Ireland) across 16 different counties and

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provides ‘on the ground’ perspectives from 22 different services (equating to over half of all providers currently delivering domestic abuse support nationwide). As such, the findings of this research are multifaceted in nature and reflective of the experiences of a substantial cohort of service providers in both urban and rural Ireland.

The study was conducted remotely during the COVID-19 global pandemic and is timely in that it provides an insight into challenges faced by domestic abuse service providers during the ongoing public health crisis. On this basis, the article is divided into six parts. The first section discusses the new offence of coercive control, recent prosecutions and service provider perspectives on the impact of the new offence. The second section considers the removal of the cohabitation requirement for Safety and Protection Orders. This is followed by an exploration of the response of An Garda Síochána (Irish police) to reports of domestic abuse and the enforcement of the 2018 Act provisions. The fourth section examines the suitability of the Irish courts for cases involving victims/survivors (hereafter referred to as ‘victims’) of domestic abuse and reflects on recent legal developments which change the methods available to victims giving evidence in court. Section five ‘Policing domestic violence and abuse and responses by An Garda Síochána (Irish Police)’ critically investigates the current situation in Ireland with regard to refuge and resources for domestic abuse services and the impact of the housing crisis on the provision of safe accommodation. Finally, this study provides an overview of the public, governmental and organisational response to domestic abuse during the current public health crisis, with a particular emphasis on the recently implemented measures designed to support and protect victims.

Methodology

This study involved three data collection methods, namely qualitative interviews, newspaper archives, and secondary sources. Semi-structured interviews were conducted with 22 domestic abuse service providers throughout Ireland. Purposive sampling was employed and the participants were recruited on the basis of their extensive practical experience of assisting victims of domestic violence. Participants were originally selected from a list of services published on the Safe Ireland website, with 17 of the interviewees derived from this source. The duration of the interviews varied between 30 and 70 minutes and all participants were female. This is likely due to the fact that domestic violence and abuse service provision are a female-dominated sector. In 2012, Women’s Aid reported that the presence of male staff can hinder the recovery and empowerment of victim/survivors (Davidge, 2012). The reasoning behind this is that domestic violence and abuse is a gendered issue rooted in power imbalance and inequality between men and women. Thus, the intimate nature of the relationship between service provider and victim means that this imbalance may arise in relation to male support workers regardless of their personal views or behaviours. As a consequence, some believe that service provision should be delivered by females in order to limit female victims exposure to possible gender imbalances during the recovery process (Davidge, 2012).

Interview requests were sent to a total of 40 organisations, but 18 chose not to participate or were unable to do so. Accordingly, it must be acknowledged that the perspectives of the interviewees in this study may not necessarily be representative of the experiences

of all domestic abuse services in Ireland. Interviews with service providers are valuable for a number of reasons: they have practical experience in dealing with instances of domestic violence and abuse, they understand victims' needs and the practicalities regarding the provision of and access to services, and they provide an alternative perspective on victims' experience of domestic violence and abuse. These 'on-the-ground' perspectives tend to be 'overlooked in traditional' scholarship, but they facilitate new avenues in exploring this research area (McGaughey, 2019: 169).

This study employed thematic analysis, using Braun and Clarke's (2006) framework, to identify patterns within and across data in relation to participants' lived experiences, views, perspectives, behaviour and practices. It is for this reason that it was felt to be the most appropriate mode of data analysis for this qualitative study. These semi-structured interviews were supplemented with a review of the available newspaper sources and the secondary scholarly literature. Newspaper publications available through online databases were reviewed from 1 January 2019, the date in which the Domestic Violence Act 2018 was commenced, until 17 June 2021. As a result of this approach, media reports published prior to 1 January 2019 were excluded. This search encompassed national and local newspapers derived from the Irish Newspaper Archive and the Irish Times through ProQuest. These sources were complemented by newspaper reports from the United Kingdom, where appropriate. This data collection approach enables both the examination of legal issues in context and the tracing of related developments over time. These sources are relevant because they reflect the social and cultural values held by society, providing a concise account of cases of domestic violence and abuse across both urban and rural Ireland. Furthermore, it allows for an analysis of the media portrayals of domestic violence and abuse victims and offenders, and the potential impact this may have on wider society.

Coercive control

The 2018 Act was enacted on 8 May 2018 and entered into force on 1 January 2019, enabling the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) on 8 March 2019. The offence of coercive control was introduced into Irish law under section 39(1) of the 2018 Act. It defined coercive control as occurring where a person knowingly and persistently engages in behaviour that (a) is controlling or coercive, (b) has a serious effect on a relevant person, and (c) a reasonable person would consider it likely to have a serious effect on a relevant person. This legislative provision was the result of persistent lobbying and successive campaigns by Domestic Violence Organisations, such as the 'You don't need a Bruise to be Abused' campaign. This particular campaign was championed by Inchicore Outreach Domestic Violence Centre in County Dublin and highlighted that abuse comes in many forms such as verbal, psychological, financial and sexual. Its acknowledgement in statute is an important recognition of what abuse entails in a domestic context (Hanna, 2009). One participant in this study hoped 'that it will encourage more to come forward and be aware of it' (Interviewee 18), while another interviewee felt that it sends out the 'message that there was something more to abuse and control other than the physical side of it' (Interviewees 7, 15 and 17). This coincides with Walklate and Fitz-Gibbon's (2019) finding that coercive control is capable

of operating in a 'myriad of ways' (p. 99) in a victim's everyday life. In addition, the long-term effects of coercive control have been regarded as 'dramatic' (Johnson, 2008: 39–50) and include negative consequences for a victim physical and psychological health (Nevala, 2017: 1798). Indeed, some victims meet the criterion for post-traumatic stress disorder (Dutton and Goodman, 2005: 753).

Victims in abusive relationships can be subjected to dominance over time (Dichter et al., 2018: 596–597; Stark, 2007, 2013) and one interviewee indicated that 'the other side of coercive control is that you have to move away from it being treated as incidents, to patterns' (Interviewee 16). This pattern of behaviour is used to intimidate, isolate, control and regulate all aspects of a victim's life and can culminate in women giving up work, changing routines and losing contact with family and friends (Crossman and Hardesty, 2018: 196; Women's Aid, 2019). Ignoring the psychological aspects of domestic violence, as Tolmie (2017: 52) argues, risks underestimating the consequences of the offender's behaviour and its effect on the victim. One interviewee, for instance, recollected a conversation with a woman who told her that her husband 'never laid a finger' on her, but that what he did to her 'head' was worse than any beating (Interviewee 17).

It has been documented that coercive control predominantly affects females, with Anderson (2009) viewing it as gendered in multiple ways. A study carried out in England and Wales, to take just one example, found that the majority of victims of coercive control were female and that they were victimised by either a current or previous intimate partner, with the perpetrators being overwhelmingly male (99%; McGorry and McMahon, 2019). Stark (2007: 102) also maintained that this 'pattern of intimidation, isolation and control . . . is unique to men's abuse of women', but this view is contradicted by some of the participants in our study. An interviewee noted that 'most of the men I talk to are suffering some form of coercive control' and that many suffer 'constant emotional abuse . . . every day', being told that they are 'useless' and 'not a good father and that kind of stuff' (Interviewee 5). Furthermore, although cognisant of the importance of criminalising a range of behaviours that were not previously illegal (McGorry and McMahon, 2019), the interviewees were at pains to stress that coercive control is 'not a single incident crime' and that the 'cumulative impact' on the victim needs to be recognised (Interviewee 3).

Contextual evidence will be crucial in prosecuting this offence (Hanly, 2019), but there was concern among the interviewees that there will be evidential difficulties in practice (Interviewees 3, 6, 9, 11). Prosecuting this offence, as in other jurisdictions, will rely heavily on 'victim testimony' (Tolmie, 2017) as with 'a crime against the person there is always going to be pressure on the individual to demonstrate the crime, as they are a key witness' (Interviewee 3). One participant noted that, in this regard, they would recommend that the victim 'keep a diary of events and to keep a log of daily things that are happening or weekly things' (Interviewee 15). However, there is also a need to put in place creative prosecution methods to ensure that victim testimony is not the sole evidence relied upon in these cases (Bishop and Bettinson, 2018). As one participant observed, 'there is plenty of scope for expert witnesses from mental specialists, from family, friends, neighbours, from Gardaí . . . the whole range of people who come in contact with a victim' (Interviewee 3).

At the date of writing, there have only been three ‘successful’ prosecutions for coercive control in Ireland (Irish Times, 2020). The first case involved the defendant making almost 6000 calls to a former partner over a 3-month period (Donegal News, 2020b). The defendant had twice breached a protection order and was sentenced to 2.5 years in prison with the final 9 months suspended. The court also heard a recorded phone conversation in which the defendant threatened the woman: ‘I’ll kill you stone dead. I’ll cut your throat’ (Donegal News, 2020a). As one interviewee noted, ‘the victim, the woman in the case, in her place of work there was a ridiculous amount of phone calls coming in all the time, so in a sense you could log it’ but generally speaking, coercive control would be ‘very difficult . . . to prove’ (Interviewee 4). The second case was the state’s first ever coercive control conviction following a jury trial. The victim in question was subjected to severe physical and emotional abuse stating in court that she ‘might be dead or in a vegetative state’ (Irish Times, 2020) if doctors and the Gardaí had not intervened. The defendant was convicted of coercive control, intimidation, assault and 12 counts of assault causing harm and was sentenced to a total of 12.5 years in prison. Although the case was not a stand-alone conviction for coercive control as it also involved substantial levels of physical violence, it has been described as a ‘landmark’ judgment, sending ‘a strong message to abusive men’, and demonstrating ‘a cultural understanding of the crime of coercive control’ (Coyne, 2020). Another successful prosecution for coercive control saw the defendant plead guilty to ‘knowingly and persistently engaging in behaviour that was controlling or coercive’ (Healy, 2021a) towards his wife in the presence of their children. It was stated in court that the defendant had facilitated a ‘regime of fear and terror over his family’ (Healy, 2021b). The defendant controlled all aspects of his wife and children’s lives including ‘what they could watch on TV, where they could go and who they could see’ (Healy, 2021b). The defendant was sentenced to 3 years in prison, which Judge McCabe felt reflected ‘the gravity of the offence’ (Healy, 2021a).

Removal of the cohabitation requirement

The removal of the requirement for a couple in an intimate relationship to be cohabiting in order to avail of Safety and Protection Orders was described as the ‘most important change’ in the 2018 Act (Seanad, 2017). Provided for under section 6(1)(a)(iii), the removal of this requirement has not only ‘made a difference in terms of who can apply for orders’ (Interviewees 3, 17), but as one interviewee pointed out, it ‘has been massive for the women we work with, that they can know that they are entitled to protection from the state even if they haven’t lived with him or even if they don’t own a house together etc’ (Interviewee 8). One domestic abuse organisation in this study recounted that prior to the introduction of this provision, ‘There would be so many times that people would come and they wouldn’t be living together, so they had nothing, they had nowhere to go’ (Interviewee 10). The former director of Women’s Aid, Margaret Martin, noted that ‘dating abuse is a significant issue’ (Evening Echo, 2019) for frontline support services and that the provision would ‘make a significant difference to the safety of younger women’ (Ó Fátharta, 2019).

Similarly, the removal of the requirement for a couple to have been living together 6 out of the previous 9 months in an intimate relationship for a barring order under section

7(1)(c) was deemed to be a ‘welcome’ (Interviewee 6) amendment, that has ‘opened up a support for another group of people’ (Interviewee 20). One participant observed that they ‘have had a lot of cases where because that minimum cohabitation period hasn’t been there women have been refused orders’ (Interviewee 6) and another interviewee found it ‘very useful’ because ‘a lot of younger couples who might not have married or might not have even lived together or lived together for a very short space of time’ (Interviewee 7) had previously encountered difficulties in obtaining an order.

Policing domestic violence and abuse and responses by an Garda Síochána (Irish Police)

Research has highlighted that the ‘police response to domestic violence entails a unique complexity’ (Lee et al., 2013: 159), requiring specialised knowledge, skills and experience (Fitz-Gibbon and Walklate, 2018: 164). A Report by Women’s Aid and Monica Mazzone (2019: 9) described the Garda response to domestic violence as ‘inconsistent’ and this is reflected in the various interviews conducted in this study. While Gardaí in certain units were described as ‘very good’ (Interviewees 15, 17), ‘fantastic’ (Interviewee 1) and ‘absolutely terrific at their work’ (Interviewee 8), another participant observed that some Gardaí were ‘very very helpful and supportive’ but she also had ‘terrible experiences’ with less interested members of the force (Interviewees 11, 19). Although other participants pointed out that the 2018 Act appears to have ‘really invigorated’ (Interviewee 6) the Gardaí and that the ‘guards generally by and large are fine’ (Interviewee 12), the Policing Authority (2020) has stated that the Gardaí are ‘culturally not there yet’ when it comes to responding to domestic violence. This finding is reminiscent of anti-carceral feminist perspectives in other contexts (Carlton, 2018; Davis, 2016; Phipps, 2016) and corresponds with previous research assessing the factors that influence variation on police responses to domestic abuse and violence situations (Barrett et al., 2011; Novak et al., 2011).

Victims of domestic abuse are a hidden population who are greatly at risk of re-victimisation (Brame et al., 2015), and the positive Garda responses reported by Women’s Aid and Monica Mazzone (2019: 9) included fast attendance to call outs, referrals to support, quick investigations and an understanding of the dynamics of domestic violence. These contrasted with the experiences of the male domestic abuse organisations who pointed out that the Gardaí ‘don’t automatically come out straight away’ (Interviewee 5) in the same way that they do for female victims and that male complainants were ‘at the mercy of whoever happens to be called out that night and how informed they are as well’ (Interviewee 4). One participant recounted an occurrence where:

There was an incident where a guy you know, had called the Gardaí and they said to him, ‘look sure you should just leave the house and let things settle down’ even though he was the victim and they laughed at him in the garden. (Interviewee 5)

Bates et al. (2019) argue that less identification of female perpetration and male victimisation arises through comprehending domestic abuse and violence as a gendered phenomenon. Our findings coincide with research carried out in other jurisdictions where

there are indications that the police are less likely, in instances of domestic violence and abuse involving a female perpetrator inflicting violence on a man, to implement control actions (Brown, 2004). Moreover, Fagerlund's (2021: 103) recent Finnish study came to a comparable conclusion with respect to the recording of offences. Conversely, concerns that complaints were not taken seriously, and that there was a minimising of the scale of abuse and the risk posed to the victim, were gender-neutral (Women's Aid and Monica Mazzone, 2019).

Another concern raised by the Policing Authority (2020), and by a number of participants in this study, is the framing of domestic abuse as a relationship issue or 'a private family matter' (Interviewee 8) rather than a crime (Lally, 2020). The 'combination of social attitudes with the private nature of the modern family, and the socially structured inequality that is part of every household, makes for a tinderbox of emotions and possible violent outburst' (Gelles and Straus, 1988: 35), but as one interviewee noted domestic violence is 'a human rights violation rather than a family issue' (Interviewee 6; McQuigg, 2017; Meyersfeld, 2010). The mentality that domestic abuse is 'a family thing' (Interviewee 6) is still reputedly evident in small towns and villages in Ireland where the victim, perpetrator and Gardaí often know each other as members of the community (Lally, 2020), and it has been reported that there is a reluctance among certain Gardaí to 'remove the perpetrator from the home or make an arrest in the absence of a complaint' (Policing Authority, 2020). This is particularly concerning given that rurality is considered a risk factor for women and can be used as a weapon by an abuser to isolate a victim (Longford Leader, 2020). The 'face of abuse', as one service provider noted, is 'different' in rural areas:

We would see a different kind of abuse in rural versus urban . . . you get particularly nasty violent cases, sadistic cases, in very isolated areas, because it is literally where nobody can hear you scream, and we would always have a steady stream of women in that situation. (Interviewee 12)

Due to the closure of Garda stations in rural locations across the country and the lack of public transport to access counselling or support services, further isolation can be experienced by victims living in these areas. As a consequence, the rural dimension and its impact on victims must be considered with regard to responses to domestic violence or abuse and its consequences (Burnett et al., 2016). One participant suggested that 'rural proofing' domestic violence policy and responses in Ireland may be necessary as these victims have fewer social supports or resources, and depend on services that serve large geographic areas (Interviewee 12).

Research exploring the full impact of rural locations on instances of, and responses to, domestic violence and abuse is limited. Moreover, criminology and criminal justice scholars, in particular, have been accused of maintaining the assumption that rural communities experience less violent crime as a result of perceived decreased social disorganisation and increased collective efficacy (DeKeseredy, 2009: 179; DeKeseredy and Schwartz, 2008: 106). Research findings by Rennison et al. (2013: 1313) have challenged these assumptions by reporting that women in rural communities are, in fact, at greater risk of experiencing domestic violence and abuse than their urban and suburban counterparts. This is attributed to a particular type of patriarchy which is said to be

'embedded' in rural culture and society (DeKeseredy et al., 2009: 180). Rural men are said to often receive peer-support within their communities from those who view abuse against rural women as normal, therefore reinforcing or supporting their abusive behaviours (DeKeseredy et al., 2009: 179–180; Little, 2017: 482–483; Rennison et al., 2013: 1313). A similar culture is also said to exist within police forces that tend to embrace a 'cult of masculinity', with police work viewed as an 'overwhelmingly white heterosexual male dominated occupation' (Fagerlund, 2021: 93; Loftus, 2008: 747). Research has shown that some officers hold problematic views of domestic violence and abuse such as victim blaming, minimisation and patriarchal attitudes towards women (Lockwood and Prohaska, 2015: 79). Patriarchal police culture is particularly detrimental for rural women as male perpetrators are likely to be friends with local police and therefore protected by what is known as the 'ol' boys network (Rennison et al., 2013: 1313).

In these situations, it is argued that collective efficacy operates to the detriment of rural women as neighbours and community members may be unsympathetic or turn a blind-eye to domestic violence and abuse based on 'non-intervention' or 'privacy' norms (DeKeseredy and Schwartz, 2008: 109–111; DeKeseredy et al., 2009: 180; Little, 2017: 484). These dangerous social norms and customs are further amplified by the social and geographical isolation experienced by rural women which make it difficult for them to escape or to access supports (DeKeseredy, 2009: 183; Rennison et al., 2013: 1314).

One final thread to emerge from the interviews in relation to the policing of domestic violence was the need for additional Garda training on the 2018 Act (Interviewee 20). While the interviewees noted that 'some work' has been conducted 'with the guards on training' (Interviewee 3), Gardaí in certain parts of the country 'received no formal training at all' (Interviewee 8). One interviewee noted that 'I feel in Ireland still we are way behind the UK with this and what's called for is really robust training and education for Gardaí' (Interviewee 4), while another pointed out that certain Garda units are 'desperate' for guidance:

We do a lot of work obviously with the local guards here and they have been very frustrated that there hasn't been the proper training come down from above and it's not that they don't want to, they do, they are crying out for it but, it's just for whatever reason it's taking them a while to roll it out. (Interviewee 6)

Notably, 'despite the coercive control offence requiring a significant change in focus and investigative practice' (Barlow et al., 2020: 174), one participant pointed out that 'the whole Garda[i] force is not fully trained in coercive control or how to investigate it' (Interviewee 6). Barlow et al. (2020: 175) emphasise the need for greater resourcing and training of frontline officials, but they also stress the need to improve understanding of the nature and impact of coercive control at all points of contact within the criminal justice process. Similar views were expressed by one domestic abuse organisation who felt that 'there is a lack of understanding of how coercive control fits in with domestic violence more generally' and 'that the key to this is involving . . . judges, solicitors, Gardaí, welfare officers, you know the whole of the first line responders' (Interviewees 9, 19). As Burman and Brooks-Hay (2018: 78) point out, 'legislative change cannot on its own lead to improvements. Whatever laws we have will be only as effective as those who enforce, prosecute and apply them'.

Domestic violence and the courts

The court system has been viewed as ‘a central part’ of the response to the problem of domestic violence and it has been observed that victims’ experiences in court vary (Cattaneo et al., 2013). While certain interviewees were very complimentary about ‘court clerks’ (Interviewees 1, 10, 20) and the staff of the courts service (Interviewees 6, 7, 19, 20), the courts’ infrastructure, broadly speaking, was described as ‘not fit for purpose’ (Dunphy, 2020) and ‘totally the wrong environment to try and address domestic violence’ (Interviewee 8). Victims of domestic violence may experience the court system in terms of appearing as a witness in a criminal case (Mindthoff et al., 2019), and/or as an applicant in a civil case seeking protection (Robinson, 2007), but the court experience appears to differ according to geographical location. Although ‘the physical suitability of the courts around Ireland is slowly changing’ (Interviewee 3) and ‘private rooms’ (Interviewee 16) are available for consultation in certain court buildings (Interviewees 7, 8), it has been reported that in certain parts of the country ‘everything seems to be done in the corridors’ (Interviewee 5) and that victims are left to speak into a hatch ‘in full view of everyone present’, including the person who abused them (Moore, 2019). The absence of a safe space to ‘talk privately’ (Interviewee 5) in certain court buildings was captured by one interviewee who outlined the distressing effect that it had on victims:

So, if we are supporting a woman who is absolutely petrified that she is standing up to this person who has frightened her and who has made her life full of fear, she’s petrified going into court and we cannot tell her beforehand that she will be in the privacy of a little room and not have to see him until she’s facing the judge, it’s so unnecessary. (Interviewee 8)

This is inevitably compounded in situations where victims are compelled to queue or sit next to their abuser (Moore, 2019), with one service provider pointing out that ‘what we do on family law day is almost bodyguarding because we are trying to protect them from the perpetrator’ (Interviewee 6). This is a clear example of what Douglas (2018) refers to as ‘legal systems abuse’ where a victim’s engagement with the court system is experienced as an extension of the abuse, because the process indirectly provides the perpetrator with an opportunity to intimidate them. One participant described this intimidation as ‘so real and you can feel it palpating in the room, you know it can be really distressing’ (Interviewee 17).

Stark (2007) outlines how perpetrators of domestic violence can manipulate the legal process to continue psychological or emotional abuse. A number of participants observed that the court infrastructure can make it ‘very easy for women to be victimised again’ (Interviewee 6) and that court processes can often be ‘weaponised’ (Interviewees 21, 5) by an abuser:

I have one woman and she has been in court seventy-four times over access and he just keeps pulling her back, he keeps appealing the access order, he keeps wanting to change the access order. (Interviewee 21)

Another participant supporting male victims also recalled a situation that she felt was ‘really dangerous’ (Interviewee 5):

The man goes home and suddenly there is a protection order there and he is terrified now that he is going to get arrested, and if she calls the Gardaí and says that he's done something even if he hasn't, he will end up in a jail cell for the weekend. (Interviewee 5)

Instances of this nature where procedural mechanisms are used by a perpetrator to control a victim have also been coined as 'paper abuse' – an under-researched phenomenon by which perpetrators of domestic abuse use legitimate legal actions as a means of exerting power over their victims (Miller and Smolter, 2011).

The Act has also introduced new provisions which could potentially change how victims provide evidence in court. Section 25(1) of the 2018 Act facilitates the provision of evidence through television link for civil proceedings (a) where that person has not attained the age of 18 years, unless the court sees good reason to the contrary and (b) in any other case, with the leave of the court. One participant stated that the video link provision is 'ideal' not only for adult victims of domestic abuse, but also for the children who 'have to walk past the perpetrator who they are going in to give evidence to the judge about abusing them' (Interviewee 6). Other interviewees felt that for 'many women being able to apply for the initial order, protection order, or interim barring order, remotely would be amazing' (Interviewee 8) and 'make a lot of difference' (Interviewee 2), but some organisations found that while 'the capacity is there' (Interviewee 9) some judges are 'very reluctant to use it' (Interviewees 3, 11).

The recent enactment of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 may prove to be an important legislative development in this regard. Section 11(1) provides that 'a court before which civil proceedings may be heard may direct that any category or type of such proceedings shall proceed by remote hearing'. One interviewee said that they are hoping to be 'able to facilitate hearings from their own offices' and that they are 'waiting to hear if that will be acceptable from the court services' (Interviewee 3). Many of the organisations interviewed were 'hopeful that perhaps the move [to] digital in COVID times might present an opportunity' (Interviewee 9) and that remote hearings would reduce both the 'need for traffic into courts' and 'the traumatisation for victims' (Interviewee 3). The court process can be a fearful experience for victims of domestic violence, with one interviewee outlining that:

most people are very naive to actually what domestic abuse really is, even after all the awareness, they still don't realise that when a woman goes to court, how humiliating it is, how fearful it is, you know so many aspects to that, then women have no voice most of the time and here they are sitting, then waiting, waiting, feeling absolutely humiliated a lot of the time, because it is the biggest secret of all. (Interviewee 10)

Remote hearings thus may provide an avenue to combat this traumatic experience in some way for victims and most service providers 'would absolutely endorse and encourage' it (Interviewee 21).

Section 26 of the 2018 Act outlines the right to be accompanied in court in certain circumstances. Section 26(1) states that an applicant may, in addition to their legal representative, be accompanied in court by an individual of their choice. However, under section 26(2), the court may refuse to allow an applicant to be accompanied to court by

a particular individual at any stage in the proceedings if the court considers that it would not be in the interests of justice for the individual concerned to accompany, or continue to accompany, the applicant. Where the court so refuses, it shall give reasons for such refusal. One participant described the need to protect both the victim and the staff member during court accompaniment when permitted:

I need to know that they are safe. I need to know that they have got to the courthouse safely. I need to know where they are. I need to know if the perpetrator is around. Has he spotted them? Are they able to keep a distance from him? (Interviewee 21)

Funding has been made available by the Department of Justice for court accompaniment (Department of Justice, 2018), but one interviewee felt that 'the court rule needs to be worked on a bit more to support the domestic violence services' (Interviewee 3).

Refuges and resources for domestic abuse services

Article 23 of the Istanbul Convention requires States Parties to provide for safe accommodation to victims. This provision requires the establishment of one family accommodation unit per 10,000 population (Offaly Independent, 2019), but as a number of participants pointed out, there is 'a limited supply of refuge places in Ireland' (Interviewees 3, 6) and securing refuge accommodation is 'getting more and more difficult' (Interviewee 1). Moreover, in certain counties, there are no refuges at all for women (Interviewees 1, 8), and even where refuge space is available, interviewees reported that 'it's all shared housing and it's not appropriate for DV victims' (Interviewee 6). At present, nine out of the 26 counties in the Republic of Ireland are without an in-county domestic violence and abuse refuge and there appears to be disparity in service provision in rural versus urban areas. For example, County Dublin alone has four refuges, while bigger counties that encompass large rural areas like Cork and Galway, have only one refuge each. Other rural counties such as Roscommon, Longford and Cavan are without any refuge service and as a consequence have to refer victims to neighbouring counties in the hope of securing a place in a refuge. It has been reported that nine requests were refused per day in 2018 because refuge services were full (Ring, 2019). Male victims also have limited options in terms of escaping an abusive relationship and those without 'family or friends' can 'end up in the homeless services' (Interviewee 5). There is currently 'no refuge for men' in Ireland (Interviewee 4), while the lack of 'safe beds' has been documented (Horgan, 2020). One interviewee noted that 'we need refuges for men' as they will 'stay in dangerous situations because they don't want to leave their children' and 'because there is nowhere to go' (Interviewee 5). Thus, irrespective of gender, 'access to accommodation is critical for the purposes of security and stability of the family unit but also to prevent homelessness occurring' (Department of Housing, 2017).

Furthermore, victims may be trapped in either emergency accommodation or remain in refuges for a prolonged period because of social housing waiting lists and the current housing crisis (Donegal News, 2019). One participant stated that they had a woman who 'stayed nearly two years in a refuge with her kids' (Interviewee 12), while another interviewee is 'working with several women at the moment who cannot . . . leave because

there is no alternative and . . . a lack of local authority housing' (Interviewee 8). These women become 'safe house blockers' (Interviewee 8) because as one service provider put it, 'there is nowhere for them to go and let other women come in and use the service' (Interviewee 11). Hidden homelessness is also a factor, according to one service provider, because 'the local council and housing associations are not treating women living in emergency accommodation as being homeless, because they are so relieved that they are safe and that they have got a roof over their heads' (Interviewee 8). Concerns have also been expressed by organisations who work with victims that are ineligible 'to go on a housing list' (Interviewee 7). One organisation stated that there is a 'gap in the system' for victims who are homeowners (with the abuser), especially if the settlement, when the house is sold, is not valuable enough to allow them to buy a house of their own (Interviewee 7). This participant gave the following distressing example:

The woman who I am talking about now at the moment . . . she's in her sixties, and as a matter of fact she's in hospital at the moment in a mental health ward because of the stress of being in that situation and living with abuse going on in her home and really like has nowhere to go. (Interviewee 7)

The various organisations interviewed for this study all alluded to the need for adequate funding and a greater recognition of 'the work they are doing in trying to accommodate women' (Interviewee 2). Many participants pointed to the goodwill of social welfare officers (Interviewee 9), estate agents (Interviewee 10), charitable bodies and Airbnb (Interviewees 6, 17, 19) *inter alia*, but they also noted that the system should work according to 'systemic practices' rather than being reliant on 'good relationships' (Interviewee 9). The 2018 legislation thus 'must be fully resourced to be effective in protecting those affected by domestic violence' (Ó Fátharta, 2019) and not just a measure 'to tick a box' (Interviewee 6) in the ratification of the Istanbul Convention.

On 14 June 2020, the former Minister for Employment Affairs and Social Protection, Regina Doherty, introduced changes to the rent supplement scheme to afford greater assistance to victims of domestic violence. The new rules mean that victims of domestic violence, who are referred by the Gardaí, the Health Service Executive, or Tusla-funded services, will be awarded 3 months' rent supplement without the requirement to undergo a means test. This period of 3 months can be extended by a further 3 months under the usual Rent Supplement means test (Southern Star, 2020). After 6 months, if the victim has a long-term housing need, they can apply to their local authority, and if eligible, will be granted assistance through the Housing Assistance Payment scheme (DEASP, 2020). Leaving a domestic violence situation is an extremely complicated process (Watson and Parsons, 2005: 71), and 'access to economic resources can make a great difference to the process of leaving an abuser' (Women's Aid UK, 2019: 23). As stressed by one participant, 'nobody should have to stay in a home because of being trapped financially' (Interviewee 8).

Domestic violence and the public health crisis

The first case of COVID-19 in Ireland was recorded on 29 February 2020. By the end of March 2020, all schools, colleges, childcare facilities, non-essential businesses and

amenities were closed. At this time, the Irish Government also announced a stay-at-home order banning all non-essential travel and contact with people outside of one's own household (RTÉ, 2020). These restrictive measures became universally known as 'lockdowns'. In this context, a lockdown is described as a temporary non-pharmaceutical intervention implemented to limit contact and movement within society to stop the spread of a virus (WHO, 2020). Since the outbreak of the COVID-19 global pandemic and the corresponding national and local lockdowns in Ireland, there has been an increase in reports of domestic violence and abuse nationwide. This is unsurprising given that 'emergency situations, such as pandemics, exacerbate evidenced risk factors for domestic violence' (Doyle, 2020) and culminate in 'already exceptionally difficult situations' becoming 'almost unbearable' (Interviewee 22). One service provider stated that they had 'gone from having probably 7, 8, 9 calls a day' to 'taking up to 22, 23, 24' (Interviewee 5), while another interviewee noted that they had experienced a '400% increase' in May 2020 alone (Interviewee 8). Similar increases during lockdown were reported by other organisations (Women's Aid, 2020, 2021) and the print media (Connor, 2020), but most of the participants in this study attributed this increase to 'a lot more new people coming forward' (Interviewees 1, 6, 8, 15, 17). Of course, this rise in reported domestic violence and abuse cases is not limited to Ireland. The World Health Organization (WHO), United Nations, civil society, Europol and Interpol have all recorded higher rates of reported domestic violence across the globe during the restriction measures (Gray, 2020; UNWOMEN, 2020).

'Stringent restrictions on movement shut off avenues of escape, help-seeking and ways of coping for victim-survivors' (Bradbury-Jones and Isham, 2020) and this was borne out by media reports and the participants in this study (Interviewee 17). The absence of these escape mechanisms and coping strategies, as one interviewee observed, 'intensified' the abuse during the lockdown:

The women that we work with are amazing at surviving domestic violence, so they have multitudinous range of coping strategies where they get support, they get breaks, they get to read his signals to deescalate situations, and obviously in COVID lockdown all of that was under severe pressure because of the lack of space to get support. (Interviewee 8)

These sentiments were reinforced by the Chief Executive of Women's Aid, who stated that the restriction measures created a perfect storm in terms of isolation, remote working, job-loss, home schooling and financial uncertainty, all of which influenced the dynamics of violence and exacerbated already volatile situations for victims of abuse and their children (O'Keeffe, 2020a). One interviewee noted that they had 'seen a huge intensity in the type of abuse that these women were actually experiencing and especially coercive control where they weren't even being allowed out to go and do the shopping' (Interviewee 6). A survey conducted by Women's Aid also found that 72% of victims felt that their abuser had more control over their life since lockdown (Belfast Newsletter, 2020).

COVID-19 also poses additional challenges to the capacity of service providers to deliver timely and effective support to victims (OSCE, 2020). These include, inter alia, the unavailability of short-term accommodation in hotels and B&Bs, the curtailment of

face-to-face supports, reduced childcare supports, the enduring lack of refuge space and safe beds, and the inability of teachers to identify signs of abuse among children due to school closures. Yet, despite the difficulties faced, the interviewees noted that one of the few positives to emerge from this challenging period were the various initiatives and campaigns introduced at both local and national level to increase public awareness of domestic violence (Interviewee 20). An interviewee pointed out that the ‘things that we have been trying to promote over the years . . . a lot of people are talking about it now’ (Interviewee 2), while another participant stated that she ‘had never known there to be so much public attention on the issue of domestic violence’ (Interviewee 8).

Of particular importance was the ‘Still Here’ campaign launched by the Department of Justice on 10 April 2020 to encourage victims of domestic violence to contact support services during the public health crisis, which appears to have been closely aligned with the European Commission (2020) recommendation to develop awareness raising campaigns in this regard. One domestic abuse organisation felt that the government ‘did a tremendous job to prioritise domestic violence’ (Interviewee 3), while another interviewee noted that this collaborative campaign between the government and frontline organisations ‘had been a silver lining’ (Interviewee 8). Crucially, one service provider observed that ‘the awareness raising campaign would have hugely contributed we think to the surge’ in contact from victims (Interviewee 16). Local services also endeavoured to document the issue ‘in the local papers and on local radio as much as possible’ (Interviewee 8). Consequently, this not only culminated in an increase in reporting, donations and referrals, but it was also important in challenging the notion of domestic violence being a ‘private family matter’ (Interviewee 8) and highlighting that the wider community have ‘a critical role’ in ‘creating the conditions for people to come forward’ (Interviewee 3). However, one participant, while acknowledging the ‘heightened awareness’ of domestic violence during the pandemic, cautioned that ‘it’s really important that we don’t lose that collective and community awareness of that, that it doesn’t fade’ (Interviewee 21).

Another positive development during the public health crisis was the introduction of Operation Faoiseamh, which was commenced as part of An Garda Síochána’s community engagement response to COVID-19. The first phase was launched on 1 April 2020 to ‘prevent loss of life and to ensure that victims of domestic abuse were supported and protected’ (O’Keeffe, 2020b) and was deemed by one participant to be ‘very successful’ (Interviewee 3). Figures released by the Garda National Protective Services Bureau (GNPSB) in June 2020 illustrated that there were 8229 contacts or attempts to contact victims of domestic violence (O’Keeffe, 2020b). Phase 2 commenced on 13 May 2020 and focused on the execution of arrests and the commencement of prosecutions for offences relating to breaches of court orders. By 27 May, there had been 107 prosecutions recorded during the operation (Policing Authority, 2020: 21–23). These measures, as one interviewee noted, demonstrated that ‘when [the] resources were put in place’ the Gardaí ‘can make a huge difference’ (Interviewee 3).

Conclusion

The 2018 Act introduced significant changes to the law on domestic violence in Ireland, but as the Act is still very much in its infancy, it would be presumptive and premature to

offer any firm conclusions on its effectiveness and implications in practice. That said, the early indications are promising and the findings of this study intimate that certain provisions of the 2018 Act, such as the new offence of coercive control, have ‘enabled a change’ in public and political discourse (Interviewee 13). Furthermore, service providers remain ‘hopeful’ (Interviewee 1) that the latest changes will be effective, with one participant contending that the 2018 Act has ‘the potential to change culture in Ireland’ (Interviewee 7).

This research was conducted during the COVID-19 global pandemic during which there has been a well-documented increase in reports of domestic violence in Ireland. To this end, the article offers a ‘snapshot’, derived from service providers, of the domestic abuse experienced by victims when their abuse was exacerbated due to restrictive measures implemented to tackle the spread of the virus. The analysis of these experiences will be crucial in informing the provision of future supports to address the ‘fall out’ and resulting trauma that will be experienced by many victims in the wake of the public health crisis. It is also hoped that by enabling a more nuanced understanding of service providers perspectives that the positive developments emerging in response to the public health crisis – such as heightened public awareness of domestic abuse and increased governmental support – will be retained and replicated in the future.

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