



**Response to Study on Familicide and Domestic
Homicide Reviews**

July 2019

Introduction

Established in 1973, the National Women's Council of Ireland (NWCI) is the leading national women's membership organisation in Ireland. NWCI seeks full equality between men and women and we draw our mandate from a membership of over 180 groups and organisations across a diversity of backgrounds, sectors and locations. We also have a growing, committed individual membership. The Irish Observatory on Violence Against Women is chaired by NWCI.¹

NWCI actively support and work with government to implement the aims of the National Strategy for Women and Girls and to develop an integrated and focussed programme of gender aware and gender proofed investment. It is important this vision is also aligned to UN Sustainable Development Goals and the UN Convention for the Elimination of Discrimination against Women recommendations to Ireland, as well as other UN convention recommendations.

The Council of Europe Convention on Preventing and Combatting Violence Against Women and Domestic Violence (the Istanbul Convention) which was recently ratified, is a significant, international, legal instrument in combatting domestic and sexual violence. Its purpose is to protect women from all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence. The Second National Strategy on Domestic, Sexual and Gender Based Violence² works to ensure its implementation.

Key Recommendations

Overarching Recommendation

Amend the terms of reference and the scope of the study to include the word femicide.

Pillar A

Ensure the process and support services are trauma informed.

Guidelines on reporting of violence against women must be developed by the Press Ombudsman in consultation with NGOs that work to prevent violence against women and girls, and in conjunction with relevant trade unions.

Upon the publication of the Guidelines establish a programme of awareness raising and dissemination.

Pillar B

Introduce multi agency domestic homicide reviews on a statutory basis to protect women and children and save lives.

¹ The organisations in the Observatory are Akidwa, Amnesty International, Cork Sexual Violence Centre, Dublin Rape Crisis Centre, European Women's Lobby through NWCI Representative, Freedom from Pornography Campaign, Immigrant Council of Ireland, National Women's Council of Ireland, Pavee Point Travellers Centre, Ruhama, Women's Aid.

² Department of Justice (2016) *Second National Strategy on Domestic, Sexual and Gender Based Violence*. <http://www.cosc.ie/en/COSC/Pages/WP08000096>

Associated Issues

The Study must consider how these multi agency reviews can be conducted when there is an ongoing criminal investigation and subsequent trial.

Address any policies or laws that may work to prevent the sharing of relevant data upon the establishment of multi-agency domestic homicide reviews in order to facilitate the mechanisms for optimum data sharing.

- Identify how data is currently shared;
- Identify barriers to the sharing of data across multiple agencies;
- Identify the legal and policy changes necessary to facilitate optimum data sharing between multiple agencies.

Prior to completion of the Study consider disseminating the draft report and its recommendations for further consultation.

Background

From the current data 1 in 4 women will experience domestic violence in their life time. Domestic and sexual violence is a cause and consequence of gender discrimination and it needs to be located within a gender equality framework. Through being aware of how gender creates different roles for women and men, and by taking account of unequal power relations between women and men, the State will be better able to address different vulnerabilities experienced by different groups of women. Violence against women is the most significant crime impacting on women internationally and in Ireland. In 2014, the EU Fundamental Rights Agency³ reported that 25% Irish women had experienced a form of physical and/or sexual violence since the age of fifteen, and 8% experience physical and/or sexual violence each year. 79% of Irish women who have experienced sexual or physical violence have never reported it to an official body⁴ and less than 3% of women students said they had ever reported their unwanted sexual experiences to An Garda Síochána.⁵ This reflects persisting stereotypical attitudes towards women and sexual violence in Irish society: 21% of Irish people think that there are understandable reasons for having sexual intercourse without consent, raping a woman; and 23% of Irish people believe women often make up or exaggerate claims of abuse or rape.⁶ Recent reports of the Central Statistics Office show an increased level of reporting of sexual offences to the Gardaí – from 1,415 in

³ Fundamental Rights Agency (2014) *Violence Against Women: an EU-wide survey report*.

⁴ Fundamental Rights Agency (FRA) (2014) *Violence Against Women: an EU-wide survey report*.

⁵ Union of Students in Ireland (2013) *Say Something: A Study of Students' Experiences of Harassment, Stalking, Violence & Sexual Assault*. Dublin.

⁶ Eurobarometer on Gender-based Violence 2016

2006 to 2,549 in 2016⁷ – but it is not clear whether the increase in the reporting is due to an increased level of crime or increased reporting of such crime as no reliable baseline data exists.

Overarching Recommendation

We welcome the opportunity to respond to the Study on Familicide and Domestic Homicide Reviews. NWCI's comments reflect the lived experiences of the women that we have worked with and that have contacted us in huge numbers over many years. Before addressing the substance of the consultation NWCI would like to make one distinct point that we believe will support the development of an accurate and robust study.

Referencing Femicide

The UN's Global Study on Homicide 2019 found Ireland had a homicide rate of 0.9 per 100,000 people. Males were far more likely than females to be both the victims and perpetrators of homicides. However women formed the vast majority of victims in family and intimate partner homicides.⁸ Over half of women were murdered by their current or former boyfriend, partner or husband (resolved cases) and 61% of women were killed in their own homes. Since records began in 1996, 225 women have died violently, with 16 children being killed alongside their mothers.⁹ We must recognise the strong connection between the killing of women and domestic violence. We must also ensure that women are placed at the centre of any reform recommendations, and in that respect we question the decision to exclude the word femicide from the terms of reference of this study. While familicide covers all the victims in these types of crimes, women form the vast majority of victims in family and intimate partner homicides, and therefore this term is of explicit relevance to this study. In order to affect change the first step is to correctly name what we are trying to change. We recommend amending the terms of reference and the scope of the study to include the word 'femicide'.

Recommendation:

Amend the terms of reference and the scope of the study to include the word femicide.

Pillar A: Familicide and Femicide

1. Meeting the Future Support Needs of Family Members

Investigation and review processes should be carried out in a way that minimises the trauma impact on victims. Training should be provided to ensure the process is sensitive to their needs. Specialised support services offering trauma informed care should be sufficiently funded to ensure independent support for victims in the immediate, medium and long-term. This approach should be cognisant of victims safety, their ability to make empowered choices, to be engaged and collaborated with in a transparent system and for services to have an understanding of the intersectional issues in relation to trauma such as gender, disability, ethnic minority status etc.

⁷ CSO - Crime - Recorded Crime Offences Recorded Crime Offences (Number) by Type of Offence and Year – Sexual Offences. <http://www.cso.ie/multiquicktables/quickTables.aspx?id=cja01>

⁸ <https://reliefweb.int/sites/reliefweb.int/files/resources/Booklet1.pdf>

⁹ Women's Aid Femicide Watch 2018.

Recommendation:**Ensure the process and support services are trauma informed.****2. The Role of the Media**

Media reporting matters, such that it can help to prevent domestic, sexual and gender-based violence by ensuring that the public discourse focuses on naming this form of violence appropriately, holding perpetrators to account and thus preventing secondary trauma to survivors. Victims should not be erased from their own narrative nor perpetrators excused.¹⁰ The typical narrative of the good 'family man' who snapped and murdered his partner and their children should no longer be tolerated or perpetuated. To improve media reporting on domestic, sexual and gender-based violence in Ireland, the Press Ombudsman should create Guidelines on the reporting of violence against women.

- Improve awareness amongst editors and journalists, in particular crime correspondents, on adequate terminology in relation to domestic, sexual and gender-based violence
- Improve awareness amongst editors and journalists, in particular crime correspondents on the negative impact of inadequate reporting on survivors of domestic, sexual and gender-based violence
- Improve awareness amongst editors and journalists of inappropriate or biased reporting on domestic, sexual and gender-based violence in the media, addressing issues such as victim blaming, silence, minimisation, denial and ineffective responses.
- Increase reporting of incidents of inadequate language used in relation to domestic, sexual and gender-based violence
- Media reporting on domestic, sexual and gender-based violence should be assessed from both the perspective of producers of media reports (e.g. journalists) and the perspective of consumers of media reports (e.g. readers, general public).

Recommendation:**Guidelines on reporting of violence against women must be developed by the Press Ombudsman in consultation with NGOs that work to prevent violence against women and girls, and in conjunction with relevant trade unions.****Upon the publication of the Guidelines establish a programme of awareness raising and dissemination.****Pillar B: Domestic Homicide Reviews**

In 2016 both NWCI and Women's Aid called for a review of domestic homicides, and the then Minister for Justice Frances Fitzgerald and then Garda Commissioner Noirín O'Sullivan promised that a review would be published.

¹⁰ There was a social media outcry in 2016 when, in the reporting of Alan Hawe's murder of his wife Clodagh and children Liam, Niall and Ryan, Clodagh's name was rarely mentioned. It sparked a trending Twitter hashtag #HerNameWasClodagh and shone a light on how areas of Irish media have reported such atrocities.

The recent interviews with Jacqueline Connolly and Mary Coll, the sister and mother of Clodagh Hawe on RTE, underlined the importance of multi-agency domestic homicide reviews for the family, in their search for answers, and to work towards the eventual eradication of these crimes. In other jurisdictions, these reviews are systematic multi-agency reviews which are used to improve risk assessment and management and to identify gaps in policy and practice, following such crimes.

Ireland must initiate the practice of multi-agency reviews of domestic homicides every time such a crime occurs. These reviews can provide families with answers but vitally for the protection of women in the future they would assist in developing best practice responses in relation to domestic violence including risk assessment and risk management. Lessons must be learnt to ensure we can best protect victims of domestic violence.¹¹ NWCi has conducted research into the function of these multi-agency domestic homicide reviews in other jurisdictions, as well as consulted with experts in this area, as a result of which we have formulated the following points which we believe will help to create a solid system in Ireland.

- Grounded in primary legislation: Following legal advice it is clear that multi-agency reviews must be grounded in primary legislation. In that regard, a clear definition of domestic homicide is required and section 9 of the English Domestic Violence, Crimes and Victims Act 2004 may assist. However, any model adopted must be tailored to the requirements of this jurisdiction. In that respect, we draw attention to the consultation undergone in Northern Ireland which produced a series of comprehensive recommendations suited to a small jurisdiction.¹²

It is extremely important that these reviews are placed on a statutory footing so that agencies that are listed must participate in the reviews, and that the recommendations that emerge must be implemented.

- Robust Oversight: A multi-agency Oversight Forum (as recommended in Northern Ireland) or similar entity should be established to commission and oversee the review process and ensure implementation of all the recommendations. All major decisions should be capable of review by the Department of Justice and Equality with the Minister having the determining say. Reasons must be published in circumstances where a review is not commissioned.
- Clear Triggering Event: A referral to request a review should be open to multiple agencies as well as first responders, such as the Gardaí, as well as the family of a victim. The latter would be particularly important in the case of suicide.
- Non-Adversarial Review Body with an Independent Chair: While the forum should have responsibility for oversight, they should not conduct the review; rather they should appoint a separate panel and independent chair. A single individual should not be appointed to conduct reviews as will give the appearance of an investigation and render the process highly adversarial.

¹¹ See Sinn Fein Policy Paper, 'Why we need Multi agency domestic Homicide Reviews'. (April 2019)

¹² The Department of Justice of Northern Ireland publicly consulted on a proposed model for the introduction of Domestic Homicide Reviews in Northern Ireland, from 4 July 2018 to 28 September 2018. A summary of responses to the consultation are available at <https://www.justice-ni.gov.uk/consultations/domestic-homicide-reviews>

- **Comprehensive Membership:** Membership of the forum and appointed panels should comprise of experts in this field as well as the directly applicable state agencies. We are strongly of the view that organisations from the voluntary and community sector will be vital to the core membership of any panel and forum established bringing a particular expertise and insight into the case that may not be gained through statutory partners.
- **Comprehensive Consultation:** Often individuals who would have come into regular contact with the victim, such as friends, work colleagues, employers or/and medical professionals, may have information that would assist the review process and provide vital insight into the circumstances leading up to the homicide.
- **Trauma Informed and Inclusive:** It is essential for there to be clear communication from the outset with the family about the process and their role within it. Should they wish to be involved, they should be afforded every opportunity to comment on, inform and improve services/responses to tackle domestic violence and abuse.
- **Actioned Outcomes:** It is essential that the reviews include actions that aim to improve the system, and importantly are achievable and proportionate. There is a need for active oversight of the progression of actions from the reports and the dissemination of good practice, thus reducing the risk of recommendations being repeated in subsequent reports.

Recommendation:

Introduce multi agency domestic homicide reviews on a statutory basis to protect women and children and save lives.

Associated Issues

1. Domestic Homicide Reviews and Criminal Trials

These reviews should be conducted as soon as possible after the death to avoid additional upset and distress to the families and loved ones. As we understand, in England and Wales, these reviews are generally carried out after the criminal trial, which usually takes place within 9 to 18 months of the death. This may prove particularly difficult in Ireland where trials can experience significant delay. While there are ways around it (the Gardaí could be present while the interviews are taking place), the reality is that in those circumstances, people may not be as willing to engage. We believe consideration must be paid to the fast tracking of criminal trials in respect of these matters.

Recommendation:

The study must consider how multi-agency domestic homicide reviews can be conducted when there is an ongoing criminal investigation and subsequent trial.

2. Data Collection and Sharing

Reviews such as these require a high level of cooperation, trust and information sharing from all the agencies and groups involved. However, governing these relationships are our data protection laws and procedures which must be considered from the onset of the study in order to ensure that in their current formulation, they will not work to undermine or prevent the sharing of relevant data. Data collection and the sharing of that data are essential features of multi-agency domestic homicide reviews. In order for these reviews to

successfully work, relevant data will have to be shared across multiple agencies and groups. To facilitate optimum data sharing, and to ensure current structures and laws will not serve to impede this process, the procedures necessary for this to seamlessly occur must be identified and developed at this stage of the Study. Therefore it is essential to address how data is currently shared, or not shared, across multiple agencies in order to address any issues that may work to prevent the sharing of this data upon the establishment of multi-agency domestic homicide reviews.¹³

Data should be gathered to reflect the Istanbul Convention gold standards on data collection. The crime statistics should disaggregate data, particularly for crimes such as sexual violence and homicide by gender, location and relationship to the perpetrator etc.

Recommendations:

Address any policies or laws that may work to prevent the sharing of relevant data upon the establishment of multi-agency domestic homicide reviews in order to facilitate the mechanisms for optimum data sharing.

- **Identify how data is currently shared;**
- **Identify barriers to the sharing of data across multiple agencies;**
- **Identify the legal and policy changes necessary to facilitate optimum data sharing between multiple agencies.**

Develop data collection processes in compliance with the gold standard of data collection and analysis required by the Istanbul Convention.

3. The Consultation Process

When it comes to developing new mechanisms, such as the proposed multi-agency Domestic Homicide Reviews, substantive consultation is especially important. We believe that those organisations that focus on violence against women and girls have significant expertise to contribute. We submit that once the Study is completed that the draft recommendations are disseminated for further consultation. While this may add an additional step to the consultation process, we believe this will ensure that the final recommendations will be as strong as possible.

Recommendation:

Prior to completion of the Study consider disseminating the draft report and its recommendations for further consultation.

Conclusion

NWCI welcomes the opportunity to respond to this consultation. We strongly believe that Ireland must introduce multi-agency reviews of domestic homicides to protect women and children and save lives.

¹³ See also the data protection considerations in Sinn Fein, Multi-Agency Domestic Homicide Review Policy Paper (April 2019) https://www.sinnfein.ie/files/2019/Multi-Agency_Domestic_Homicide_Review_Policy_Paper.pdf

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