

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

For consideration at the 69th Session of the Committee Against Torture April-May 2020

January 2020

Introduction

The Centre for Disability Law and Policy submission raises specific issues related to persons with disabilities and UN CAT. These specifically relate to disabled persons experience of violence and inhuman and degrading treatment in institutionalized settings; including nursing homes, residential settings, congregated settings, and prison. There are also issues around peoples experience of abuse in the home, and state responses to it.

1. Experiences of Violence

Globally there is a growing recognition that people with disabilities experience violence at a significantly higher rate than the non disabled population. In 2012, a systematic review carried out by the WHO found that adults with disabilities were at minimum 1.5 times more likely to experience violence than non disabled adults.¹ It also found that children with disabilities were 3.7 times more likely to experience violence than non disabled children.² Domestic violence is considered one of the most pervasive forms of violence globally, but is often constructed in such a way as to exclude violence experienced by people with disabilities, whether or not that violence takes place in an individual's home place.

The WHO review identified difference between the rates of violence recorded by individual studies, but all studies showed a higher rate of violence against disabled people.³ Studies from the United States estimate the rate of sexual violence to be 4 times higher than in the general population,⁴⁵ while in Australia the rate is 10.7 times higher for women in the cognitively disabled population.⁶

The EU Fundamental Rights Agency 2014 survey on violence identified that women who disclosed a disability accounted for 49% of the respondents who experienced domestic violence in childhood.⁷ The EU wide survey also showed the largest disparity in terms of physical or sexual partner violence. 19%

¹ Huges et Al, Prevalence and risk of violence against adults with disabilities: a systematic review and meta-analysis of observational studies, World Health Organisation 2012,

² World Bank & World Health Organisation, World Report on Disability (2011) available at: https://www.who.int/disabilities/world_report/2011/report.pdf

³ These studies are limited as they don't disaggregate data by gender or type of violence.

⁴ Martin Casteel et al. "National Study of Physical and Sexual Assault Among Women with Disabilities" (2008) 14 Injury Prevention 87-90.

⁵ Sandra Martin et al., "Physical and Sexual Assault of Women with Disabilities" (2006) 12(9) Violence against Women 823-837.

⁶ Carlene Wilson and Neil Brewer, "The Incidence of Criminal Victimisation of Individuals with an Intellectual Disability" (1992) 27(2) Australian Psychologist 114-117.

⁷ Violence against women survey, EU Fundamental Rights Survey, (2014)

https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf

of nondisabled women experience intimate partner violence compared with 34% of disabled women⁸. Differences between these two categories of respondents exceed 10 percentage points also in terms of psychological violence and threats of violence by a partner, violence in childhood and non-partner violence.

These measurements however conceptualise domestic violence in a manner which addresses the full spectrum of violence experienced by disabled people in their domestic sphere. Research on women with disabilities has found that the most common perpetrators of violence were current or former intimate partners.⁹ This, however, is not the only type of violence experienced by people with disabilities in the domestic sphere. Institutional abuse, carer abuse, abuse between co service users all occur within an individual's personal home. These forms of violence are often not counted within the paradigm of domestic violence.

Globally significant variations exist in how domestic violence is defined. In Ireland the task force on violence against women defined domestic violence as "the use of physical or emotional force or threat of physical force, including sexual violence, in close adult relationships". This includes violence perpetrated by a spouse, partner, son, daughter or any other person who has a close or blood relationship with the victim. The term "domestic violence" goes beyond actual physical violence. It can also involve emotional abuse; the destruction of property; isolation from friends, family and other potential sources of support; threats to others including children; stalking; and control over access to money, personal items, food, transportation and the telephone"¹⁰

The definition used by TUSLA, the Irish Child and Family Agency, refers to domestic violence as is the threat or use of physical, emotional, psychological and sexual abuse in close adult relationships. This includes destruction of property, isolation from family and friends or other potential sources of support and threats to others including children. Stalking and control over access to money, personal items, food, transport and the telephone are also common examples of domestic abuse.¹¹

For example in Ireland the legislation on domestic violence restricts the remedies available to an individual on the basis of the pre-existing relationship. While a safety order is potentially available to persons cohabiting outside of the confines of an "intimate relationship",¹² barring orders, orders to remove an individual from a home, are restricted to adult child and parent relationships, and those who have been or are in an intimate relationship. This does not reflect the living situation of a significant number of disabled people. Even within the confines of the less restrictive safety order, the relationship between two cohabitants cannot be of a contractual nature, which excludes service providers and personal support workers from the remedy.

The Handbook for legislation on violence against women published by the UN states that domestic violence legislation should cover "Individuals who are or have been in an intimate relationship, including marital, non-marital, same sex and non-cohabiting relationships; individuals with family relationships to one another; and members of the same household."¹³

⁸Ibid

⁹ (Young et al. Arch. Phys. Med. Rehabil. 78, S34–S38, 1997; Riddington, Beating the "odds": Violence and Women with Disabilities (Position Paper 2). 1989).

¹⁰ HSE, Report of the Task Force on Violence Against Women (1997) Ireland

¹¹ *Domestic, sexual and gender based violence services*, <https://www.tusla.ie/services/domestic-sexual-gender-based-violence/>

¹² Domestic Violence Act 2018 (Ireland)

¹³ UN, Handbook for legislation on violence against women,

As of March 2019 Ireland has ratified the Istanbul Convention and in doing so adheres to the definition of domestic violence outlined therein. Council of Europe Convention on preventing and combating violence against women and domestic violence, “domestic violence” shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim.¹⁴

The definition of ‘abuse’ in the National Quality Standards for Residential Services for People with Disabilities is adapted from the Council of Europe definition above and highlights the relevance of these forms of domestic violence - physical, sexual, psychological and goes further to identify incarceration, forced therapeutic, educational and behavioural interventions, financial abuse and neglect which are more specific to disability services¹⁵.

Research outside of Ireland has highlighted the fact that children and adults with disabilities face an increased risk of sexual abuse. Disabled people were found to be most at risk in places where they live and work.¹⁶ In spite of this the framework we use to address abuse within the home does not encompass the homes or nature of abuse in these instances.

Large group homes or other large institutions would not fall under the definition of domestic, in spite of definitionally being the home of the people living within them. Smaller institutions or congregated settings also are homes formed on a contractual basis and are excluded from much of the legislation.

Globally, statistics show that people with disabilities are more likely to experience abuse than non disabled people.¹⁷ In the United States violence against people with disabilities has been reported to be 4–10 times greater than that against people without disabilities. Much of the data collected on violence and disability has not been segregated in terms of type of violence. The Centers for Disease Control and Prevention (CDC) estimates that 25% of women living in the United States are victims of intimate partner violence, but that rate increases to 60% for women with disabilities, who also tend to experience abuse for longer periods of time.¹⁸

Even where violence is occurs within narrow definitions of domestic violence, there are still legal barriers for people with disabilities.

Traditionally domestic violence, includes only specific types of violence while this is broadening, the 2018 act in Ireland covers emotional abuse and coercive control, there is a need for recognition of disability specific violence. PWD do experience many of the same types of abuse as non-disabled people, there are types of abuse that are only experienced by people with disabilities. The withholding of medication, the removal of assistive or mobility devices, removal of temporary ramps or

¹⁴ Article 3, Definitions, Council of Europe <https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>

¹⁵ Health Information and Voluntary Authority, National Quality Standards for Residential Services for People with Disabilities, available from: [http://www.fedvol.ie/fileupload/Next%20Steps/National Quality Standards Residential Services People with Disabilities.pdf](http://www.fedvol.ie/fileupload/Next%20Steps/National%20Quality%20Standards%20Residential%20Services%20People%20with%20Disabilities.pdf)

¹⁶ Karen Hughes, Mark A. Bellis, Lisa Jones, Sara Wood, Geoff Bates, Lindsay Eckley, Ellie McCoy, Christopher Mikton, Tom Shakespeare, Alana Officer, “Prevalence and Risk of Violence against Adults with Disability: A Systematic Review and Meta-Analysis of Observational Studies” (Lancet, 28th February 2012) at 8 to 9. Available at: <http://www.who.int/disabilities/violence/en/>

¹⁷ Ibid

¹⁸ Center For Disease Control, Preventing Intimate Partner Violence Across the Lifespan: A Technical Package of Programs, Policies, and Practices at <https://www.cdc.gov/violenceprevention/pdf/ipv-technicalpackages.pdf>

abandonment in an inaccessible part of one's home- "The person's disability is being used as a weapon."^{19,20}

2. Abuse and Institutions

Institutionalisation has historically been a default mechanism to accommodate persons with disabilities. A typical feature of the type of accommodation disabled people have been restricted to is the excessive interaction with, and interference by, legal, medical and social professionals in their daily lives. Internationally these have, and continue to, take various forms such as prisons, correctional institutions, hospitals, mental asylums, orphanages, educational institutions or being hidden within homes²¹. Cruel, inhuman and degrading treatment through domestic violence as described above could be perpetrated by authority figures within these settings. There is no statistics on the prevalence of persons with disabilities who are subjected to institutional accommodation of one form or other. Across Europe in 2007 it was estimated that at least 1.2 million persons with disabilities were residing in institutions²².

In Ireland these were traditionally associated with religious institutions and free from inspection of standards or practices. Residents were isolated and vulnerable to rights abuse. A process of moving persons with disabilities from these institutions and communal residences known as congregated settings²³ has been initiated but consistently fails to meet targets for the disabled population to live in their communities²⁴. For those remaining in institutions, as for those living in the community availing of limited caring and personal assistance services, there remains a risk of violence within the home setting. The Women's Aid in the UK further identifies the reliance on others for care, coupled with communication, mobility, transport and accommodation needs acts as a further barrier to protecting oneself from domestic violence and to reporting and removing oneself from the situation.²⁵

Within Ireland institutional abuse has created significant public outrage. There have been several high-profile cases, and enquires into historical abuse,²⁶ but abuse within institutional settings is still a

¹⁹ Elizabeth Lightfoot & Oliver Williams (2009) The Intersection of Disability, Diversity, and Domestic Violence: Results of National Focus Groups, *Journal of Aggression, Maltreatment & Trauma*, 18:2, 133-152,

²⁰ Hague G, Thaira RK, Magowan P. Disabled women and domestic violence: making the links. Bristol, Women's Aid Federation of England, 2007.

²¹ National Health Service, 'A Disability History Timeline; The struggle for equal rights through the ages,' March 2013, available from <https://www.mersecare.nhs.uk/media/1749/disability-timeline-2013.pdf>

²² Crowther, Quinn and Hillen-Moore, 'Opening up communities, closing down institutions: Harnessing the European Structural and Investment Funds', Community Living for Europe Structural Funds Watch, November 2017, at p.11. Available from: https://www.nuigalway.ie/media/centrefordisabilitylawandpolicy/files/CLE-SFW_Opening-up-Communities-November-2017_FINAL-.pdf

²³ Time to Move on from Congregated Settings, A Strategy for Community Inclusion, Report of the Working Group on Congregated Settings Health Service Executive June 2011, available from:

²⁴ Inclusion Ireland, *Deinstitutionalisation in Ireland, A failure to Act*, February 2018, <http://www.inclusionireland.ie/sites/default/files/attach/basic-page/1655/deinstitutionalisation-ireland-failure-act.pdf>

²⁵ Hague, G, Thiara, R & Mullender, A., *Making the Links. Disabled Women and Domestic Violence Final Report*, available from: https://1q7dqy2unor827bqjls0c4m-wpengine.netdna-ssl.com/wp-content/uploads/2015/12/Disabled-women-Making_the_Links_-_full_length_report_large_print11.pdf

²⁶ Murphy report, Report of the Commission of Investigation into the Catholic Archdiocese of Dublin (2009) <http://www.justice.ie/en/JELR/Pages/PB09000504>

significant issue. There have been a number of cases in recent years, in intellectual disability services and nursing homes.²⁷ One example from earlier this year is a case where a resident of an intellectual disability service had experienced 89 incidents of abuse over the course of 2019.²⁸ Treatment of disabled people has also been raised as an issue outside disability specific institutions. 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.²⁹

Further difficulties which are unique to persons with disabilities in institutions include the following:

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.

When the case is pursued, people with disabilities also face adversarial and inaccessible rigid systems. The SNAP report on domestic violence orders and specific needs found that the systems that addressed this were inaccessible:

“Women who cannot instruct solicitors, women who cannot afford Legal Aid, women who cannot describe their situation to the judge so that the full extent of their situation is not clear, women who are too acquiescent in the witness box – women who are not legally represented – the Legal Aid (lack of) problem is huge – women who are not allowed by judge to submit written evidence who cannot speak for themselves.”³⁰

An access to justice issue situated alongside this is that victims face mandatory reporting laws so the decision to engage with the criminal process is not that of the victim. For example only 2% of safeguarding cases are started by the person who experienced abuse.³¹ This further removes autonomy and agency.

Commented [SÁ1]:

3. Responses to Abuse

²⁷ Shane Phelan, Nursing Home Abuse Scandal, (2009) <https://www.independent.ie/lifestyle/health/elderly-patients-abused-in-nursing-home-scandal-26555875.html>

²⁸ 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>

²⁹ Irish Penal Reform Trust, People with Disabilities in Prison (2020) https://www.iprt.ie/site/assets/files/6611/people_with_disabilities_in_prison.pdf

³⁰ An assessment of the effectiveness of DVA protection orders and specific needs, SAFE Ireland (2016) http://www.snap-eu.org/report/Report_Ireland.pdf

³¹ Report, Safeguarding Ireland <https://www.safeguardingireland.org/just-2-of-safeguarding-concerns-raised-by-those-who-experience-alleged-abuse/>

Access to Justice / Social care system responses

There are also broader social barriers to access to justice. In the event that an abuser is a carer, by reporting an individual is possibly risking their own personal liberty or independence.³²

The manner in which acts of violence are dealt with also create issues within a human rights framework. Practices such as safe guarding in Ireland, effectively deny a victim of violence an opportunity for redress. In cases where a victim is disabled, Ireland has developed a coordinated system which results in a person being removed from the situation, and the perpetrator evading punishment.³³

One trend which is of particular concern in Ireland is the use of the system of wardship to intervene in situations where domestic violence is suspected.³⁴ While reporting of wardship cases is restricted, there are some media reports of the wardship system being used to intervene in cases of domestic violence. Reports of wardship cases are rare, so multiple reports of similar cases are significant.

This is a worrying practice development, as the wardship system is rooted in the 1871 Lunacy Regulation (Ireland) Act which fails to meet human rights standards. Wardship lacks safeguards and due process. While ownership of the property is a determining factor in the Domestic Violence Act,³⁵ no such considerations exist in instances of wardship being used to intervene, and in these cases the person perceived to be “vulnerable” is removed from the home. This generally seems to result in a victim being removed from their home as a response to an allegation of domestic violence. These removals of suspected victims of violence reported all result in the suspected victims being placed in institutional care settings. This is problematic as the response deprives the alleged victim in these instances of care in the community, of liberty and of effective remedy.

It is also concerning that institutionalisation can be used as a response to violence against disabled people. This would seem to compound the vulnerability already being experienced by individuals with disability experiencing domestic violence.

Under-reporting

In the event that an individual is not diverted from the criminal legal system, there are still significant barriers in accessing justice.³⁶

There is evidence that crimes against people with disabilities are reported at a much lower rate than for the general population.³⁷ Recent data gathered by the Rape Crisis Network Ireland identified a number of problems including dissatisfaction with professional services such as the Gardaí and difficulties of accessing general services. It was that 66% of persons with disabilities who suffered sexual violence

³² Calderbank, Abuse and Disabled People: Vulnerability or social indifference? Disability and Society (2010)

³³ Donnelly et al, Speaking Up Against Harm

<https://researchrepository.ucd.ie/bitstream/10197/9369/1/Speaking%20Up%20Against%20Harm%20Report.%20Formatted%20MoB%20May%202018.pdf>. See also Written evidence submitted by Dr Lucy Series (MCAB32) <https://publications.parliament.uk/pa/cm201719/cmpublic/MentalCapacity/memo/MCAB32.pdf>

³⁴ Carlon, “Judge urges man to drop ‘wild claims’ about mother’s medical care”, Irish Times (October 2018) available at: <https://www.irishtimes.com/news/crime-and-law/courts/high-court/judge-urges-man-to-drop-wild-claims-about-mother-s-medical-care-1.3676827>. See also Carlon, “Son fails in bid to have mother returned to his care”, Irish Times (December 2018) <https://www.irishtimes.com/news/crime-and-law/courts/supreme-court/son-fails-in-bid-to-have-mother-returned-to-his-care-1.3738288>

³⁵ Domestic Violence Act 2018

³⁶ Kilcommins et al, An International Review of Legal Provisions and Supports for People with Disabilities as Victims of Crime, Irish Council for Civil Liberties (ICCL) 2014

³⁷ Bartlett and Mears (2011)

and attended Rape Crisis Centres in Ireland between 2008 and 2010 did not report the abuse to a formal authority.³⁸

Denial of autonomy (and the importance of a situational approach to / perspective on vulnerability)

It is important to recognise, that the prevalence of violence is not reflective of an inherent vulnerability within disabled people, but is created by systems and practices which devalue and demean disabled people. This vulnerability is socially constructed through systems which remove autonomy, dignity and self-determination from people with disabilities.

One reason which is often cited is that disabled people have lack of control and choice over their lives. This is particularly compounded in an institutional setting - disabled people are denied the opportunity to decide how, with whom and where they live. This is reflected in large institutions and in small institutions, sometimes called congregated settings. In these living arrangements the choice and control of the most fundamental aspects of a person's life are dictated by a service provider.³⁹

Disability services have been seen to encourage compliance and obedience rather than assertiveness. The prevailing care model still priorities a "caretaker" paradigm, rather than a support paradigm. This places numerous authority figures in some disabled persons lives rather than placing them in control of their support. This removes autonomy and choice from disabled people and directly disempowers them.⁴⁰

One social factor contributing to vulnerability is a lack of comprehensive sex education has been seen to be a contributing factor to the high rates of sexual abuse experienced by women with intellectual disabilities.⁴¹ Chenoweth states that "Disabled women are so devalued that they are 'invisibilized' and perceived as asexual, exposing them to grave risk of emotional, physical and sexual abuse. When such abuse happens, they are then likely to be ignored by both disability and gender violence support systems"⁴² According to the National Disability Authority discrimination and social prejudice is perhaps the most pervasive contributor to violence against women with disabilities.⁴³

Due to cultures of institutionalisation, and practices of deprivation of liberty, many disabled people live with massive restrictions on their freedom which also contributes to this.⁴⁴

The UK Women's Aid research on domestic violence and disability extends perpetrators as violence as formal and informal carers and institutions as venues for abuse to occur. It is more difficult for women with disabilities to leave the abusive home due to mobility, communication, accommodation and transport needs which are not addressed by mainstream services. Domestic violence services may not be physically accessible.⁴⁵

³⁸ Bartlett, Mears (2011) Sexual violence against people with disabilities: data collection and barriers to disclosure. Rape Crisis Network Ireland. Available at <http://www.rcni.ie/uploads/SexualViolenceAgainstPeopleWithDisabilities2011.pdf>

³⁹ Violence and Disabled Women - Iglesias, M.; Gil, G.; Joneken, A.; Mickler, B.; Knudsen, J.S., METIS project, European Union DAPHNE initiative, 1998

⁴⁰ NCADV, DV and Disability, <https://ncadv.org/blog/posts/domestic-violence-and-people-with-disabilities>

⁴¹ Womens Aid, Responding to Violence Against Women with Disabilities (2016) https://www.womensaid.ie/download/pdf/responding_to_violence_against_women_with_disabilities.pdf

⁴² (Chenoweth, 1997).

⁴³ National Disability Authority

⁴⁴ Deprivations of Liberty, <https://publications.parliament.uk/pa/jt201719/jtselect/jtrights/890/890.pdf>

⁴⁵ *Making the Links. Disabled Women and Domestic Violence Final Report*, Hague, G, Thiara, R & Mullender, A. <https://1q7dqy2unor827bqjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/12/Disabled-women-Making-the-Links-full-length-report-large-print11.pdf>

4. Existing negative and positive legal obligations on the Irish State that are relevant to the protection of people with disabilities from violence in their homes

- (a) Ratification, adoption or denunciation of relevant international instruments;
- Article 16 UNCRPD mandates States to take effective measures to prevent violence against persons with disabilities. Ireland ratified UNCRPD in March 2018.
 - The Istanbul Convention was ratified by Ireland in March 2019.
- (b) National legislative, executive or judicial measures;
- The Irish Domestic Violence Act 2018 puts in place safety and barring orders to prevent a perpetrator from contacting or inflicting violence on an applicant. It also regulates proceedings during hearings, support for victims to engage in court procedures and other support services. It recognises the offences of forced marriage and coercive control and that the relationship between the victim and perpetrator can be an aggravating factor to the crime.
- (c) Other collective measures (e.g. political, institutional, economic, educational, cultural, religious etc.);
- National review of a) laws surrounding domestic homicide and b) the policies and protocols in investigating and supporting families in the event of familicide⁴⁶.
 - Easy to Read publications on sexual assault produced by the Department of Justice in collaboration with Inclusion Ireland (the National Association for Intellectual Disability) and COSC (the National Office for the Prevention of Domestic, Sexual and Gender based Violence)⁴⁷
- (d) Individual preventive measures regarding known or likely perpetrators;
- The Citizens Information website provides the following details:

Safety order- available for up to five years for perpetrator who may or may not reside with victim. A safety order prohibits the perpetrator from committing violence against the victim, including watching, following or communicating.

Protection order- a temporary measure while a Safety order is approved. Prohibits violence, including watching, following or communicating, by a perpetrator against a victim.

Barring order - available for up to three years. A barring order removes the perpetrator from the home. Spouses, civil partners, cohabitees (where there is an equal or greater share in property) and parents (where a dependent is the perpetrator) can apply for barring orders.

Interim barring order - available where there is an immediate risk of violence to victims while a barring order is approved. This removes the perpetrator immediately.

⁴⁶ Announced 14th May 2019, 'Cabinet set to approve research over family homicides', <https://www.rte.ie/news/politics/2019/0513/1049266-cabinet-familicide/>

⁴⁷ Sexual Assault, Support and Information, An Accessible Booklet, <http://www.inclusionireland.ie/sites/default/files/attach/news-item/1287/booklet.pdf>

Emergency barring order - An immediate barring order where there are reasonable grounds to believe risk of violence by a perpetrator. The requirement for sharing an interest in property is dispensed with, as of the Domestic Violence Act 2018⁴⁸.

(e) Individual protective measures, including shelters and material support, for known or likely victims (incl. witnesses) of domestic violence

- There are approximately 43 domestic violence refuges across Ireland⁴⁹. The supports offered range from accommodation to counselling and court accompaniment.

(f) Investigation (reactive and/or ex officio) of incidents of domestic violence;

- Aras Attracta media investigation of disability residential service which had been deemed satisfactory by statutory standards organisation, HIQA⁵⁰. Lack of staff training and supervision, lack of person centred focus, low knowledge of complaints procedures by staff, residents and family members, and low quality of life outcomes were all reported as contributory factors of gross human rights violations of residents of disability service⁵¹.

5. Best practice and recommendations from Ireland

The national Guidelines for Residential Services for People with Disabilities⁵² require all services to have policies and procedures in place in relation to reporting and responding to allegations of abuse within the service and externally to Gardai and statutory agencies such as the Health Service Executive and TUSLA. The recommended policies relate to ensuring an interim measure to ensure safety from abuse while investigations are ongoing, training of staff and offering counselling to victims.

Women's Aid Ireland and the National Disability Authority have drafted best practice guidelines for disability organisations in preventing and tackling gender based violence⁵³. These include raising awareness among frontline service staff, consultation with women with disabilities in how services are delivered, staff and volunteer training, recognition of the diversity of the disabled population and acknowledging different approaches may be necessary to support and resolve violence, conduct disability and equality proofing exercises, ensure information is fully accessible to all service users and utilise existing resources to effectively counteract violence against disabled women. Gardai Domestic Abuse Intervention Policy 2017⁵⁴ outlines the power imbalance in domestic violence which is exacerbated by the dependency connected to disabled victims of domestic violence. Brief guidance for gardai on the different types of disability - physical, sensory, intellectual and mental health is provided to be aware when a victim presents themselves to Garda staff.

⁴⁸ Citizens Information, Safety orders, protection orders and barring orders in Ireland, https://www.citizensinformation.ie/en/birth_family_relationships/problems_in_marriages_and_other_relationships/barring_safety_and_protection_orders.html#180820

⁴⁹ Women's Aid, Get help locally, <https://www.womensaid.ie/services/local.html>

⁵⁰ Primetime RTE Investigations Unit: Inside Bungalow 3, December 9th 2014, available from: <https://www.rte.ie/news/player/prime-time-web/2014/1209/>

⁵¹ HSE, 'Key Messages - Aras Attracta Swinford Review Group', July 2016, available from <https://www.hse.ie/eng/services/publications/disability/aasrgkeymessages.pdf>

⁵² Health Information and Voluntary Authority, National Quality Standards for Residential Services for People with Disabilities, available from: http://www.fedvol.ie/fileupload/Next%20Steps/National_Quality_Standards_Residential_Services_People_with_Disabilities.pdf

⁵³ Responding to violence against women with disabilities' https://www.womensaid.ie/download/pdf/responding_to_violence_against_women_with_disabilities.pdf.

⁵⁴ <https://www.garda.ie/en/Crime/Domestic-abuse/Domestic-Abuse-Intervention-Policy-2017.pdf>

Second National Strategy on Domestic, Sexual and Gender based violence 2016-2021⁵⁵. Applies to all victims of domestic, sexual and gender based violence but very limited recognition of the additional impact of these crimes against disabled persons. Actions 3.600, 3.603 and 3.604 recommends establishing a data collection system across Gardai, TUSLA, Courts, Legal Aid Board, Irish Prison Service, Irish Probation Service, Sexual Assault Treatment Units and the Criminal Injuries Compensation Tribunal which should the disability status of victims and perpetrators. This would be a useful mechanism to monitor prevalence of this violence against persons with disabilities and target resources.

Health Service Executive, Safeguarding Report, 2016

<https://www.hse.ie/eng/services/publications/olderpeople/safeguarding-data-report-2016.pdf>

Public perception of vulnerable adults, public survey, Red C (2017)

<https://www.hse.ie/eng/services/news/media/pressrel/red-c-poll-april-2017.pdf>

Womens Aid, Responding to Violence Against Women with Disabilities (2016)

https://www.womensaid.ie/download/pdf/responding_to_violence_against_women_with_disabilities.pdf

National Women's Council of Ireland, Disability and Women in Ireland 'Building Solidarity and Inclusion' (2008)

Violence and Disabled Women - Iglesias, M.; Gil, G.; Joneken, A.; Mickler, B.; Knudsen, J.S., METIS project, European Unión DAPHNE initiative, 1998

The Council of Europe Disability Strategy 2017-2023

NCADV, DV and Disability

<https://ncadv.org/blog/posts/domestic-violence-and-people-with-disabilities>

McGee et al, The SAVI Report, RCSI & DRCC (2011)

<http://www.drcc.ie/wp-content/uploads/2011/03/savi.pdf>

The World Report on Disability, WHO (2011)

https://www.who.int/disabilities/world_report/2011/report.pdf?ua=1

The Leas Cross Commission The Commission of Investigation (Leas Cross Nursing Home) Final Report June 2009 <https://health.gov.ie/blog/publications/the-leas-cross-commission-the-commission-of-investigation-leas-cross-nursing-home-final-report-june-2009/>

Gill Hague, Ravi Thiara & Audrey Mullender (2011) Disabled Women and Domestic Violence: Making the Links, a National UK Study, Psychiatry, Psychology and Law, 18:1, 117-136, DOI: 10.1080/13218719.2010.509040

⁵⁵ Available from COSC,

<http://www.cosc.ie/en/COSC/Second%20National%20Strategy%20on%20Domestic%20Sexual%20and%20Gender-Based%20Violence%202016%20-%202021%20Action%20Plan%20-%20Version%203.pdf/Files/Second%20National%20Strategy%20on%20Domestic%20Sexual%20and%20Gender-Based%20Violence%202016%20-%202021%20Action%20Plan%20-%20Version%203.pdf>

Lightfoot, The Intersection of Disability, Diversity, and Domestic Violence: Results of National Focus Groups (2009)

<https://www.tandfonline.com/doi/full/10.1080/10926770802675551?scroll=top&needAccess=true>

Matthew J. Breiding and Brian S. Armour, "The Association Between Disability and Intimate Partner Violence in the United States"

A Strategy for Equality Summary of the Report of the Commission on the Status of People with Disabilities

Karen Hughes, Mark A. Bellis, Lisa Jones, Sara Wood, Geoff Bates, Lindsay Eckley, Ellie McCoy, Christopher Mikton, Tom Shakespeare, Alana Officer, "Prevalence and Risk of Violence against Adults with Disability: A Systematic Review and Meta-Analysis of Observational Studies" (Lancet, 28th February 2012) at 8 to 9. Available at: <http://www.who.int/disabilities/violence/en/>

Ortoleva "Forgotten Sisters—A Report on Violence against Women with Disabilities: An Overview of its Nature, Scope, Causes and Consequences" Research Paper Series No. 104 (Northeastern University, 2012).

Margaret A. Nosek, Carol A. Howland and Mary Ellen Young, "Abuse of Women with Disabilities: Policy Implications" 1997 8(1-2) Journal of Disability Policy Studies 157-175.

Casteel et al. "National Study of Physical and Sexual Assault Among Women with Disabilities" (2008) 14 Injury Prevention 87-90. Also see Sandra Martin et al., "Physical and Sexual Assault of Women with Disabilities" (2006) 12(9) Violence against Women 823-837.

Wilson and Neil Brewer, "The Incidence of Criminal Victimization of Individuals with an Intellectual Disability" (1992) 27(2) Australian Psychologist 114-117.

Sobsey, Violence and Abuse in the Lives of People With Disabilities: The End of Silence Acceptance? (Paul H Brooks Publishing 1994).

Department of Justice, Office of Justice Programs. (2009). Crime Against People with Disabilities, 2007. Bureau of Justice Statistics, Special Report. Available at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/capd07.pdf>

Elvik et al, "Sexual Abuse in the Developmentally Disabled: Dilemmas of Diagnosis" (1990) 14(4) Child Abuse & Neglect 497-502. Also see Liz Stimpson and Margaret C. Best, "Courage Above All: Sexual Assault Against Women with Disabilities", (Disabled Women's Network, Toronto, 1991). The researchers interviewed 85 Canadian WWD and found that more than 70% had been sexually assaulted on more than one occasion.

Alison Walter-Brice, Rachel Cox, Helena Priest and Fiona Thompson, "What do Women with Learning Disabilities Say About their Experiences of Domestic Abuse within the Context of their Intimate Partner Relationships?" 2012 27(4) Disability & Society 503-517.

Michelle McCarthy, Siobhan Hunt and Karen Milne-Skillman, "I Know it was Every Week, but I Can't be Sure if it was Every Day: Domestic Violence and Women with Learning Disabilities" 2017 30(2) *Journal of Applied Research in Intellectual Disabilities* 269-282.

Douglas A. Brownridge, "Partner Violence Against Women With Disabilities: Prevalence, Risk, and Exclusion" 2006 12(9) *Violence Against Women* 805-822.

Matthew J. Breiding and Brian S. Armour, "The Association Between Disability and Intimate Partner Violence in the United States", 2015 25(6) *Annals of Epidemiology* 455-457.

L. Krnjacki, E. Emerson, G. Llewellyn and AM. Kavanagh, "Prevalence and Risk of Violence Against People with and Without Disabilities: Findings From an Australian Population-Based Study" 2016 40(1) *Australian Journal of Public Health* 16-21.

Kirsten A. Barret, Bonnie O' Day, Allison Roche and Barbara Lepidus Carlson, "Intimate Partner Violence, Health Status, and Health Care Access Among Women with Disabilities" 19(2) *Women's Health Issues* 2009 94-100.

Hind Khalifeh, Louise Howard, David Osborn, Paul Moran and Sonia Johnson, "Violence against People with Disabilities in England and Wales: Findings from a National-Sectional Survey" (2013) 8(2) *Public Library of Science (PloS) ONE*, e55952. Available at: journals.plos.org/plosone/article?id=10.1371/journal.pone.0055952

Matthew J. Breiding and Brian S. Armour, "The Association Between Disability and Intimate Partner Violence in the United States" at (n 34).

Diane L. Smith, "Disability, "Gender and Intimate Partner Violence: Relationships From the Behavioural Risk Factor Surveillance System" (2007) 26(1) *Sexuality and Disability* 15-28 at 22.

Lalanda, Santos et ALL, Domestic violence against elderly with disability, *Journal of Forensic and Legal Medicine*, Volume 28, November 2014, Pages 19-24

Almost 8000 cases of adult abuse or neglect reported to HSE, *Irish Times* (2018) <https://www.irishtimes.com/news/social-affairs/almost-8-000-cases-of-adult-abuse-or-neglect-reported-to-hse-1.3115893>

<http://nda.ie/Disability-overview/Key-Policy-Documents/Report-of-the-Commission-on-the-Status-of-People-with-Disabilities/A-Strategy-for-Equality/A-Strategy-for-Equality-Report-of-the-Commission-on-the-Status-of-People-with-Disabilities/Sexuality-and-relationships/>

Kilcommins, S., & Donnelly, M. (2014). Victims of crime with disabilities in Ireland: Hidden casualties in the 'vision of victim as everyman.' *International Review of Victimology*, 20(3), 305-325. <https://doi.org/10.1177/0269758014537149>

<https://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

https://1q7dqy2unor827bjls0c4rn-wpengine.netdna-ssl.com/wp-content/uploads/2015/12/Disabled-women-Making_the_Links_-_full_length_report_large_print11.pdf

HSE Policy on DSGBV

https://www.tusla.ie/uploads/content/Domestic_HSE_Policy_on_Domestic,_Sexual_and_Gender_Based_Violence.pdf

Milberger, Violence Against Women With Physical Disabilities (2003)

Bonnie RJ, Wallace RB, Elder Mistreatment: Abuse, Neglect, and Exploitation in an Aging America, National Research Council (US) Panel to Review Risk and Prevalence of Elder Abuse and Neglect (2003) Washington (DC)

Gill Hague, Ravi Thiara, Audrey Mullender, Disabled Women, Domestic Violence and Social Care: The Risk of Isolation, Vulnerability and Neglect, *The British Journal of Social Work*, Volume 41, Issue 1, January 2011, Pages 148–165, <https://doi.org/10.1093/bjsw/bcq057>

<https://www.irishtimes.com/news/crime-and-law/courts/high-court/judge-urges-man-to-drop-wild-claims-about-mother-s-medical-care-1.3676827>

World report on violence and health. Geneva, World Health Organization, 2002.

Marge DK, ed. A call to action: preventing and intervening in violence against children and adults with disabilities: a report to the nation. Syracuse, State University of New York Upstate Medical University Duplicating and Printing Services, 2003.

Hague G, Thaira RK, Magowan P. Disabled women and domestic violence: making the links. Bristol, Women's Aid Federation of England, 2007.

McCarthy M. Sexuality and women with learning disabilities. London, Jessica Kingsley Publishers, 1999.

Peckham NG. The vulnerability and sexual abuse of people with learning disabilities. *British Journal of Learning Disabilities*, 2007,35:131-137.

Reichard AA et al. Violence, abuse, and neglect among people with traumatic brain injuries. *The Journal of Head Trauma Rehabilitation*, 2007,22:390-402.

Yoshida KK et al. Women living with disabilities and their experiences and issues related to the context and complexities of leaving abusive situations. *Disability and Rehabilitation*, 2009,

Barrett KA et al. Intimate partner violence, health status, and health care access among women with disabilities. *Women's Health Issues: official*

Breiding, M. J., & Armour, B. S. (2015). The Association between Disability and Intimate Partner Violence in the United States. *Annals of Epidemiology*, 25(6), 455-457.

Basile, K. C., Breiding, M. J., & Smith, S. G. (2016). Disability and Risk of Recent Sexual Violence in the United States. *American Journal of Public Health, 106*(5), 928-933.

Smith, Disability, Gender and Intimate Partner Violence: Relationships from the Behavioral Risk Factor Surveillance System

https://www.researchgate.net/profile/Diane_Smith9/publication/227067883_Disability_Gender_and_Intimate_Partner_Violence_Relationships_from_the_Behavioral_Risk_Factor_Surveillance_System/links/55e84b6408aeb65162630264.pdf

Ryan, Francois, Disability and Gender Based Violence,

<https://www.theguardian.com/society/2012/nov/19/domestic-violence-disabled-women-abuse>

Rioux, Uncovering the Shape of Violence: A Research Methodology Rooted in the Experience of People with Disabilities, <https://disability-studies.leeds.ac.uk/wp-content/uploads/sites/40/library/Barnes-Chapter-12.pdf>

Thurman, Intimate Partner Violence and Disability-Specific Abuse: An Overlooked Issue and the Role of Local Health Departments, NACCHO Health and Disability Fellow,

<https://essentialelements.naccho.org/archives/10544>

Family violence and women with disabilities, State Government of Victoria,

<https://www.betterhealth.vic.gov.au/health/healthyliving/family-violence-and-women-with-disabilities>

Malkin, Domestic Violence and Women with Disabilities, Including Women with Vision Loss, Vision Aware <https://www.visionaware.org/info/emotional-support/dealing-with-crime-or-domestic-violence-as-a-person-with-a-disability/domestic-violence-and-women-with-disabilities/125>

APA, Violence Against Women With Disabilities, <https://www.apa.org/topics/violence/women-disabilities>

Supporting Survivors with Disabilities: When Your Abusive Partner is Also Your Caregiver

Violence against adults and children with disabilities, WHO,

<https://www.who.int/disabilities/violence/en/>

Kilcommins, An International Review of Legal Provisions and Supports for People with Disabilities as Victims of Crime December — 2013 https://www.iccl.ie/wp-content/uploads/2017/11/ICCL_INT_Review_Publication_web_singlepages_2013.pdf

[Ravi K. Thiara](https://academic.oup.com/bjsw/article/41/1/148/1681711) Losing out on both counts: disabled women and domestic violence

<https://academic.oup.com/bjsw/article/41/1/148/1681711>

Disability And Gender-Based Violence. Add International's Approach. A Learning Paper,

https://www.add.org.uk/sites/default/files/Gender_Based_Violence_Learning_Paper.pdf

Mays, Feminist disability theory: domestic violence against women with a disability,

<https://www.tandfonline.com/doi/full/10.1080/09687590500498077?scroll=top&needAccess=true>