

# **Disabled Women's Group**

**Submission to Third National Strategy on Domestic, Sexual and  
Gender-Based Violence**

**June 2020**

## Introduction

The Disabled Women's Group (DWG) was established in March 2020. The DWG have been working collectively on the inclusion and visibility of disabled women across the National Women's Council (NWC) strengthening the policy and advocacy work on health, care, violence against women, economic independence, participation and leadership. This submission is based on the thoughts, reflections and contributions of the DWG.

The DWG welcome the opportunity to make a submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence. The experiences and voice of disabled women has been notably lacking in both the preceding strategies<sup>1</sup> and in their implementation and monitoring. We see the third strategy as an opportunity to rectify this unacceptable deficiency, to bring disabled women fully and completely into the strategy and actions plan that will follow. The Third Strategy must include disabled women not simply as an 'add-on' but should recognise disabled women as complete rights holders in their own right and to whom the state has obligations they must fulfil.

As per the obligations set forth in the Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (The Istanbul Convention) it is the state's responsibility to take specific measures to a protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence. To ensure Disabled women are equally considered in the Third Strategy and any subsequent Action Plan arising from such, this document evaluates equality needs drawing on the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which also commits State Parties to "protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity"<sup>2</sup>. All appropriate legislative, administrative, social, educational and other measures to protect Disabled women are obligated both within and outside the home including from all forms of exploitation, violence and abuse which the states obligations must be explicitly articulated.

### **Language**

Language, and the way we use it, plays an important role in creating and maintaining discrimination or reinforcing inequality. It can also represent a statement of identity, dignity and rights. Disabled/disability refers to social, economic, political, attitudinal and environmental barriers experienced by people with physical, intellectual, psychosocial, sensory and neuro-diverse impairments<sup>3</sup>, when interacting with external environments. 'Women with a disability' is person first language and 'Disabled women' refers to the external

---

<sup>1</sup> While the first National Strategy (2010-2014) made several references to disabled women and people this was not the case for the Second National Strategy (2016-2021). There was no specific mention of disabled women and disabled people in the Second Strategy and only two mentions of disability in the Action Plan; relating to data gathering and in regard to children experiencing domestic abuse, respectively.

<sup>2</sup> CRPD, <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/article-1-purpose.html>

<sup>3</sup> Ibid

barriers. To this end these terms are used interchangeably for the purposes of this throughout the submission. This reflects the inclusive regard for the varying perspectives of the members of the DWG.

### **Intersectionality**

The narrative around disabled women can be very one-dimensional and an intersectional approach is required. It is important to note that disabled women are not a homogenous group. They have many different identities, among them, women from a migrant background, ethnic minority women, LGBTQI, women seeking international protection and Traveller women; a deaf woman from a migrant background might require specific interpretation services when accessing public services.

It is important that national and international policy and human rights legislation is inclusive of and responsive to the diverse needs and identities of disabled women and addresses structural inequalities using an intersectional approach in order for social justice and equality of access, participation and outcome to be achieved for all disabled women.

### **The Scale of Violence Against Disabled Women and Girls**

A systematic review of evidence by the WHO shows that children and adults with disabilities are more likely to experience violence than their non-disabled peers and those with intellectual disabilities are most at risk<sup>4</sup>. Disabled women are not visible in the wider response to violence against women. Disaggregated data on disabled women does not always exist, but the following statistics highlight disabled women's increased vulnerability to violence.

The Fundamental Rights Agency in an EU-wide survey in 2014, found that 34% of women with a health problem or disability have experienced physical or sexual partner violence, compared with 19% of women who do not have a health problem or disability.<sup>5</sup> Recent research from NUI Galway Sexual Experiences Survey 2020 (of higher education) found 40% of disabled female students reporting experience of rape (compared with 27% of non-disabled students)<sup>6</sup>.

### **Systemic Ableism**

If we are to fully address violence against disabled women, then we must incorporate the understanding of ableism into the Third National Strategy on DSGBV. Ableism is the discrimination or prejudice against people with disabilities. Ableism can take the form of ideas and assumptions, stereotypes, attitudes and practices, physical barriers in the environment,

---

<sup>4</sup> Hughes K., Bellis M., Jones L, Wood S, Bates G, Eckley L, McCoy E, Mikton C, Shakespeare T, Officer A. (2012). 'Prevalence and risk of violence against adults. Prevalence and risk of violence against children with disabilities: a systematic review and meta-analysis of observational studies.' *The Lancet*. 379(9826):1621-9. Retrieved from: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(11\)61851-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(11)61851-5/fulltext)

<sup>5</sup> Fundamental Rights Agency, 'Violence against women: an EU-wide survey', 2014.

<sup>6</sup> <https://www.nuigalway.ie/media/smartconsent/Sexual-Experiences-Survey-2020.pdf>

or larger scale oppression. It is oftentimes unintentional, and most people are completely unaware of the impact of their words or actions<sup>7</sup>.

Whilst we have used specific examples in this submission to demonstrate some of the gaps and barriers in responses to violence against disabled women, these are by no means meant to be read as exhaustive. We urge all agencies and state bodies to examine and tackle the ableism that is endemic within their institutions, education programmes, structures, policies and procedures. Whilst we welcome targeted responses to specific impairments, we would like to emphasise that this approach, in the absence of tackling ableism, will not be sufficient to uphold the fundamental right of disabled women to live a life free from DSGBV.

## Upholding the principle of Non-discrimination. Violence Against Disabled Women: Articles 4 and 6 Istanbul Convention and Articles 4 and 12 Equal Recognition the Law & 16 Freedom from Exploitation Violence and Abuse UNCRDP

“Whether it is domestic violence or sexual violence against a woman, no matter the impairment, you are a woman at the end of the day and the fear that is there is the same. If you have experienced it never goes away”<sup>8</sup>

Article 4 of the Istanbul Convention requires that all of the provisions set forth therein, in particular measures to protect the rights of victims, to be secured without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, *disability*, marital status, migrant or refugee status, or other status.

Accordingly, Article 4 obligates the State to condemn all forms of discrimination against women, and take, without delay, the necessary legislative and other measures to prevent it, e.g. by abolishing laws and *practices* which discriminate against women.

Under Article 6 of the Istanbul Convention parties are required to undertake a gender perspective in the implementation and evaluation of the impact of the provisions of this Convention and to promote and effectively implement policies of equality between women and men and the empowerment of women. Gender, ethnicity and disability proofing.

Despite some progress, there continues to be a lack of gender and disability proofing across key policy and budgetary developments. As outlined above, there has been little attention to

---

<sup>7</sup> <https://www.forbes.com/sites/andrewpulrang/2020/10/25/words-matter-and-its-time-to-explore-the-meaning-of-ableism/?sh=211a42277162>

<sup>8</sup> Member of DWG, meeting June 2021

the needs of disabled women in any previous national strategy on domestic, sexual and gender-based violence.

It is the view of the DWG that efforts to ensure policy is gender and disability proofed would be supported by implementing legislation to put gender and disability budgeting on a statutory footing.

Article 6 of the UNCRDP highlights and recognises the multiple discriminations that disabled women and girls face. It specifically requires the State to take measures to ensure that disabled women and girls have full and equal enjoyment of all human rights and fundamental freedoms. Not only this but it goes further in requiring that all appropriate measures be taken to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in UNCRPD.

UNCRPD requires the State to take all measures to ensure disabled women are treated equally before the law, are supported to exercise legal capacity, with respect to her will and preferences, without fear of conflict of interest and undue influence. To this end, when a woman is at risk of abuse, best interest must not interfere with her will and preference. In line with Article 12 and the Assisted Decision-Making Act 2015 where capacity is in question, supports must be proportional and tailored to her needs, regularly reviewed, independent and impartial. The support must protect her rights, claims and interests equal to others.

Article 16 of the UNCRPD requires the State to put in place measures to protect disabled women from violence. Disabled women activists and writers have identified a number of factors which have contributed to making them more vulnerable to violence. These centre on the non-recognition or non-acceptance of the same rights for a disabled person as for the rest of the population; male entitlement, attitudes and behaviours; and a 'devaluing' of disabled women. Compounding this is the way disabled people are portrayed, as vulnerable beings easily under control. Discrimination and social prejudice are perhaps the most pervasive contributor to violence against women with disabilities<sup>9</sup>.

The Third National Strategy must integrate and incorporate State's obligations under both the Istanbul Convention and the UNCRPD to ensure that there is a clear articulation and understanding of the fundamental rights that disabled women are entitled to and that the State must uphold. These rights should be made clear, actionable and measurable.

### **Actions**

- Establish a coherent, integrated institutional and statutory approach that is rooted in the principles of equality and non-discrimination
- Every government and state budget, strategy and policy must be gender, ethnicity and disability proofed – this includes the Third National Strategy
- Gender and disability budgeting should be put on a statutory footing

---

<sup>9</sup> National Disability Authority, 2004

- Increase the national understanding of gender-based violence as being located within the gender and disability equality framework
- In consultation with disabled women, examine legislative and policy reforms that are needed to prevent violence against disabled women and girls
- Commence the Assisted Decision-Making Act 2015 without delay
- In consultation with disabled women and engage with the Decision Support Service to develop protocols, appropriate training and a memorandum of understanding are in place for Domestic Abuse Support Service

## Integrated Policies and Data Collection

“None of the systems are talking to each other, people end up in a loop between social workers and the Gardai. The Gardai are telling people that it is a matter for the social workers and the social workers are saying it’s a matter for the Gardai. This is where it is falling down. We need to all come together: the ambulance service, social workers, doctors, DPP, AGS. The law is one thing but the practice on the ground is completely different”<sup>10</sup>

### **Article 9 - Non-governmental organisations and civil society Istanbul Convention**

Disabled Persons Organisations (DPO) are rights-focused organisations that are led, directed and governed by persons with disabilities.<sup>11</sup> A clear majority of their membership are persons with disabilities themselves. DPOs can be either individual organisations or umbrella/coalition organisations. Their focus can be cross-disability or on a single impairment.<sup>12</sup> While there are a number of disabled women and people organisations, these are not adequately funded to meet the needs of disabled women who experience DSGBV. The DWG recognises the need for both specialist disabled women’s DSGBV groups and organisations alongside the need to mainstream disability within existing services and organisations. Mainstreaming of disabled women’s experiences need to be integrated across the VAW sector including into all NGO’s and Civil Society Organisations that are working to end DSGB.

#### **Actions**

- Resource and support Disabled Persons Organisations working to end violence against disabled women

---

<sup>10</sup> Member of DWG, meeting June 2021

<sup>11</sup> CRPD Article 4.3 states: “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.”

<sup>12</sup> General Comment 7.13 of the CRPD states that: “Organizations of persons with disabilities should be distinguished from organizations “for” persons with disabilities, which provide services and/or advocate on behalf of persons with disabilities, which, in practice, may result in a conflict of interests in which such organizations prioritize their purpose as private entities over the rights of persons with disabilities. States parties should give particular importance to the views of persons with disabilities, through their representative organizations, support the capacity and empowerment of such organizations and ensure that priority is given to ascertaining their views in decision-making processes.

- Fully resource and strengthen participation and collaborative approach of disabled women across the VAW sector including NGO's and Civil Society Organisations
- Build an inclusive approach to violence against disabled women and girls through supporting disabled, migrant, Traveller, and rural women's groups and individuals who are working to end VAW
- Support and resource VAW NGO's and Civil Society Organisations to become fully accessible to disabled women as service users, employees and volunteers

### **Article 10 – Co-ordinating body Istanbul Convention**

The Department of Justice is the official body as described in Article 10 (1) of the Convention. As such, the Department is tasked with coordinating, monitoring and evaluating policies and measures devised, as well as disseminating research.

A significant weakness of the first and second national strategies was the disconnect between different government departments and state agencies. This has a very profound impact on disabled women and girls who are subjected to domestic, sexual or gender-based violence as they are often not recognised as victims of DSGBV, but instead viewed through primarily through the disability lens. This siphoning off into different departments or different constructions of a person does not capture fully their identity or their experience.

The Department of Justice is the official body as described in Article 10 (1) of the Istanbul Convention but the cross-departmental work between this department and other departments such as the Department of Children, Equality, Disability, Inclusion and Youth Affairs or the Department of Health is significantly underdeveloped and not adequately formalised. Whilst the DWG welcomes the establishment of a Minister for Disability there is a real concern around the lack of cross-departmental working and approach.

#### **Actions**

- Establish a coherent, integrated institutional and statutory approach which is victim-survivor centred and evidence based
- There needs to be greater collaboration between different governmental departments and agencies to ensure that experiences, identities and responses do not become disaggregated and fragmented across departments
- Ring-fenced and increased multi-annual funding for the disabled women's groups who are working to end VAWG

### **Article 11 – Data collection and research Istanbul Convention**

There is a lack of gender, ethnicity and disability disaggregated data to inform policy and decision making and make visible the experiences of disabled women for example on poverty, participation in public and political life and gender-based violence.

We need gender and equality disaggregated data to better understand the lives of all disabled women. Data disaggregated across all equality grounds would give more visibility to diversity and intersectional issues. The needs of disabled women are no less significant than those of

the rest of the disabled community or women, but disabled women encounter and experience a wide range of barriers across a number of areas. Disabled women can feel absent or invisible from the spaces and places where decisions are made about their lives.

Despite several data gathering points (crime statistics compiled by the CSO; DPP; Courts Services; Tusla; NGO's such as Rape Crisis, DRCC, Safe Ireland and Women's Aid) there is no national administrative database that captures the magnitude and character of violence against disabled women. Where data is gathered it is rarely disaggregated by age, gender, disability, ethnicity, and relationship status thus not allowing for trend analysis. Additionally, specific cases/experiences cannot be tracked through the various systems/institutions as there are no personal identifiers that will allow for tracking.

### **Actions**

- The establishment of a coordinated, disaggregated data collection system that is publicly accessible
- The introduction of an identifier so that cases/experiences can be tracked through state agencies and the justice system
- Commission research into the root causes and effects of violence against disabled
- Establish a campaign for population-based surveys that run at regular intervals to assess the prevalence of and trends in all forms of violence against disabled women

## **Prevention**

### **Article 12 – General obligations**

### **Article 13 – Awareness-raising**

### **Article 14 – Education**

### **Article 15 – Training of professionals and Articles 8 Awareness Raising - Istanbul Convention**

### **Article 13 Access to Justice -CRPD**

“very often the training that is provided does not reach the people that really need it. We need to go back to basics. We need domestic violence training for Gardai, judges, social workers, doctors, nurses, social workers and all first responders. I’m telling you from experience that that is not happening”<sup>13</sup>

The Istanbul Convention focuses strongly on prevention, most prominently the prevention of violence against women and girls. The prevention of violence against women has the ability to save lives and for women and girls to live free from violence. Given the increased risk to DSGBV that disabled women face, as outlined above, prevention through education in particular has been highlighted by the DWG as a very important area for them. The examples outlined are of course non-exhaustive but are instead used to demonstrate the effect that a lack of disability education, awareness and training has on disabled women who experience

---

<sup>13</sup> Member of DWG, meeting June 2021



violence. We know that all DSGBV crimes are chronically underreported due to a number of barriers, but disabled women face additional barriers that must be fully understood and included in all policies and practices.

The State has a duty to raise awareness of violence against Disabled women under Article 8 CRPD to combat stereotypes, prejudices and harmful practices relating, including those based on sex [gender identity] and age, in all areas of life. Article 13 CRPD reaffirms the States responsibility to ensure effective access to justice by promoting appropriate training for those working in the field of administration of justice, including police, lawyers, judges. It also includes an understanding and provision of procedural accommodations, to facilitate equality in all legal proceedings, including at investigative and other preliminary stages<sup>14</sup>.

“I would put education at the top of the list. If people are educated [about DSGBV] then maybe that terrible fear can be taken away”<sup>15</sup>

“We need cross-sector training for all frontline services. we want them to work with us and learn from us and for them to train us and to teach us”<sup>16</sup>

Education and training are vital for communication and understanding. The deaf women in the DWG highlighted communication as their first and primary concern. While they could point to examples of positive approaches being developed, such as Justisigns<sup>17</sup> they felt that there continued to be a serious lack of understanding of the ‘silent world’ that deaf women experience.

The women pointed to a lack of general understanding of the deaf community and the unique barriers that are faced by deaf women. As people often have attended the same schools, live near each other and socialise together the community is very small and close knit. This interconnectedness can often mask abuse. Beyond these contextual constraints, the central concern was with communication and the challenges that deaf women face in disclosing or reporting abuse.

“communication is key for any woman trying to contact the Gardai, this can be a very difficult process. Do you have to contact an interpreter before you contact the Gardai, will they do it or will you have to wait? It’s a very very long journey, there are so many steps just to be able to take the first step. The concerns are huge, we still suffer in silence”

Women with visual impairments also spoke about the additional barriers they face in reporting to the Gardai.

---

<sup>14</sup> Article 8 & 13, UN <https://www.un.org/development/desa/disabilities.html>

<sup>15</sup> Member of DWG, meeting June 2021

<sup>16</sup> Member of DWG, meeting June 2021

<sup>17</sup> [https://www.tcd.ie/news\\_events/articles/justisigns-project-wins-european-language-label-for-improving-access-to-justice/](https://www.tcd.ie/news_events/articles/justisigns-project-wins-european-language-label-for-improving-access-to-justice/)

“If I call the Gardai because someone is trying to break into my house, and they arrive and knock on the door I have no way of knowing if it is the Gardai or the intruder. There are very simple solutions that would alleviate this easily, but they are not being done. This is really an issue of access to justice that is covered by Article 13 of the UNCRPD”<sup>18</sup>

“It has happened to me where a garda has dismissed me altogether and talked to my Mom. I can clearly speak for myself but just because I cannot make eye contact with them they ignore me”

DWG also highlighted duality of care being weaponised, where the carer can also be the abuser. It was felt that this is seldom understood.

“it may be the case that a garda has enforced an Involuntary Order against a woman and maybe it is the same garda that a woman is trying to ring to get help. The fear that she will not be believed is so real for her”<sup>19</sup>

DWG also raised the issues associated with how some people with disabilities are misunderstood or misconceived.

“I would add that just as some deaf women may be perceived as being ‘aggressive’ because their body language is not fully understood this can be an issue also for people with neurodiversity’s such autism where their behaviour may led people to believe that they are angry or on drugs Every individual expresses themselves differently and this needs to be understood.”<sup>20</sup>

These examples demonstrate the urgent need for appreciate disability awareness training and education of all frontline workers, especially the Gardai so as to ensure that they can recognise and meet the needs of all women.

### **Actions**

- All first responders and frontline workers should receive specialised disability and DSGBV training. Including the National Ambulance Service, Social Workers, Gardai, DPP, Lawyers, Judges and court personnel
- A national, targeted awareness raising campaign should be rolled out that specifically addresses violence against disabled women and girls. In tandem, the experiences of disabled women’s experience should be integrated into all local, regional and national campaigns and public messaging including the specific and unique forms of violence that disabled women are subjected to
- The systematic barriers that are faced by disabled women must be eradicated through tiered education and training of Gardai and frontline workers. Practical skills such as ISL should be part of basic compulsory training for the Gardai.
- Deaf women must have prompt access to a trained and accredited ISL interpreter, that are trauma informed when reporting any form of DSGBV

---

<sup>18</sup> Member of DWG, meeting June 2021

<sup>19</sup> Member of DWG, meeting June 2021

<sup>20</sup> Member of DWG, meeting June 2021

- The Gardai should directly employ a team of ISL interpreters that can be accessed 24/7 – a family member or friend should not be used as an interpreter
- Increased supports and funding for disabled women’s groups and organisations who are campaigning to end violence against disabled women and girls
- Introduce compulsory, comprehensive, age and stage appropriate sexual health education for all. This should include gender and disability stereotypes, healthy and unhealthy relationships, domestic and intimate partner abuse of disabled women
- Education programmes should be included in all education and care settings not just in the mainstream settings. Including, but not limited to Leaving Cert Applied, FETAC courses, older women

## Protection and Support

### **Article 18 – General obligations, Article 19 – Information, Article 20 – General support services, Article 23 – Shelters and Article 25, Support for Victims of Sexual Violence Istanbul Convention and Articles 9 - Accessibility CRPD**

DWG have highlighted the need for gender and disability specific supports to ensure that all disabled women are protected from violence. These supports are necessary to ensure that disabled women are given the opportunity to recover from the violence they have endured. Supports need to be accessible.

Article 9 CRPD obligates the State to ensure women with disabilities to be able to access prevention, protective and postvention services on an equal basis with others, including physical environment, to transport, information and communications, including technologies and systems. Access includes to other facilities and services open to the public, both in urban and in rural areas. This means ensuring access to supports services, shelters, counselling and related support services including garda stations, solicitors’ offices and courts. It also means emergency services via phone, text, easy read, advocacy and communication skills.

### **Article 19 – Information Istanbul Convention**

The provision of information is a key requirement of the Istanbul Convention, all information must be accessible to disabled women. It must both include them in the design of information and relate to their experiences which include all forms of violence that women experience but also the forms of violence that are unique and particular to disabled women.

“for all of us with disabilities information needs to be accessible, from posters, to online to leaflets - information should be provided in large print, colour contrasted and where possible in braille. I understand that not every piece of paper may be accessible but then that information *must* be put online so that we can access it”<sup>21</sup>

---

<sup>21</sup> Member of DWG, meeting June 2021

The particular and unique forms or experiences of violence that disabled women are subjected to must be highlighted. Whilst the DWG acknowledge that it would be impossible to include all forms of violence against disabled women the group believes strongly that there is little to no awareness of the forms of violence disabled women experience. This needs to be included in both training and education but also in information provision.

“disabled women are subjected to all forms of violence that women are but we are also subjected to specific types of violence. This is tied to accessibility. [As a visually impaired women] If someone was to take my phone there is no way that I could use another one unless it has voiceover on it. It is something like a technology violence. This would be the same if someone took somebody’s wheelchair, how could they get out and seek help?”<sup>22</sup>

### **Article 23 – Shelters Istanbul Convention**

Refuges offer safety and counselling to women victims of domestic violence, and they are a cornerstone in the support offered to women victims of domestic violence. However, refuges are not universally accessible to disabled women and often they cannot meet the diverse needs of disabled women.

In the UK it is estimated that only 11% of refuges are accessible to women with physical disabilities.<sup>23</sup> It is unknown what percentage of refuges are able to accommodate disabled women, their children and sometimes a carer. As with other frontline services, campaigns and awareness raising projects around domestic violence, the DWG feel that the experiences of disabled women are absent, therefore many feel that the services are not available to them. Article 9 of the UNCRPD requires universal design to ensure persons with disabilities can participate fully in all aspects of life. As such, refuges need to be accessible in order to meet this obligation.

### **Article 25- Support for Victims of Sexual Violence Istanbul Convention and Article 13 - Access to Justice CRPD**

Disabled women are often not seen as sexual beings, this in turn can have a devastating impact on the support they receive when they are a victim-survivor of sexual violence. Article 13 CRPD requires that disabled people are afforded whatever facilities are necessary to enable them to participate as fully as possible in legal proceedings, including at the investigative and other preliminary stages. All necessary supports need to be made available to disabled women to ensure that they can fully participate in the justice system. As, such the recommendations of the O’Malley Review should be fully integrated into the Third National Strategy.

### **Actions**

---

<sup>22</sup> Member of DWG, meeting June 2021

<sup>23</sup> <https://www.bbc.com/news/uk-46371441>

- Specific gender and disability supports need to be available to all women
- Information needs to be universally accessible and reflective of the experiences of disabled women
- Refuges need to be universally accessible and able to meet the needs of disabled women
- A reasonable accommodation and accessibility fund should be established to enable frontline services to become accessible
- There needs to be purpose-built refuge accommodation to ensure that disabled women are equally as safe as women without a disability
- Awareness raising around accessing refuges needs to be targeted at disabled women to ensure that they are aware that there is somewhere safe they can go when they are fleeing violence
- Disabled women may need additional supports in accessing refuge spaces, this needs to be integrated into refuge services provision
- Ensure a comprehensive, victim-led supports services that provide victim-survivors with the choice of a range of supports including, legal, psychological, financial and care. Including but not limited to free legal advice, court familiarisation and accompaniment services
- Disabled women who are victim-survivors of domestic or sexual violence need to be supported through the criminal justice system

## Substantive Law

While Chapter V of the Istanbul Convention deals specifically with VAW legislative provisions, a crucial piece of legislation has not yet been fully commenced, The Assisted Decision Making (Capacity) Act 2015. The Act recognises that all people have equal legal rights and reinforces the right of everyone to make choices in line with their own will and preference. It also sets out a framework for supporting people who may experience challenges with making decisions. Many of the substantive provisions of the Assisted Decision-Making Act 2015 have not been commenced, including a legal framework for Advance Healthcare Directives and the main support structure it provides for – the Decision Support Service – has yet to open. Full commencement of the Act and the provision of adequate resources for its implementation is essential for Ireland to become compliant with the UNCPRD. Once fully commenced the Act should form part of the Third National Strategy as it ensures that all disabled people will be supported to make their own decision, in line with their own will and preference. Disabled women of all ages should be supported and empowered to make safe and informed choices about their relationships and sexuality.

**Article 33 – Psychological Violence Istanbul Convention and Article 19 - Living independently and being included in the community CRPD**

“If you don’t have the words how can you explain what is happening to you”<sup>24</sup>

Coercive control was criminalised in Ireland in 2018 through the Criminal Law (Domestic Violence) Act. The Section 39 of the Act is confined to intimate partner/former relationships. This is extremely limited and does not cover the coercive controlling behaviour that some disabled women experience from carers, relatives or friends who may exploit the disabled women’s vulnerability. There are calls in the UK to expand the coercive control offence to include other close adult relationships, recognising that beyond intimate partner relationships, this insidious harm is perpetuated. As such, all victims of coercive control need to be protected by the law<sup>25</sup>.

The DWG recognise the challenges of communicating and recognising psychological violence (coercive control) for all victim/survivors but, in particular the challenges faced by disabled women. For example, the vocabulary around coercive control is not seen as being accessible. Despite these challenges, the DWG have also highlighted the opportunities that criminalising such behaviour may have in holding perpetrators of violence against disabled women to account. However, this can only be achieved if the behaviour is truly understood and recognised as being a form of VAW. This will necessarily require a great deal of time and resources to ensure that there is full awareness of what it is and how to recognise it.

An additional barrier for many disabled women is the dependency on the abuser for daily living support for herself and her children. The states obligation to supporting disabled women with independent living (Article 19) is for many detrimental for their safety and ability to leave violent homes in all its forms including psychological. Home can be very different for a disabled woman; it could be group housing in a congregated setting, residential setting or being hidden in a family home. This can leave disabled women vulnerable to abuse in many shapes and forms.<sup>26</sup>

2021 has reminded us how inherently abusive institutions are with the Mother and Baby Homes report. As we fight to reckon fully with our institutional past, we must ensure that redress schemes are open to disabled women and that their particular experiences and voices are heard in all ongoing processes. Institutionalisation makes disabled women particularly vulnerable and continue to segregate disabled people and deny their agency.

Disabled women who live in congregated settings or other institutions who suffer domestic violence are excluded from the domestic violence legislation as their home is formed on a contractual basis. Despite a number of high-profile cases exposing significant cruel, inhumane and degrading treatment of disabled people within institutional settings, abuse remains a significant issue and women<sup>27</sup>. The response has been wholly inadequate with very low

---

<sup>24</sup> Member of DWG, meeting June 2021

<sup>25</sup> <https://www.gov.uk/government/news/new-laws-to-protect-victims-added-to-domestic-abuse-bill>

<sup>26</sup> Jan 2020 Examination of Ireland’s Third Report under the UN Convention Against Torture Centre for Disability Law and Policy

[https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT\\_CAT\\_IC\\_S\\_IRL\\_41349\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_IC_S_IRL_41349_E.pdf)

<sup>27</sup> Eilis Regan, Resident in Disability Centre not protected from abuse (2020)

<https://www.independent.ie/irish-news/health/resident-in-a-disability-centre-not-protected-from-89-abusive-incidents-watchdog-38888917.html>

conviction rates for offenders<sup>28</sup> and often results in a further diminution of a person's autonomy and agency. Conversely, institutionalisation and Wardship have been used as a response to domestic or sexual abuse of disabled women. This is completely contrary to the human rights and fundamental freedoms of disabled women, the response deprives the alleged victim in these instances of care in the community, of liberty, equality before the law, and of access to justice<sup>29</sup>.

A recent report into disability and Irish prisons raised specific concerns related to treatment of disabled prisoners. One specific issue was deprivation of communication, where inmates with a disability had no meaningful access to communication or with their family. Secondly issues were raised in relation to access and reasonable accommodations, which created a situation of de facto solitary confinement<sup>30</sup>.

As set out in Article 19 Disabled women need to be able to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement, particularly where violence is a threat. It is vital they have access to a range of in-home supports to remove the unique experience of violence experienced by women who are forced to depend on partners for assistance for themselves and to parent their children. Personal assistance and other supports are necessary to prevent isolation or segregation from the community.

### **Actions**

- The definition of coercive control should be expanded to capture the context within which some disabled women experience coercive control – by relatives, carers, personal assistance etc.
- All domestic abuse offences need to be re-examined to ensure that disabled women who live in congregated or institutional settings are recognised and protected by the law equally
- Disabled women's experiences of coercive control should be mainstreamed within all existing and future campaigns.
- A targeted and specialist training and awareness campaigns should be rolled out nationwide highlighting the particular forms of coercive control experienced by disabled women. For example, the financial control experienced by many women with intellectual disabilities
- Older women need access to information and training on DSGBV as they may not be connected to learning/training institutions. They need to know what abuse looks like, the signs of abuse (particularly coercive control), how to seek help and their rights
- In consultation with Disabled women develop a means to access the necessary supports e.g. PAS, to be physically independent of perpetrators

---

<sup>28</sup> There are significant barriers to prosecutions if it is another resident in a congregated setting who is a perpetrator. Even where these cases are reported, states often do not pursue them, be it concerns about a lack of mens rea or a concern if the accused would be fit to stand trial see Information for List of Issues With regard to the examination of Ireland's Third Report under the UN Convention Against Torture Centre for Disability Law and Policy. 69th Session of the Committee Against Torture April-May 2020 (January 2020)

<sup>29</sup> [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT\\_CAT\\_ICES\\_IRL\\_41349\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_ICES_IRL_41349_E.pdf) -

<sup>30</sup> Irish Penal Reform Trust, People with Disabilities in Prison (2020)

[https://www.iprt.ie/site/assets/files/6611/people\\_with\\_disabilities\\_in\\_prison.pdf](https://www.iprt.ie/site/assets/files/6611/people_with_disabilities_in_prison.pdf)

For any queries and further information please contact:

DWG coordinator, Catherine Lane [catherinel@nwci.ie](mailto:catherinel@nwci.ie)

Violence Against Women Officer, Hayley Mulligan [hayleym@nwci.ie](mailto:hayleym@nwci.ie)

Head of Policy, Jennifer McCarthy Flynn [jennifermf@nwci.ie](mailto:jennifermf@nwci.ie)