
IRISH
OBSERVATORY
ON VIOLENCE
AGAINST
WOMEN

National Observatory on Violence Against Women and Girls

Shadow Report to **GREVIO** in respect of Ireland

August 2022



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NATIONAL EDUCATION & RESEARCH CENTRE
ENDING RELATIONSHIP ABUSE



Irish Consortium
on Gender Based
Violence



Table of Contents

<i>List of abbreviations</i>	2
<i>Executive Summary</i>	3
<i>Introduction</i>	11
Chapter I. Definitions, equality and non-discrimination, general obligations.	15
Article 4 – Fundamental rights, equality and non-discrimination	
Article 6 – Gender-sensitive policies	
Chapter II. Integrated policies and data collection.	23
Article 7 – Comprehensive and co-ordinated policies	
Article 8 – Financial resources	
Article 10 – Co-ordinating body	
Article 11 – Data collection and research	
Chapter III. Prevention	39
Article 13 – Awareness-raising	
Article 14 – Education	
Article 15 – Training of professionals	
Chapter IV. Protection and support	51
Article 19 – Information	
Article 20 – General support services	
Article 23 – Shelters	
Article 25 – Support for victims of sexual violence	
Chapter V. Substantive law	63
Article 31 – Custody, visitation rights and safety	
Article 33 – Psychological violence	
Article 38 – Female genital mutilation	
Article 40 – Sexual harassment	
Article 45 – Sanctions and measures	
Chapter VI. – Investigation, prosecution, procedural law and protective measures	79
Article 50 – Immediate response, prevention and protection	
Article 51 – Risk assessment and risk management	
Annex I: Civil society stakeholders referenced to in the shadow report	84

List of abbreviations

CEDAW - Convention on the Elimination of All forms of Discrimination Against Women

CSO - Central Statistics Office

COSC - The National Office for the Prevention of Domestic, Sexual and Gender-based Violence

CPD - Continuous Professional Development

CYPSCs - Children and Young People Services Committees

DV - Domestic Violence

DVR - Domestic Violence Response, Galway

DSGBV - Domestic Sexual and Gender-based Violence

ESHTE - Ending Sexual Harassment and Violence in Third Level Education project

EWL - European Women's Lobby

FGM - Female Genital Mutilation

HEA - Higher Education Authority

HEIs - Higher Education Institutions

HSE - Health Service Executive

IPV - Intimate Partner Violence

ISL - Irish Sign Language

NWC - National Women's Council

NTDC - North Tipperary Development Company

SATU - Sexual Assault Treatment Unit

SAVI - Sexual Abuse and Violence in Ireland

UCC - University College Cork

UN - United Nations

USI - Union of Students in Ireland

Acknowledgements

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We are grateful to both Observatory and non-Observatory participants for their contributions, which have informed this submission. These include: AkiDwA, Ascend - North Tipperary Development Company, Cairde, Cork Sexual Violence Centre, Domestic Violence Response, Galway, Disability Federation of Ireland (DFI), Disabled Women's Group - National Women's Council, Disabled Women Ireland (DWI), Dublin Rape Crisis Centre, Focus Ireland, Haven Horizons, Immigrant Council of Ireland, Longford Women's Link, NWC, Pavee Point Traveller and Roma Centre, Rape Crisis Network Ireland (RCNI), Ruhama, Safe Ireland, SiSi, Transgender Equality Network Ireland (TENI) and Women's Aid.

We also wish to sincerely acknowledge Jennifer McCarthy Flynn, NWC Head of Policy, and Ivanna Youtchak, NWC Violence Against Women Co-ordinator, for their work in the preparation and production of this Report.



This report was produced with support from the European Parliament Liaison Office in Ireland

EXECUTIVE SUMMARY

The Executive Summary contains the key points and recommendations from each section of the full Shadow National Observatory on Violence Against Women report to Grevio. The Observatory produced Ireland's first shadow report to GREVIO with the support of The Community Foundation for Ireland and the Executive Summary with the support of the European Parliament Liaison Office in Ireland.

National Observatory on Violence Against Women

The National Observatory on Violence Against Women, Ireland, was established in 2002 and is chaired and convened by the National Women's Council. The Observatory is an independent network of 22 grassroots and national organisations that come together regularly to monitor progress on domestic, sexual and gender-based violence (DSGBV) in Ireland. This network provides an important space for organisations to work towards improved policies and service provision to prevent and support women victim-survivors of male violence, with a wide range of voices, including minority and minoritised women, including migrant women, prostituted women, disabled women, rural women, Roma and Traveller women, and trans women. It raises visibility of the phenomenon of DSGBV, monitors government commitment at the national and international level—the Observatory links with the European Women's Lobby (EWL) European Observatory on Violence against Women.

The organisations currently forming the Observatory are Aoibhneas, AkiDwA, Ascend - North Tipperary Development Company, Action Aid Ireland, Cairde, Dublin Rape Crisis Centre, Galway Rape Crisis Centre, Haven Horizons, Longford Women's Link, Love & Care for People, Immigrant Council of Ireland, Irish Consortium on Gender Based Violence¹, Women's Collective Ireland, NWC, Pavee Point Traveller and Roma Centre, Ruhama, Sexual Violence Centre Cork, SAOL project, Sonas Domestic Violence Charity, Survivors Informing Services and Institutions (SiSi), Women's Aid and Young Women's Christian Association of Ireland (YWCA)².

The Istanbul Convention and Grevio

Following lengthy campaigns by women's organisations and civil society, in 2019 Ireland ratified the Council of Europe Convention on Preventing and Combating Violence against Women, the Istanbul Convention, the international treaty obligation to tackle violence against all women in all its forms.

The Istanbul Convention is a major step towards a comprehensive response to ensuring a life free of violence for all women and girls and it sets high minimum standards across and beyond Europe. It recognises violence against women as a violation of human rights and a form of discrimination against women. Its obligations cover four areas of action:

1 [Irish Consortium on Gender Based Violence](#) – network of international development organisations

2 For further information, please see Annex I.

preventing violence against women, protecting victims, prosecuting perpetrators, as well as implementing related comprehensive and co-ordinated policies. These four main objectives encompass various provisions, including legal and practical measures aimed to trigger concrete changes in national responses to violence against women and domestic violence.

GREVIO, the Group of Experts on Action against Violence against Women and Domestic Violence is the independent expert body responsible for monitoring of the implementation of the Istanbul Convention. GREVIO evaluates legislative and other measures taken by the Parties to give effects to the provisions of the Convention.

In 2022-2023 it will take place the first review of Irish progress since Ireland ratified the Istanbul Convention. The Irish National Observatory on Violence Against Women submitted this Shadow report to GREVIO in August 2022. GREVIO plans to carry out an evaluation site visit to Ireland in the Spring of 2023 and the Group will then draw up and adopt its evaluation report in the course of 2023.

Domestic, sexual and gender-based violence in Ireland

Both before and since the Istanbul Convention entry into force, Ireland has adopted multiple policy and legal changes aligning with the Convention's provision. The Third National Strategy (2022 - 2026), published in June 2022, is a significant framework for moving Ireland further towards meeting its full obligations under the Istanbul Convention. This Strategy was developed following in-depth consultation and analysis, and through a collaborative and co-design process with civil society and frontline services and through an Executive Group with a representative of the Department of Justice, the National Women's Council and Safe Ireland.

Despite this significant progress in Ireland, the European Institute of Gender equality (EIGE) has estimated that the cost of gender-based violence for Ireland is €4 billion per year³ and violence against women remains at the heart of women's inequality in our society. 1 in 4 women will experience domestic and/or sexual violence in Ireland and disabled women and girls face greater risk of violence, with disability being the second most common risk factor for rape, after gender⁴. Women in public life are regularly subjected to often unrelenting online abuse, to silence them and to prevent their participation in politics and public life. Women from minority and marginalised backgrounds are often subject to not only sexist and misogynistic abuse online, but racism and homophobia too. Moreover, as recent research has shown the exploitative commercial sex trade is made of largely vulnerable, often young, migrant women. Women experiencing income poverty are especially more vulnerable to domestic violence as poverty limits choices and resources preventing them from escaping from violent environments. Young women are twice as likely to be subjected to sexual harassment and violence than older women.

3 EIGE (2022). [Costs of gender-based violence in the European Union](#).

4 Rape & Justice in Ireland: A National Study of Survivor, Prosecutor and Court Responses to Rape 2009

Observatory Report

With the support of The Community Foundation for Ireland the Observatory produced Ireland's first shadow report to GREVIO, as part of Ireland's review under the Istanbul Convention. The report is a joint submission by Observatory members and has been informed by data obtained in consultation with key specialist service providers in Ireland, both Observatory and non-Observatory members, through interviews, focus group discussions and review of relevant literature. The report was submitted in August 2022 and its purpose is to contribute to Ireland's fulfillment of the Istanbul Convention and the dialogue between the Irish Government and GREVIO. The report focuses on key articles across different chapters of the Istanbul Convention, selected to highlight State obligations relating to the main issues that were raised by key service providers as part of the consultation process.

The Observatory is proud to submit this report reviewing progress made by Ireland with regards preventing and combating violence against women and domestic violence, with the input of a wide diversity of voices coming from grassroots and national organisations. In line with the Third National strategy and the Istanbul Convention (Article 9), this report is the result of the collaboration and the dialogue between civil society and non-governmental organisations with the Irish government. It also shows the importance to encourage and support, at all levels, the work of relevant nongovernmental organisations and of civil society in combating violence against women and establish effective co-operation with these organisations. In order to continue this effective and important collaboration, civil society and nongovernmental organisations must be recognized and financially supported to ensure this collaborative and strategic partnership.

SUMMARY OF KEY RECOMMENDATIONS

Definitions, equality and non-discrimination, general obligations: Article 4 – Fundamental rights, equality and non-discrimination and Article 6 – Gender-sensitive policies

- 1. The monitoring of the implementation of the Third National Strategy should follow a whole of government approach, be driven and coordinated by a team at senior level in the Department of Justice accountable to the Minister for Justice and in turn to the Cabinet Committee on Social Affairs and Equality, chaired by An Taoiseach;*
- 2. The State must support mechanisms for external accountability including providing resources for civil society organisations to participate and monitor the implementation of the Strategy;*
- 3. The implementation of the Strategy must tackle the persisting vulnerability and victimizing narrative of victim-survivors of DSGBV, especially of minority and minoritised victim-survivors including, inter alia, migrant women, prostituted women, disabled women, rural women, Roma, and Traveller women, and trans women.*

Integrated policies and data collection: Article 7 – Comprehensive and co-ordinated policies, Article 8 – Financial resources, Article 10 – Co-ordinating body, Article 11 – Data collection and research

- 4. The State must adopt and commit to realising a realistic framework of implementation, monitoring and evaluation of the Third National Strategy in the form of implementation/ action plans organised around key performance indicators, with allocated budget lines and external oversight;*
- 5. The State must provide long-term, sustainable, multi-annual funding to ensure that civil society and NGOs are able to function effectively, develop and maintain proven programmes of work and launch and sustain innovative projects;*
- 6. The State should grant formal recognition of and multi-annual funding for the Observatory on Violence Against Women and Girls;*
- 7. The State must put in place an NGO Steering Group composed of the relevant civil society organisations and specialist NGOs to oversee the design and establishment of the statutory DSGBV agency and the development of the legislation under which the agency will operate;*
- 8. The State must urgently define and implement a 'gold standard' of data collection by all national agencies including An Garda Síochána, Courts Service, Irish Prison Service, Probation Service, Legal Aid Board, Criminal Injuries Compensation Tribunal, Sexual Assault Treatment Units. HEIs and Tusla;*
- 9. Data sets must be disaggregated by age, gender, ethnicity, migration status of both victim-survivors and perpetrators as well as by relationship between victim-survivors and perpetrators in line with the Convention's standards and through the implementation of rigorous data collection methods;*

Prevention: Article 13 – Awareness-raising, Article 14 – Education, Article 15 – Training of professionals

- 10.** *The State should fund and support national as well as community-based campaigns in order to ensure that NGOs may continue carrying out successful awareness-raising activities at the local and regional levels;*
- 11.** *The State must ensure that the implementation of the Third National Strategy provides for concrete steps to strengthen curricula on Social, Personal and Health Education and Relationships and Sex Education so that students at all levels of education are taught about gender equality, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, DSGBV and the right to personal integrity;*
- 12.** *The State must develop a comprehensive, continuous, age-appropriate sex education programme as part of the National Council for Curriculum and Assessment review of the national education curriculum, including topics such as IPV, sexual exploitation, pornography and cyber-violence;*
- 13.** *The State must remove the ethos clause from the Rules for National Schools and have full control over the curriculum.*
- 14.** *Specialist support services, and more particularly services working with migrant women, disabled women, Roma and Traveller women, trans women and rural women must be included in the design and delivery of training through the recruitment of experts, including experts specialising in intersectional forms of DSGBV;*
- 15.** *Training must focus on, inter alia, the experiences of victim-survivors of DSGBV including the impact of trauma on accessing services, reporting and navigating the legal system, on tackling the myths and stereotypes around DSGBV and on the intersecting barriers faced by minority and minoritised women in accessing services;*

Protection and support: Article 19 – Information, Article 20 – General support services; Article 23 – Shelters; Article 25 – Support for victims of sexual violence;

- 16.** *The State must ensure that general support services providing legal advice, psychological counselling, financial assistance, housing, education, training and assistance in finding employment, access to health care and social services, court familiarisation and accompaniment services are resourced and effectively available to victims/survivors;*
- 17.** *The State must remove the legal aid fee for all victim-survivors of DSGBV, including in Custody and Access cases where domestic violence is an issue.*
- 18.** *The number of refuges, safe homes and other emergency accommodation strategies must be increased to reach the Istanbul Convention's standard of 500 refuge units spread throughout the country;*
- 19.** *Refuges must be established in all 26 counties of the Republic of Ireland and easily accessible through affordable transportation;*

20. *All refuges must be resourced and able to respond appropriately to the intersecting needs of all women and/or children, including Traveller women, women with disabilities, migrant women, and women exiting prostitution and sex trafficking. This requires the state to:*

- Review age restrictions for male children of women victim-survivors;
- Ensure that facilities and information provided in shelters are accessible to disabled women;
- Ensure that resources offered in shelters are translated into the most widely spoken languages;
- Fund compulsory training to frontline refuge service providers on the intersecting needs of, inter alia, disabled women, migrant women, rural women, transwomen, Roma and Traveller women so that services are delivered in a non-discriminatory manner;
- Fully resourced services and supports for women in prostitution or who wish to exit;
- Ensure adequate spaces and support for women in addiction;

21. *An integrated response looking at emergency accommodation in combination with social housing and the private renting sector should be adopted to ensure that victim-survivors are supported in securing long-term housing through clear pathway out of refuges, especially trafficked and prostituted women.*

22. *The State must allocate sustainable and equitable funding so that that Rape Crisis and Sexual Violence Centres are in place in sufficient numbers to provide adequate geographical overage to fully address 'the complex range of needs, geographical spread and numbers of clients presenting';*

23. *The State must implement all measures in the 'Supporting a Victim's Journey';*

Substantive law: Article 31 – Custody, visitation rights and safety; Article 33 – Psychological violence; Article 38 – Female genital mutilation; Article 40 - Sexual harassment; Article 45 – Sanctions and measures;

24. *The State must address the disconnect between the Criminal and the Family law systems and ensure that action is taken to, inter alia:*

- implement the recommendations of the NWC research on the intersection of criminal and civil justice systems;
- fund and provide compulsory and systematic gender-sensitive training to members of the judiciary and Court experts to identify signs of abuse in judging matters of custody and visitation rights;
- establish that victims of domestic violence must never be required to make contact with the non-custodial parent in order to seek maintenance;
- ensure that children's psychological assessments under Section 32 and 47 are conducted in an independent, timely and professional manner, taking into account the best interests of the child;

- fund and provide training for judicial officers and court experts on how to hear the voice of the child according to their age and abilities;
- 25. *Conduct state-funded research critically discussing the concept of parental alienation and documenting its harmful impact on women and children's safety; issuing guidance to courts, policing and DSGBV services on international criticisms and GREVIOs advice for States to refrain from of this 'concept';*
- 26. *Mediation should never be coerced, forced or compulsory. The State, moreover, must ensure that professionals involved in mediation, including mediators and child expert reporters are professionalised and sufficiently trained on domestic violence, child sexual violence and coercive control;*
- 27. *A network of supervised contact centres should be established. Staff must be trained on domestic violence and its impact on children.*
- 28. *Ireland should pursue the adoption of a targeted National Action Plan to Combat FGM in collaboration with relevant specialist services by the end of 2026;*
- 29. *The State should ratify the International Labour Organisation's Violence and Harassment Convention;*
- 30. *The State must prioritise recruiting and appointing sufficient numbers of law enforcement and judicial staff, and that they are properly trained in the gendered nature of DSGBV, its forms, manifestations and consequences, and take these into account in the sentencing of perpetrators;*
- 31. *The State should consider addressing the victimising nature of the justice system through the development of a Court Welfare System that adopts a victim-centred and trauma-informed approach to DSGBV cases;*

Investigation, prosecution, procedural law and protective measures Article 50 – Immediate response, prevention and protection; and Article 51 – Risk assessment and risk management.

- 32. *DPSUs must be properly resourced to provide a consistent, caring, professional and quality response;*
- 33. *Effective case-management structures must be put in place to ensure that the investigation is conducted promptly and efficiently without undue delays and with adequate supervision;*
- 34. *Once the independent review of the 999 cancelled calls is finalised, its recommendations must be implemented without delay and put in place preventive operational measures to ensure prompt response by An Garda Síochana in all future calls, and ensure transparency and public confidence;*
- 35. *Review risk assessments currently in use and roll out systematic risk assessments for all forms of DSGBV contained within the Convention that take into account women's intersectional needs.*

Introduction

About the National Observatory on Violence Against Women, Ireland

The National Observatory on Violence Against Women, Ireland¹ was established in 2002 and is chaired and convened by the National Women's Council (NWC).² The Observatory is an independent network of grassroots and national organisations that come together regularly to monitor progress on domestic, sexual and gender-based violence (DSGBV) in Ireland. It provides an important space for organisations to work towards improved policies and service provision to prevent DSGBV and support women victim-survivors of male violence. It raises visibility of the phenomenon of DSGBV, monitors government commitment at the national and international level—the Observatory links with the European Women's Lobby (EWL) European Observatory on Violence against Women.

The organisations currently forming the Observatory are Aoibhneas, AkiDwA, Ascend - North Tipperary Development Company, Action Aid Ireland, Cairde, Dublin Rape Crisis Centre, Galway Rape Crisis Centre, Haven Horizons, Longford Women's Link, Love & Care for People, Immigrant Council of Ireland, Irish Consortium on Gender Based Violence³, Women's Collective Ireland, NWC, Pavee Point Traveller and Roma Centre, Ruhama, Sexual Violence Centre Cork, SAOL project, Sonas Domestic Violence Charity, Survivors Informing Services and Institutions (SiSi), Women's Aid and Young Women's Christian Association of Ireland (YWCA).⁴ This report is a joint submission by Observatory members. It has been informed by data obtained in consultation with key specialist service providers in Ireland, both Observatory and non-Observatory members, through interviews, focus group discussions and/or review of grey literature. These include: AkiDwA, Ascend - North Tipperary Development Company, Cairde, Cork Sexual Violence Centre, Domestic Violence Response, Galway, Disability Federation of Ireland (DFI), Disabled Women's Group - National Women's Council, Disabled Women Ireland (DWI), Dublin Rape Crisis Centre, Focus Ireland, Haven Horizons, Immigrant Council of Ireland, Longford Women's Link, NWC, Pavee Point Traveller and Roma Centre, Rape Crisis Network Ireland (RCNI), Ruhama, Safe Ireland, SiSi, Transgender Equality Network Ireland (TENI) and Women's Aid. We are grateful to both Observatory and non-Observatory participants for their contributions, which have informed this submission.

The Observatory would like to thank The Community Foundation for Ireland for its support without which this report could not have been produced. The Observatory would also like to thank Judit Villena Rodó & Maëlle Noir for their work in developing the report.

The process undertaken to complete this report began in November 2021 and overlapped the development of Zero Tolerance: Third National Strategy on Domestic, Sexual and Gender-Based Violence (2022 - 2026). Focus groups and interviews predominantly took

1 [National Observatory on Violence Against Women](#)

2 [National Women's Council](#)

3 [Irish Consortium on Gender Based Violence – network of international development organisations](#)

4 For further information, please see Annex I.

place before the draft strategy was published and many of the comments and perspectives were contributed without the knowledge of what would be in the final plan. The present report, thus, offers a critical review of the current state of implementation of several articles in the Convention, and analyses the extent to which the proposed provisions of the Strategy remedy the current gaps.

Overview of the current legal and policy framework on domestic, sexual and gender-based violence in Ireland

Ireland ratified the Istanbul Convention on the 8th of March 2019, and it entered into force on the 1st of July 2019. Ireland's obligations under the Convention are part of a broader framework of national and international fundamental human rights obligations to combat Domestic, Sexual and Gender-Based Violence (DSGBV). These obligations include, inter alia, Bunreacht na hÉireann 1937 (Irish Constitution); the European Convention on Human Rights Act 2003; the European Convention on Human Rights (ECHR, 1953) and the European Court of Human Rights' jurisprudence; the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and CEDAW's General Recommendations; the International Covenant on Civil and Political Rights (ICCPR, 1966); the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966); the UN Convention on the Rights of the Child (CRC, 1989); the UN Convention on the Rights of Persons with Disabilities (UNCPRD, 2006); the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (the Palermo Protocol); UN Security Council Resolution 1325 on women, peace and security; the 2014 European Parliament resolution on sexual exploitation and prostitution and its impact on gender equality; the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, 2007) and the Committee of Ministers to the Council of Europe Recommendation Rec(2002)⁵ on the protection of women against violence.⁵ Ireland is also bound by relevant EU Directives and regulations, 'in particular in the areas of judicial cooperation in criminal matters (especially as regards crime prevention and the rights of victims of crimes), equality between women and men and asylum policy'.⁶

Both before and since the Istanbul Convention entry into force, Ireland has adopted multiple policy and legal changes aligning with the Convention's provisions. These are expanded upon throughout this submission, and include the enactment of the Female Genital Mutilation Act 2012, the Domestic Violence Act 2018, the transposition of the EU Victims of Crime directive through the Criminal Justice (Victims of Crime) Act 2017, the Criminal Law (Sexual Offences) Act 2017 and 2019, the Health (Regulation of Termination of Pregnancy) Act 2018 and the Criminal Law (Extraterritorial Jurisdiction) Act 2019, as well as the adoption of national strategies and accompanying action plans.⁷

5 National Women's Council, Submission to the Third National Strategy on Domestic, Sexual and Gender-based Violence (June 2021).

6 European Commission, 'Ending gender-based violence' <https://ec.europa.eu/> [Last accessed 28 April 2022].

7 National Women's Council, 'Ratification of the Istanbul Convention marks a momentous International Women's Day' (08 March 2019). Available at: <https://www.nwci.ie/learn/> [Last accessed 18 April 2022].

In the past 12 years, Ireland has enacted two National Strategies on Domestic, Sexual and Gender-based Violence and their accompanying Action Plans. The First Strategy (2010-2014) was published in 2010,⁸ and the Second Strategy (2016-2021) in 2016.⁹ The Third National Strategy (2022 - 2026) was published in June 2022 following in-depth consultation and analysis, and through a collaborative process involving an Executive Group with a representative of the Department of Justice, NWC and Safe Ireland.¹⁰ High level consultations with stakeholders also took place throughout the Strategy's development.

In the recent past, there have been a number of policy developments in relation to gender equality and DSGBV which are worthy of note. In 2019 the Irish Parliament agreed to establish a Citizens' Assembly on Gender Equality (2020-2021) to consider gender equality issues in Ireland. The Citizens' Assembly on Gender Equality was asked to prioritise 'policy, legislative or constitutional change'.¹¹ The Assembly's recommendations were published in the Report of the Citizens' Assembly on Gender Equality 2021, the details of which are expanded upon below.¹² Moreover, Ireland is expecting the imminent publication of a study on Familicide and Domestic Homicide Reviews.¹³ Recently, the Department of Justice announced an initiative to expunging previous convictions of victim-survivors of prostitution,¹⁴ and stalking and non-fatal strangulation are set to become stand-alone criminal offences.¹⁵ In 2020, the Department of Justice adopted the 'Supporting a Victim's Journey: a Plan to Help Victims and Vulnerable Witnesses in Sexual Violence Cases', an implementation plan to reform the investigation and prosecution of sexual crimes through a victim-centred approach, based on the findings of the 'Review of Protections for Vulnerable Witnesses In the Investigation and Prosecution of Sexual Offences' ('the O'Malley Report').¹⁶ The State has also recently conducted an audit of DSGBV structures and published its report in June 2021.¹⁷

8 First National Strategy on Domestic, Sexual and Gender-Based Violence - 2010 - 2014 (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, March 2010).

9 Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021 (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016).

10 Department of Justice, Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026. Page 6

11 Report of the Citizens' Assembly on Gender Equality (June 2021). Available at: <https://www.citizensassembly.ie/en/> [Last accessed 28 April 2022].

12 Ibid.

13 Study on Familicide and Domestic Homicide Reviews, 'Terms of Reference'. Available at: <http://www.fsdhr.ie> [Last accessed 28 April 2022].

14 Department of Justice, 'Minister McEntee announces initiative to expunge previous convictions for 'sale of sex'' (25 April 2021). Available at: <https://www.justice.ie/en/JELR/Pages/PR21000101>

15 Sandra Hurley, 'Stalking and non-fatal strangulation to become standalone offences' (RTE, 21 April 2022). Available at: <https://www.rte.ie/news/ireland/2022/0421/1293491-stalking-offence/> [Last accessed 28 April 2022].

16 Department of Justice, 'Supporting a Victim's Journey: A Plan to help victims and vulnerable witnesses in sexual violence cases' (no date). Available at: https://www.justice.ie/en/JELR/Pages/Supporting_a_Victims_Journey [Last accessed: 14 May 2022]; Tom O'Malley et al., Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences (Irish Department of Justice, July 2020) para 7.7. Available at: https://www.justice.ie/en/JELR/Review_of_Protections_for_Vulnerable_Witnesses [Last accessed 15 May 2022].

17 Domestic, Sexual and Gender-based Violence. An Audit of Structures (June 2021). Available at: https://www.justice.ie/en/JELR/DSGBV_Audit_Report.pdf, [Last accessed 28 April 2022].

Overview of the Submission

This submission to GREVIO focuses on several articles across different chapters of the Convention. These were selected as they highlight the State obligations relating to the main issues that were raised by key service providers as part of the consultation process. A review of the reports published by Observatory members and some other organisations enabled further elaboration on these issues. The articles selected are: Article 4 – Fundamental rights, equality and non-discrimination; Article 6 – Gender-sensitive policies; Article 7 – Comprehensive and co-ordinated policies; Article 8 – Financial resources; Article 10 – Co-ordinating body; Article 11 – Data collection and research; Article 13 – Awareness-raising; Article 14 – Education; Article 15 – Training of professionals; Article 19 – Information; Article 20 – General support services; Article 23 – Shelters; Article 25 – Support for victims of sexual violence; Article 31 – Custody, visitation rights and safety; Article 33 – Psychological violence; Article 38 – Female genital mutilation; Article 40 – Sexual harassment; Article 45 – Sanctions and measures; Article 50 – Immediate response, prevention and protection; and Article 51 – Risk assessment and risk management.



Chapter I. Definitions, equality and non-discrimination, general obligations

Article 4 – Fundamental rights, equality and non-discrimination

Article 6 – Gender-sensitive policies

Article 4 – Fundamental rights, equality and non-discrimination

3. *The implementation of the provisions of this Convention by the Parties, in particular measures to protect the rights of victims, shall 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.*

The Observatory recognises that combatting DSGBV is not possible without taking measures to fully eliminate gender inequality and discrimination. In the past decade, Ireland's civil society has been a driving force for transforming the State's approach to gender equality, having achieved several noteworthy successes. Feminist civil society led a historic campaign, by women, for women, to repeal the 8th Amendment of the Constitution, which had prioritised the right to life of the foetus over women's human rights, including her right to

life, health, dignity and privacy.¹⁸ This culminated in the amendment of the Constitution and the enactment of the Health (Regulation of Termination of Pregnancy) Act 2018. As a result of the advocacy of civil society, the government established the Citizens Assembly on Gender Equality in 2019 to consider gender equality and make recommendations to the Oireachtas with the view of advancing gender equality in Ireland. The Assembly's work was published in a Report in April 2021 and led to the establishment of the Joint Oireachtas Committee on Gender Equality to consider its recommendations.

A number of recommendations made by the Assembly may be of special interest to GREVIO. The Assembly recommended amendments to the Constitution, including, to refer explicitly to gender equality and non-discrimination (Recommendation 4.1 to amend Article 40.1) and to delete a provision referring to women's life within the home (Recommendation 4.3 to amend Article 41.2) in order to make it gender neutral while continuing to 'support care within the home and wider community'. The latter constitutional provision, Article 41.2, had been criticised by the UN CEDAW Committee in its 2017 Concluding Observations on the combined sixth and seventh periodic reviews of Ireland, and most recently by the Working Group on the Universal Periodic Review of Ireland.¹⁹ The CEDAW Committee raised its concern that the provision 'perpetuates traditional stereotypical views of the social roles and responsibilities of women and men in the family'.²⁰

Academic commentators have stated that 'the lessons from Article 41 and superior courts' approach more broadly to questions of substantive equality are such that there is every reason to expect that the status quo will be endorsed, if not entrenched, by any litigation arising from a new [amended] provision'.²¹ However, amending the Constitution in this regard will be an important first step to abolish discriminatory laws and practices in Ireland, and to dismantle entrenched stereotyping of gender roles in society and the family, which are breeding ground for, and cause and consequence of DSGBV. Therefore, it is crucial for the advancement of gender equality in Ireland that the state prioritises the implementation of the Assembly's recommendations without delay.²²

NWC noted in its 2021 'Submission to the Review of the Equality Acts: Equal Status Acts 2000-2018 Employment Equality Acts 1998-2015' that formal equality guarantees posed by the

18 Irish Council for Civil Liberties, 'What is the Eighth Amendment?' (no date). Available at: <https://www.iccl.ie/her-rights/what-is-the-eighth/> [Last Accessed: 4 May 2022].

19 UNGA, 'Report of the Working Group on the Universal Periodic Review Ireland' UN Doc A/HRC/49/18 (14 December 2021). Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/376/42/PDF/G2137642.pdf> [Last accessed 18 April 2022]; CEDAW, 'Concluding observations on the combined sixth and seventh periodic reports of Ireland' UN Doc CEDAW/C/IRL/CO/6-7 (9 March 2017). Available at <https://digitallibrary.un.org/record/863874?ln=en> [Last accessed 03 May 2022]. The current Article 41(2) of the Irish Constitution reads: '1° In particular, the state recognises that by her life within the home, woman gives to the state a support without which the common good cannot be achieved. 2° The state shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.'#

20 CEDAW, 'Concluding observations on the combined sixth and seventh periodic reports of Ireland' UN Doc CEDAW/C/IRL/CO/6-7 (9 March 2017) para 10. Available at <https://digitallibrary.un.org/record/863874?ln=en> [Last accessed 03 May 2022].

21 Alan DP Brady, 'Gender and the Irish Constitution. Article 41.2, Symbolism and the Limitations of the Courts' Approach to Substantive Gender Inequality' in Black and Dunne, *Law and Gender in Modern Ireland* (Bloomsbury Publishing 2019).

22 National Women's Council, 'Citizens' Assembly: Citizens lead change for women's equality' (24 April 2021). Available at: https://www.nwci.ie/learn/article/citizens_assembly_citizens_lead_change_for_womens_equality [Last accessed 13 May 2022].

Constitution have been weighed against other Constitutional provisions in practice, and have not 'provided significant protection for groups that come within the discriminatory grounds in equality legislation'.²³ Additionally, current equality legislation only allows individuals to bring proceedings under one of the 9 grounds of discrimination provided for by the statutes, namely, 'gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller community'.²⁴ A lack of an intersectional discrimination provision leaves many women's needs and realities unrecognised, unaccounted for and, therefore, unaddressed. This necessarily requires amending the legislation accordingly to recognise the cumulative impact of multiple forms of discrimination on a combination of grounds.²⁵

Statutory and public service bodies have the positive obligation, often referred to as the Public Equality and Human Rights Duty, 'to have regard ... to the need to eliminate discrimination, promote equality of opportunity and protect the human rights' of members, staff and service users.²⁶ Forthcoming legislative reform, which will criminalise Hate Crime in Ireland under the Criminal Justice (Hate Crime Bill) 2021 is also an important development bringing Ireland more closely in line with its obligations under Article 4, as it incorporates 'gender' as a protected ground in recognition that forms of violence such as assault, coercion or threats can be 'motivated by misogyny'.²⁷ The Bill further includes 'ethnicity, race, sexual orientation and disability', constituting a recognition of the compound nature of sexist abuse.²⁸

For the Istanbul Convention's effective implementation of Article 4, the State must ensure that all measures and policies to address DSGBV adopt an intersectional approach. In the past, the State has not succeeded in doing so, as one of the most notable flaws of the Second National Strategy (2016-2021)²⁹ was its severe lack of consideration for intersectional factors shaping women's experiences of violence and access to protection. The Third National Domestic, Sexual and Gender-Based Violence Strategy, has made strides to remedy this gap.³⁰ The Strategy recognises that a number of groups, including disabled women, international protection seekers, individuals in Direct Provision, trafficked persons, Traveller and Roma women and members of the LGTBI+ community are at a higher risk of DSGBV, and that meeting their needs requires frontline agencies to be aware of the 'barriers faced by these groups and supports needed'.³¹ Despite this de facto recognition, during the Strategy's consultation, Observatory members raised issues of particular concern regarding intersectional discrimination. During

23 National Women's Council, *National Women's Council Submission. Review of the Equality Acts: Equal Status Acts 2000-2018 Employment Equality Acts 1998-2015* (November 2021) page 2.

24 Ibid page 21.

25 Ibid page 8.

26 Ibid page 26. See further: Irish Human Rights and Equality Commission Act 2014, s62.

27 National Women's Council, 'NWC Welcome inclusion of Gender as a Protected Ground in Hate Crime Legislation' (16 April 2021). Available at: https://www.nwci.ie/learn/article/nwc_welcome_inclusion_of_gender_as_a_protected_ground_in_hate_crime_legislation [Last accessed 15 May 2022].

28 Ibid.

29 *Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021* (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016).

30 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*.

31 Ibid, page 12.

the consultation to inform this report, participants submitted that negative stereotyping of the Traveller community and culture continues to be rampant in service and policymaking bodies affecting the 'equality of access, participation and outcomes in relation to prevention, support and protection for Traveller, Roma and other ethnic minority women'.³² In order to ensure that policies are disability proofed, NWC's Disabled Women's Group submission to the Third National Strategy on Domestic, Sexual and Gender-Based Violence also raised the need to implement legislation to put gender and disability budgeting on a statutory footing.³³

Within the objectives of the Third National Strategy the State includes, non-exhaustively, the following aims: to raise 'public awareness of DSGBV in all its forms and across all groups in society'³⁴, to 'resource and co-design work with specialist services to lead and deliver education/CPD programmes on all forms of DSGBV',³⁵ and to build 'capacity and resource the specialist and community-based support organisations to address and support inclusivity'³⁶. It is imperative that the Strategy's action plans meaningfully implement the measures aimed to redress multiple forms of discrimination on the basis of one or more grounds. To accomplish this goal, the State must acknowledge and challenge negative narratives on DSGBV and its victims, based on intersectional factors, perpetuated by each of its implementing agencies.

In consultations for the Strategy Observatory members, Ruhama and NWC in particular submitted that prostituted women suffer from 'severe violence in the trade in addition to its power inequality and the racism, sexism and classism that is at the core of its existence'³⁷. Thus, the State should, in line with GREVIO's views, 'systematically address the situation of women in prostitution' and consider prostitution as 'an important risk factor in exposure to violence against women'.³⁸ The Observatory has warmly welcomed that the State's definition of DSGBV in the Strategy includes women in prostitution³⁹.

Recommendations:

1. *The State must fully implement the Istanbul Convention's Article 4 to ensure that policy makers, public bodies and legislators comply with relevant standards on fundamental rights, equality and non-discrimination;*
2. *The State must challenge gender and compound stereotyping in its legal and policy measures;*

32 Pavee Point, *Submission towards the Development of the Third National Strategy on Domestic, Sexual and Gender-based Violence* (June 2021) page 4.

33 NWC Disabled Women's Group, *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2020). This is also in line with Ireland's obligation under the UNCRC's Article 6.

34 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*. Action 1.1.1, page 3.

35 Ibid Action 1.4.4

36 Ibid Action 2.2.4, page 25.

37 Ruhama, *Ruhama's submission to the CEDAW Committee* (January 2017). Available at: https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/IRL/INT_CEDAW_NGO_IRL_26292_E.pdf [Last Accessed: 14 May 2022]

38 GREVIO, *Second General Report on GREVIO's activities covering the period from June 2019 to December 2020* (April 2021) para 6.

39 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*. Page 12

3. *The State must recognise 'gender inequality as a core structural and systemic injustice and inequality and define its eradication as a fundamental... principle and aspiration of equality legislation';⁴⁰*
4. *The State must ensure that an intersectional and unified approach to DSGBV is integrated and actioned by all agencies and bodies responsible for implementing the Third Strategy;*
5. *Public sector bodies should fully comply with the obligation enshrined in Section 42 of the Irish Human Rights and Equality Commission Act 2014 to actively promote anti-discrimination, equality and protect human rights.*

Article 6 – Gender-sensitive policies

Parties shall undertake to include 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.

All consulted services reported a significant lack of gender-sensitive approach in the design and implementation of the last two national strategies on DSGBV. The Observatory advises that a gender-neutral approach to DSGBV actively undermines all efforts to eliminate DSGBV. Thus, Ireland must apply a gender-sensitive approach to all legal and policy measures to combat DSGBV and its implementation, as required under Article 6 of the Convention.

The State must ensure that the consultation for and development of a new National Strategy for Women and Girls as committed to in the Programme for Government– Our Shared Future commences as soon as possible. The previous National Strategy for Women and Girls 2017-2020 was extended to the end of 2021 with an independent evaluation of the strategy taking place in 2022. Regrettably civil society has not been engaged in this process to date and the 2023 timetable and processes in place for the development of a new strategy have not been published⁴¹.

In addition, the State must ensure that recent developments in Equality Budgeting including establishing the quality Budgeting Expert Advisory Group and an inter-departmental group for Equality Budgeting, to facilitate the embedding of the initiative across all Government departments continue to be developed to ensure gender sensitive budgeting is a priority. As recommended by the OECD this should include statutory commitments to equality budgeting given “legal foundations could help embed equality budgeting as a valued and enduring feature of public policy-making in Ireland”⁴² Gender and equality budgeting is a crucial element of ensuring the level of investment required to end DSGBV.

40 National Women's Council, National Women's Council Submission. Review of the Equality Acts: Equal Status Acts 2000-2018 Employment Equality Acts 1998-2015 (November 2021) page 6.

41 <https://www.gov.ie/en/press-release/5a7f4-minister-ogorman-announces-the-development-of-a-national-equality-data-strategy/>

42 OECD Scan: Equality Budgeting in Ireland (OECD 2020)

Specialist support services report that, in too many instances, the gendered nature of DSGBV is not well understood by stakeholders. Such a fragmentation of the lived experiences of DSGBV into an incident-based system fails to address DSGBV as a structural and gendered issue. The Second National Strategy on Domestic, Sexual and Gender-Based Violence (2016 - 2021) unsuccessfully attempted to promote a gendered analysis of violence in the definition section. DSGBV was described as a type of violence against women that ‘whether in the home, between friends or in dating relationships or violence perpetrated by strangers reflects and reinforces the power inequalities experienced by women with respect to men in all societies, including our own’.⁴³

The lack of a clear gender analysis impacted the national capacity to tackle the root causes and consequences of DSGBV and services did not always understand the power dynamics that operate as part of an incident of violence. The Third National Strategy adopts a more comprehensive definition of DSGBV, drawing on both the Istanbul and the CEDAW Conventions. It recognises that ‘women and girls are affected disproportionately, as a manifestation of historically unequal power relations between men and women’⁴⁴ and places an emphasis on the objective to ‘deliver an enhanced understanding of the root causes and impacts of DSGBV across society’.⁴⁵ Not only is the definition of DSGBV adopted in the Strategy expanding the one provided under the Istanbul Convention, the power dynamics based on gender inequality at play in the exercise of DSGBV consistently inform the goals and objectives throughout each pillar. As a result of this comprehensive definition, specific types of violence are highlighted in the Strategy including FGM, cyber violence and stalking, prostitution, and human trafficking for sexual exploitation, widening the scope of the Istanbul Convention. The unique collaborative process between the Department of Justice, NWC and Safe Ireland thus allowed for the enactment of a gender-sensitive and victim-survivor centred Strategy which endeavours to meet the needs of women and girls based on the expertise shared by key service providers during the consultation phase. The Observatory welcomes the State’s ability to work in collaboration with DSGBV services and believes that a continuation of this approach will be critical in to embed a gender sensitive approach in the implementation of the Strategy.

Article 6 of the Convention also calls for an impact evaluation of any strategies put in place to implement the Convention.⁴⁶ The Second National Strategy acknowledged the weakness of the monitoring process under the First National Strategy, described as a ‘tick-box exercise’ by service providers with a ‘noticeable lack of engagement with the monitoring returns which were

43 *Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021* (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016) 3.

44 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, Page 19

45 Ibid page 7

46 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 61.

designed to hold the State agencies to account on their commitments under that Strategy.⁴⁷ To address these criticisms, the Second National Strategy committed to publish an annual report on the monitoring exercise while leaving the opportunity for any state or voluntary sector body to participate in this monitoring process on a six monthly basis.⁴⁸ On January 31st, 2019, the Minister for Justice and Equality announced a public consultation as part of the mid-term review of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021,⁴⁹ circulating a questionnaire to key stakeholders and the general public. However, this assessment process was also described as ‘lack(ing) the required detail and oftentimes provid(ing) no detail at all.’⁵⁰ Service providers lacked sufficient resources to undertake such a demanding reviewing process.⁵¹ Moreover, the absence of a specific governance structure across the whole of government for DSGBV prevented effective monitoring of the implementation of the two strategies.⁵² Monitoring issues have been particularly accounted for in the Third National Strategy Implementation plan which places a significant emphasis on the necessity to ‘ensure an effective, robust research and evaluation strategy’, by, *inter alia*, devising a ‘monitoring and implementation framework for the National Domestic Sexual and Gender Based Violence Strategy for all victims/ survivors’ and ‘(...) gather(ing) and report(ing) data relevant to the implementation of this Strategy’.⁵³ Such implementation will be monitored through a whole-of-government approach, supported by the Cabinet Committee on Social Affairs and Equality chaired by An Taoiseach and Justice, with a secretariat in the Department of the Taoiseach.⁵⁴

Part of Article 6’s obligations include the obligation to enact policies that promote the empowerment of women. Women’s Aid 2021 ‘Unheard and Uncounted’ report gathered and analysed testimonies of victim-survivors’ experiences of the criminal justice system. The report highlights instances of negative responses from the Garda and members of the judiciary with interviewees reporting feeling judged about how they behave in Court, reported a perception that they were not being believed, that the severity of their claim was dismissed or that the stakeholders sometimes lacked empathy.⁵⁵ Women’s Aid report also elaborates on the re-traumatising nature of the justice system with victim-survivors reporting that ‘going through the court was as traumatic as the abuse, if not worse.’⁵⁶ It is urgent that the State

47 *Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021* (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016) page 5.

48 *Action Plan - Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021* (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016) pages 23-24.

49 Department of Justice, ‘Minister Flanagan announces Mid-term Review of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021’ (31 January 2019). Available at <https://www.justice.ie/en/JELR/Pages/PR19000027> [Last accessed 02 May 2022].

50 National Women’s Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women’s Council of Ireland, June 2021) page 10.

51 Ibid.

52 Ibid page 38.

53 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, Action 4.2.2, page 45.

54 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 8.

55 Monica Mazzone and Women’s Aid, *Unheard and Uncounted, Women, Domestic Abuse and the Irish Criminal Justice System* (Women’s Aid, 2019).

56 Ibid page 43.

takes concrete actions to dismantle this prevalent victimisation and vulnerability narrative, in that regard, it is worth noting that the language of the Strategy itself, which speaks about 'victims/survivors', instead of 'victims' as it was the case in the Second Strategy, reflects a discursive endeavour to work towards the promotion of women's empowerment.

It is important to highlight that a victimising narrative has specific manifestations for minority and minoritised victim-survivors. For instance, the NWC Disabled Women's Group refers to this vulnerability narrative as resulting from a lack of understanding of ableism as a societal construction in the legal and policy framework of DSGBV.⁵⁷ In line with the obligations under Article 6 complementing the obligations stated in Article 4, paragraph 2 on prohibition of discrimination,⁵⁸ it is important to recall that gender is not the only locus of oppression that State policies must take into account. Rather, all intersecting identities and experiences addressing other systems of power including, *inter alia*, racism, classism, LGBTQIA+phobia, ableism, islamophobia etc must be accounted for in a gendered analysis to DSGBV. Consultees expressed an urgency for a strong intersectional approach to the Third National Strategy. Promisingly, the Third National Strategy is the first of its kind to directly name the concept of intersectionality in Ireland and that, the current version, provides that 'all actions (...) are required to take a horizontal intersectional approach to ensure inclusion of socially excluded groups'.⁵⁹

Recommendations:

6. *The monitoring of the implementation of the Third National Strategy should follow a whole of government approach, be driven and coordinated by a team at senior level in the Department of Justice accountable to the Minister for Justice and in turn to the Cabinet Committee on Social Affairs and Equality, chaired by An Taoiseach;*
7. *The new Statutory Agency should be sufficiently resourced with appropriate budgets and senior personnel with relevant expertise to deliver the Implementation Plan;*
8. *The State must support mechanisms for external accountability including providing resources for civil society organisations to participate and monitor the implementation of the Strategy;*
9. *The implementation of the Strategy must tackle the persisting vulnerability and victimising narrative of victim-survivors of DSGBV, especially of minority and minoritised victim-survivors including, inter alia, migrant women, prostituted women, disabled women, rural women, Roma, and Traveller women, and trans women.*

57 Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022.

58 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 62.

59 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 12.



Chapter II: Integrated policies and data collection

Article 7 – Comprehensive and co-ordinated policies

Article 8 – Financial resources

Article 10 – Co-ordinating body

Article 11 – Data collection and research

Article 7 – Comprehensive and co-ordinated policies

1. *Parties shall take the necessary legislative and other measures to adopt and implement State-wide effective, comprehensive and co-ordinated policies encompassing all relevant measures to prevent and combat all forms of violence covered by the scope of this Convention and offer a holistic response to violence against women. [...]*
3. *Measures taken pursuant to this article shall involve, where appropriate, all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society organisations*

This submission lists Ireland's previous DSGBV national strategies and its shortcomings in relation to coordination below, in the analysis under Article 10. The Explanatory report to the Convention advises that, 'to ensure that the expertise and perspective of relevant stakeholders, agencies and institutions contribute to any policy-making in this field calls for the involvement of "all relevant actors, such as government agencies, the national, regional and local parliaments and authorities, national human rights institutions and civil society

organisations”⁶⁰. It is clear in research undertaken to date that there is an urgent need in combating DSGBV for further inter-agency communication and collaboration⁶¹ between government agencies, regional and local authorities, the national human rights institution and civil society organisations.

The Observatory recognises that the Third National Strategy takes a significant step forward in this regard. The Strategy is detailed in proposing comprehensive and co-ordinated policies, involving civil society organisations and a large number of government departments and agencies. The Implementation Plan has one chapter solely focused on policy co-ordination, which includes measures to implement structures to deliver the Strategy at central Government level (through the establishment of a new statutory agency, as explained below) with regional oversight.⁶² Importantly, and marking a departure from previous strategies, the Strategy envisages the establishment of a specialised group to ‘proof and advise all interventions in terms of intersectionality and inclusivity for socially excluded groups including people with disabilities, migrant women, Travellers and Roma, ethnic minorities, LGTBI+, etc.’⁶³ It is cause for optimism that the Strategy has as an objective to ensure policy intersectionality is highlighted and prioritised, including through an action to ‘make clear connections and agree targets with other equality and inclusion strategies’.⁶⁴

The Strategy has adopted a model of co-design and co-production with civil society that is expected to be embedded in all actions. The Strategy recognises that the actions contained therein ‘must be taken forward in a process of genuine collaboration, where the most affected are at the centre of the planning, design, delivery, monitoring and evaluation of the Strategy’.⁶⁵ Thus, the State recognises that civil society organisations have an important role to fulfil in holding the government to account regarding the realisation of the Strategy and a central role in driving forward this collaborative approach. However, it is unclear in the Strategy and the accompanying implementation Plan how this co-design process will be delivered by all of the implementing Departments and agencies. As stated in the explanatory report to the Convention, ‘this type of co-operation should not rely on individuals convinced of the benefits of sharing information’ but rather, the State has the obligation to put in place ‘guidelines and protocols for all agencies to follow, as well as sufficient training of professionals on their use and benefits’.⁶⁶ To ensure this, the Department of Justice should outline an external accountability mechanism by the NGO sector and/or by an independent agency that would enable a victim-survivor-centred monitoring of the implementation

60 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 65.

61 Tom O’Malley et al., *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences* (Irish Department of Justice, July 2020) para 2.2.

62 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, page 43.

63 Ibid, Action 4.1.3, page 43.

64 Ibid, Action 4.5, page 48.

65 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 44.

66 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011)

of the Strategy.⁶⁷ The current lack of such a structure is of considerable concern to civil society. The State must not only encourage but adequately fund this collaboration between organisations at different levels, from the local community level to the national level. This should include building capacity and resources for civil society and NGOs to engage in this collaborative governance process during the life of the Strategy.

Notwithstanding the fact that the Strategy evidences throughout a declaration of intent to be a holistic response to violence against women, some actions fall short. For instance, the Department of Justice's 'Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases' based on the O'Malley Report provides a series of measures, including recommendations and actions, to improve the Journey through the system for victims of sexual crime. These include but are not limited to 'court familiarisation services, free legal advice to victims of sexual offences, personal support during criminal proceedings, access to trained intermediaries, access to information, a consistent standard of service for victims, same level of service and quality in the provision of special measures, separate legal representation in respect of previous sexual history applications'.⁶⁸ Observatory members including NWC have strongly advocated for an extension of the measures contained within the plan to 'extend to all victim-survivors of all forms of DSGBV in a wraparound manner that ensure the needs of all women are met'.⁶⁹ We need to ensure that the victims journey is expanded to include victims and survivors of all forms of DSGBV in line with the definition adopted in the Strategy.

It is important to highlight that consultees continued to express concern that there remains a lack of inclusion of women victim-survivors' views throughout policy and legal consultation processes in relation to DSGBV. Organisations representing minority and minoritised communities have similarly critiqued previous strategies and action plans' on the failure to reflect Ireland's diversity and women's intersecting identities, and lack of integration of additional forms of violence, including FGM, trafficking and forced marriage.⁷⁰ Additionally, Transgender Equality Network Ireland (TENI) expressed concerns in relation to the lack of inclusion of specific issues faced by the transgender community from the scope of the First and Second National Strategies.⁷¹ It is hoped that the implementation of the Third National Strategy will actively address this concern.

67 Ibid.

68 Tom O'Malley et al., *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences* (Irish Department of Justice, July 2020). Available at www.justice.ie [Last accessed 18 April 2022].

69 National Women's Council, *NWC Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence* (June 2021) page 23. Available at: https://www.nwci.ie/images/uploads/NWC-3rd_National_Strategy_DSGBV_Submission_JUNE_2021.pdf

70 Online interview conducted with AkiDwA, 10/02/2022; Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022; Online interview conducted with Pavee Point Development Centre, 08/02/2022.

71 Transgender Equality Network Ireland, *Human Rights Violations in Ireland on the Basis of Gender Identity and Intersex Identity*, Submission to the Country Report Task Forces of the Human Rights Committee (Transgender Equality Network Ireland, 2013) 9.

Recommendations:

10. *The State must adopt and commit to realising a realistic framework of implementation, monitoring and evaluation of the Third National Strategy in the form of implementation/ action plans organised around key performance indicators, with allocated budget lines and external oversight;*
11. *The State must develop a plan, including guidelines, protocols and training of professionals, to facilitate horizontal coordination between civil society/NGOs and State agencies;*
12. *The State must ensure to build capacity and sufficiently resource civil society organisations to engage in the Strategy's collaborative governance process during the life of the Strategy;*
13. *The State must promote the definition of DSGBV as contained in the Strategy to ensure that civil society/NGOs and state agencies working on prevention, protection and prosecution function on a gender-sensitive, shared, and coherent understanding of DSGBV;*
14. *The State should strengthen monitoring of the implementation of the Strategy through the establishment of an external agency such as a dedicated Minister for Women and Equality and/or Minister for DSGBV, a Minister of State for Women and/or a Minister of State for DSGBV, a Victims' Commissioner and/or a National Rapporteur on DSGBV;⁷²*
15. *The extension of the implementation of measures in the 'Supporting a Victim's Journey Plan' to all victim-survivors' of all forms of DSGBV;*
16. *Ensure that all staff are effectively trained to 'ensure multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of DSGBV'.⁷³*

Article 8 – Financial resources

Parties shall allocate appropriate financial and human resources for the adequate implementation of integrated policies, measures and programmes to prevent and combat all forms of violence covered by the scope of this

In October 2021, the state announced that the budget allocated to supporting victim-survivors of DSGBV was set to raise by €5 million, bringing it up to €13 million.⁷⁴ Within this budget, €1 million is allocated to improve Garda Divisional Protective Services Units. Despite this increase, NWC and TASC's Budget 2022 Gender Analysis expressed concerns that an overall lack of budget gender proofing is leading to insufficient investment to tackle critical

72 National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2021) page 9.

73 Ibid, page 21.

74 Shane Phelan, 'Justice package aims to improve supports for domestic violence victims' (*The Independent*, 12 October 2021). Available at: <https://www.independent.ie/irish-news/justice-package-aims-to-improve-supports-for-domestic-violence-victims-40942359.html> [Last accessed 13 May 2022].

internal policing shortcomings to respond to the scale of DSGBV cases.⁷⁵ Additionally, the same report stated that the Budget 2022 was silent on the commitment to increase funding for emergency, transitional and long-term safe accommodation for victim-survivors. As such, the overall investment to eradicate DSGBV in Ireland as presented in Budget 2022 failed to meet the financial needs of specialist and general services.⁷⁶

Specifically in relation to funding specialist services, which are almost fully outsourced to NGOs, Irish civil society have reported a concerning precarity of funds allocated to combat DSGBV since before the economic crisis, an issue that was exacerbated as a result of budget cuts during the recession, and which has not been meaningfully remedied.⁷⁷ Even though specialist organisations recognise that the emergency posed by Covid-19 resulted in an injection of funding by the Government, they are clear that current levels of funding remains inadequate.⁷⁸ Under-resourcing of specialist organisations results in reduced working hours, insufficient staff and a general inability for organisations to provide services to all victim-survivors of all forms of violence under the Convention.⁷⁹ For example, some organisations report that there is no funding allocated to tackle post-separation violence, leaving women post-separation susceptible to increased vulnerabilities.⁸⁰ Similarly, organisations highlight that State funding is generally limited for the provision of frontline services, which prevents them from funding prevention, advocacy, policy and training activities.⁸¹ Current funding allocation processes also create a competition system between services, potentially impacting collaboration between organisations.⁸² Community-led organisations are, reportedly, the most affected by under-funding.⁸³ Given that these organisations provide services to highly vulnerable, hard to reach, minority and minoritised women, funding shortages have a particularly consequential impact on communities that experience intersectional forms of violence.

Reporting issues in relation to funding, as well as the short-term nature of most State funding have been highlighted as being an issue. Several consulted specialist services discussed the annual, extensive and time-consuming reporting duties to a diversity of separate funding sources including TUSLA and the Department of Justice.⁸⁴ Similarly, a number of

75 National Women's Council and TASC - Think Tank for Action on Social Change, *Budget 2022 Gender Analysis* (NWC & TASC, November 2021) page 12.

76 Ibid page 13.

77 Online interview conducted with Sexual Violence Centre Cork, 13/01/2022. CEDAW, 'Concluding observations on the combined sixth and seventh periodic reports of Ireland' UN Doc CEDAW/C/IRL/CO/6-7 (9 March 2017) para 21.

78 Women's Aid, *Submission to the Review of the National Strategy on Domestic, Sexual and Gender-Based Violence* (Women's Aid, 2021) page 6.

79 Online interview conducted with AkiDwA, 10/02/2022; Online interview conducted with Cairde, 02/02/2022.

80 Online interview conducted with Domestic Violence Response, Galway 18/02/2022; Online interview conducted with Women's Aid, 04/02/2022.

81 Online interview conducted with Cairde, 02/02/2022.

82 Online interview conducted with Domestic Violence Response, Galway 18/02/2022; Online interview conducted with Women's Aid, 04/02/2022.

83 Online interview conducted with Sexual Violence Cork, 13/01/2022; Online interview conducted with NTDC, 21/01/2022; Online interview conducted with Domestic Violence Response, 18/02/2022.

84 Online interview conducted with NTDC, 21/01/2022, Online interview conducted with Domestic Violence Response, 18/02/2022, Online interview conducted with Cairde, 02/02/2022.

organisations including AkiDwA, Cairde, Pavee Point, DVR and NTDC have stated that given the yearly allocation of funding, launching long-term projects becomes challenging.⁸⁵ For instance, NTDC was recently donated a Safe House by the county council to address the absence of emergency accommodation in North Tipperary.⁸⁶ The organisation secured a budget to hire one staff member for one year only.⁸⁷ Hence, there is no certainty about the fact that the safe house will be operating again the following years. The State must ensure that projects developed by specialist organisations are sufficiently funded to ensure that they can be sustained into the future.

NWC has reported in its submission on the Third National Strategy that there is ‘a severe dearth of support for coordinated structures within the DSGBV NGO and civil society sector’.⁸⁸ Indeed, despite the Observatory’s important work, which allows organisations to come together to work towards improved policies and service provision, it does not benefit from formal recognition, and is not resourced through multi-annual funding. The Observatory must be adequately funded to conduct its activities, including independent monitoring of the Istanbul Convention’s implementation.⁸⁹ The explanatory report of the Convention confirms the necessity to ‘emphasise the important contribution these various organisations make to preventing and combating all forms of violence’, therefore requiring ‘to recognise their work by, for example, tapping into their expertise and involving them as partners in multi-agency co-operation’ and to ‘actively encourage and support the work of these dedicated NGOs and civil society organisations’.⁹⁰ Recognising and financially supporting the work of the Observatory also echoes the importance of establishing external accountability and oversight of policy implementation from an independent body representative of the civil society sector.⁹¹

‘Developing standardised funding structures and processes across governmental departments to allow for adequate funding for the sector and avoid duplication of funding’ constitutes one of the objectives of the Third National Strategy.⁹² Some of the measures proposed in the Strategy to comply with Article 8 obligations are welcomed by the Observatory, in particular ‘funding to facilitate inclusion by supporting the involvement of support services and marginalised groups in the design and implementation of actions, practical initiatives that support the development of enhances access to all and to support

85 Online interview conducted with AkiDwA, 10/02/2022; Online interview conducted with Cairde, 02/02/2022; Online interview conducted with NTDC, 21/01/2022; Online interview conducted with Domestic Violence Response, 18/02/2022; Online interview conducted with Pavee Point Development Centre, 08/02/2022.

86 Online interview conducted with NTDC, 21/01/2022.

87 Ibid.

88 National Women’s Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women’s Council of Ireland, June 2021) page 34.

89 For instance, this submission has been made possible through funding exclusively provided by The Community Foundation of Ireland, one of the largest philanthropic organisations in the country.

90 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 69.

91 Online interview conducted with NWC, 11/05/2022.

92 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, Action 4.9, page 50.

piloting or testing of new models of work/approaches;⁹³ to 'undertake a review of funding processes'; to introduce 'standardised multi annual funding structures, processes and service agreements that considers full economic costs of service delivery'⁹⁴ and funding to 'practical initiatives that support the development of enhanced access for all'.⁹⁵

The Department of Justice announcement of a €363 million investment for the implementation of the actions in the Strategy under the remit of that Department is very positive. However, there is no clarity from other Departments on their budgets to implement the agreed actions. The delivery of the Strategy requires gender-proofed, coordinated funding structures, processes, clear reporting procedures, multi-annual funding allocations, as well as adequate and equitable funding allocations for frontline services, and civil society organisations monitoring and advocating on DSGBV. In addition, all investment must ensure there is a sufficient allocation for further data collection and research. This may include a range of statutory agencies with research functions including the Irish Research Council and educational institutions.

Recommendations:

- 17.** *The State must ensure that the Department of Public Expenditure and Reform commits to gender-sensitive and equality budgeting, and facilitates the expenditure required in this regard;*
- 18.** *The State must provide long-term, sustainable, multi-annual funding to ensure that civil society and NGOs are able to function effectively, develop and maintain proven programmes of work and launch and sustain innovative projects;*
- 19.** *The State should grant formal recognition of and multi-annual funding for the Observatory on Violence Against Women and Girls;*
- 20.** *The implementing Departments and State Agencies should assign budgets to each of the proposed actions in the Strategy;*
- 21.** *The State should streamline funding reporting with the view of ensuring that this requirement does not create an unnecessary burden to organisations;*
- 22.** *The State must ensure that community-led organisations and organisations working with minority and minoritised women are fully funded and able to reach and support all victim-survivors requiring services.*

⁹³ Ibid, Action 4.6.1 page 48.

⁹⁴ Ibid, Action 4.9.1.

⁹⁵ Ibid, Action 4.6.1.

Article 10 – Co-ordinating body

1. *Parties shall designate or establish one or more official bodies responsible for the coordination, implementation, monitoring and evaluation of policies and measures to prevent and combat all forms of violence covered by this Convention. These bodies shall coordinate the collection of data as referred to in Article 11, analyse and disseminate its results.*

The national infrastructure for DSGBV has historically been criticised for having no clear, integrated leadership, being ‘formulaic’, ‘siloe’, ‘departmental’, ‘disconnected’ and overall ‘not working’.⁹⁶ There has been a fragmentation of policy development and service delivery competencies between different agencies, and responsibility has been dispersed across multiple government departments.⁹⁷ One of the most important impacts is that the fragmentation of competencies created and sustained a lack of effective national monitoring of policies.⁹⁸

The collaborative approach to the Third National Strategy has enabled civil society to raise these issues to the Department of Justice. In consequence, the Strategy places an important emphasis on the necessity to ensure coordinated and coherent service delivery as well as effective implementation of the Strategy. Thus, three new coordination and delivery structures will be established: 1) DSGBV oversight responsibility within the Cabinet Committee on Social Affairs and Equality, 2) a High Level Oversight Board, co-chaired by the Secretary General of the Departments of the Taoiseach and Justice and 3) a statutory DSGBV agency under the aegis of the Department of Justice.⁹⁹ Building on the fruitful collaborative approach to the design of the Third National Strategy, this agency must work together with civil society organisations and specialist NGOs from the initial design and development of the agency and throughout its work.¹⁰⁰ The Strategy further states that this coordination and service delivery restructuring will ensure that ‘issues of mutual concern in relation to service delivery standards, evaluation of services and agility in responding to new and emerging needs are addressed in a spirit of collaboration and with the benefit of external academic and other expertise as appropriate’.¹⁰¹ The monitoring of this aspect of the Strategy will be critical to assess the effectiveness of the new structures.

The Observatory welcomes the establishment of a new statutory agency with regional coordination structures to ensure the effective oversight, implementation, and decision-

96 Safe Ireland, *No Going Back: A Sustainable Strategy and Infrastructure to Transform Our Response to DSGBV in Ireland*, Discussion paper (Safe Ireland, March 2021).

97 For a visual picture of the National Framework up until January 2022, please see: Safe Ireland, *No Going Back: A Sustainable Strategy and Infrastructure to Transform Our Response to DSGBV in Ireland*, Discussion paper, (Safe Ireland, March 2021) 18.

98 Online interview conducted with Haven Horizon, 25/01/2022; Online interview conducted with Domestic Violence Response, Galway 18/02/2022; Online interview conducted with Sexual Violence Cork, 13/01/2022.

99 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 22.

100 National Women's Council and Safe Ireland, *Proposal for Coordinating Structures for Third National Strategy of DSGBV* (NWC and Safe Ireland, 10 May 2022).

101 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 23.

making structures to deliver the Strategy. The local and regional structures must be adequately resourced and co-ordinated nationally by the new statutory agency. A national co-ordinator for regional and local networks that reports to the national agency would provide a streamlined approach, ensure coherent local monitoring and allow comparisons of outcomes nationally.

The Strategy also contains the creation of a 'strong oversight and implementation structures to deliver on the Strategy, with regional coordination structures to oversee delivery services on the ground'.¹⁰² The local co-ordination structures envisaged in the Strategy will be significant in co-ordinating and delivering services locally. As the Local Community Development Committees operate locally this has the potential to ensure joined up local delivery of services and co-ordination of policy responses. The composition of these committees must be reviewed and developed to ensure strong representation of women, marginalised communities and specialised support organisations so that they reflect the diversity of communities particularly given their new remit of domestic, sexual and gender-based violence. Specialised support organisations and civil society must be adequately resourced to meaningfully engage with these new structures.

The Strategy also proposes that "The Department of Children, Equality, Disability, Integration and Youth, and TUSLA, will ensure the provision of child protection services, and facilitate wrap-around support services provision across all relevant agencies through the national network of Local Community Development Committees (LCDCs);"¹⁰³ Moreover, the establishment of the new statutory agency will take some time to be co-designed alongside stakeholders, to have an appropriate legislative basis in place, and to recruit the staff and ensure the funding; 'In the interim period, Tusla will report to the Minister for Justice for DSGBV services on foot of a Memorandum of Understanding being put in place in that regard'.¹⁰⁴

The Observatory recommends urgent development of clear mandates and coordination structures (at local and national levels) for TUSLA and the new statutory agency, both in the interim period and the longer term. These local co-ordination structures will be significant in co-ordinating and delivering services locally and must be resourced and monitored nationally by the new statutory agency to ensure accountability and monitoring of individual agency involvement, activity and allow comparisons of outcomes nationally.

This report is necessarily focused on the jurisdiction of the Republic of Ireland, however it should be noted that both informal and formal arrangements and structures are in place with statutory and non-statutory services and agencies in Northern Ireland. DSGBV does not respect borders and there is both shared experiences and continuity of service provision

102 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 28.

103 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy*. Page 23

104 Ibid

across it. Many Observatory members have strong relationships with sister organisations to facilitate the needs of women and families they work with and to exchange learning and knowledge from both jurisdictions. NWC's All Island Women's Forum (AIWF)¹⁰⁵ has explored this issue as part of its work over the last 12 months and will be making a recommendation that the State should build on its relationship with its counterparts in Northern Ireland to develop formal all-island structures and processes to tackle DSGV and include relevant specialist NGOs and civil society organisations.¹⁰⁶

Recommendations:

2. *The State must clearly define the mandate of both interim and long term structures and for the new national coordination and delivery structures established under the Third National Strategy to ensure that these operate in a co-ordinated and unified manner;*
3. *The State must put in place an NGO Steering Group composed of the relevant civil society organisations and specialist NGOs to oversee the design and establishment of the statutory DSGBV agency and the development of the legislation under which the agency will operate;*¹⁰⁷
4. *The State should establish and fund an external accountability mechanism based on collective governance with relevant specialist NGOs and civil society organisations to monitor the implementation of the Strategy's actions;*
5. *The State must ensure that the establishment and functioning of national, regional and local coordination and delivery structures are supported by adequate funding;*
6. *The State should build on its relationship with its counterparts in Northern Ireland to develop formal all-island structures and processes to tackle DSGV and include relevant specialist NGOs and civil society organisations;*
7. *All government departments must require and fund that each agency under its responsibility:*
 - *Develops an Action Plan to meet their obligations under the Istanbul Convention, the Third National Strategy and the Public Sector Equality and Human Rights Duty;*
 - *Attach social criteria, clauses, and conditionality with sanctions, to all of its funding, commissioning and procurement processes to promote gender and equality actions and outcomes, including issues of sexual harassment and violence.*

¹⁰⁵ [NWC All Island Women's Forum](#)

¹⁰⁶ NWC AIWF Report Forthcoming September 2022

¹⁰⁷ Ibid.

Article 11 – Data collection and research

1. *For the purpose of the implementation of this Convention, Parties shall undertake to:*
 - A. *collect disaggregated relevant statistical data at regular intervals on cases of all forms of violence covered by the scope of this Convention;*
 - B. *support research in the field of all forms of violence covered by the scope of this Convention in order to study its root causes and effects, incidences and conviction rates, as well as the efficacy of measures taken to implement this Convention.*
2. *Parties shall endeavour to conduct population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of this Convention.*
3. *Parties shall provide the group of experts, as referred to in Article 66 of this Convention, with the information collected pursuant to this article in order to stimulate international co-operation and enable international benchmarking.*
4. *Parties shall ensure that the information collected pursuant to this article is available to the public.*

Systematic and adequate collection of disaggregated data is crucial, not only to document the prevalence of DSGBV in Ireland, but also to inform the legal and policy frameworks regulating the prevention, response and prosecution components.¹⁰⁸ Ireland failed to implement its Second National Policy on Domestic, Sexual and Gender-based Violence (2016 - 2021) and accompanying Action Plan in relation to data collection which provided for the establishment of 'a bottom line 'gold standard' of data collection and analysis by all agencies working in the area(s) of domestic and sexual violence whereby all datasets are disaggregated (...)'.¹⁰⁹ Accordingly, data on the magnitude of DSGBV in Ireland is outdated, scarce and not disaggregated. This is the case in the findings of the most recent national survey on domestic violence, conducted by the National Crime Council and the Economic and Social Research Institute which were issued in 2005,¹¹⁰ and the last study on sexual violence, the SAVI report, which was conducted in 2002.¹¹¹ The most recent data documenting the prevalence of DSGBV in Ireland has been published by the European Union Agency for fundamental rights in 2014.¹¹²

The new statutory DSGBV agency under the aegis of the Department of Justice will be responsible for 'leading on consistent and ongoing research to inform DSGBV policy

¹⁰⁸ GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 75.

¹⁰⁹ *Action Plan - Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021* (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016) page 25.

¹¹⁰ National Crime Council and ESRI, *Domestic Abuse of Women and Men in Ireland: Report on the National Study of Domestic Abuse, National Report* (National Crime Council and ESRI, 2005).

¹¹¹ Hannah McGee et al., *Sexual Abuse and Violence in Ireland* (Dublin Rape Crisis Centre, 2002).

¹¹² European Union Agency for Fundamental Rights, *Violence against women: an EU-wide survey* (EU FRA, 2014), Available at https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf [Last accessed 03 May 2022].

development in partnership with other agencies including the CSO who have research projects underway.¹¹³ Although the Observatory welcomes the Strategy's focus on enhancing data collection and research, the Observatory considers that some of the state's obligations under Article 11 remain overlooked. For instance, there is no reference to disaggregated data collection and to include services working with minority and minoritised women, on the design and implementation of data collection strategies. The Observatory advises that effective engaged research and timely research translation are critically important for social and legal change in the area of DSGBV. In order to close the gaps in intervention and prevention practice, policy and legislation, research needs to be based on real-time lived experiences of survivors and their children and incorporate their voices as part of the research process.

Administrative data is collected by state agencies addressing specific types of DSGBV. For instance, in relation to sexual violence, Sexual Assault Treatment Units (SATU) publish annual reports gathering key information on the attendance in each SATU, location of the incident, details on the incident, gender, age and nationality of the victim-survivor, referral source and relationship with the perpetrator.¹¹⁴ Publicly funded and independent research programmes such as the Sexual Exploitation Research Programme (SERP) established in 2017 are also crucial in gathering data on commercial and sexual exploitation to inform law and policy making as well as service provision.¹¹⁵

There have been significant developments in tackling sexual harassment and violence in higher education since approximately 2016. In the area of data collection this includes, Union of Students in Ireland (USI) 'Say Something - A Study of Students' Experiences of Harassment, Stalking, Violence & Sexual Assault 2013',¹¹⁶ Rape Crisis Network, Ireland (RCNI) 'Young People, Alcohol and Sex: What's Consent Got To Do With It?' 2014,¹¹⁷ as well as a national campus climate survey of university students' sexual experiences documenting the high prevalence of sexual violence and harassment in higher education in 2020.¹¹⁸

In October 2021, the Minister for Further and Higher Education, Research, Innovation and Science launched 'Speak out', a reporting programme led by The Psychological Counsellors

113 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 8.

114 HSE website, *Sexual Assault Treatment Units: Resources for healthcare professionals - Annual reports*. Available at <https://www.hse.ie/eng/services/list/5/sexhealth/sexual-assault-treatment-units-resources-for-healthcare-professionals/> [Last accessed 03 May 2022].

115 UCD Geary Institute for Public Policy website, *Sexual Exploitation Research Programme (SERP)*. Available at <https://www.ucd.ie/geary/research/healthandhumandevlopment/sexualexploitationresearchprogramme/> [Last accessed 03 May 2022]

116 USI, *Say Something - A Study of Students' Experiences of Harassment, Stalking, Violence & Sexual Assault* (USI, August 2013) available at: <https://usi.ie/wp-content/uploads/2013/09/say-something-Final-Online-Report.pdf> [Last accessed 30 May 2022]

117 Pádraig MacNeela, Thomas Conway, Siobhan Kavanagh, Lisa Ann Kennedy, and John McCaffrey, *Young People, Alcohol, and Sex: What's Consent Got to Do With It?* (RCNI, 28 January 2014), available at <https://www.rcni.ie/wp-content/uploads/Whats-Consent-Full-A41.pdf> [Last accessed 30 May 2022]

118 Union of students in Ireland, *Sexual experiences survey 2020, Sexual violence and harassment experiences in a national survey of higher education* (USI, 2020). Available at <https://usi.ie/campaigns/12244/> [Last accessed 05 May 2022].

in Higher Education Ireland.¹¹⁹ This online and anonymous tool for students and staff to report DSGBV and sexual harassment is also a data collection tool that will be used to inform policy and targeted educational initiatives from a trauma-informed perspective. A similar anonymous reporting and data collection tool has also been implemented by University College Dublin to assist the design of targeted awareness-raising activities against sexual harassment.¹²⁰ In 2021 the first ever National Surveys of Student Experiences and Staff Experiences of Sexual Violence and Harassment in Irish Higher Education Institutions Research were conducted by the Department of Further and Higher Education, Research, Innovation and Science through the Higher Education Authority with the first ever reports published in 2022.¹²¹ This was a very significant step in primary statutory data collection and highly welcome, however, it is unclear in the absence of national guidelines if these very important data sets can be collated, compared and become part of the national datasets. This issue has been raised over a number of years with the Department of Education and should be urgently clarified. Otherwise, crucial data in relation to the age group most at risk of sexual violence will remain only locally useful.

The Central Statistics Office (CSO) gathers data from An Garda Síochána's database, 'PULSE', which is marked 'Under Reservation' meaning that the CSO expresses quality concerns in relation to accuracy and completeness. The PULSE system is an essential recording system for AGS however it was not designed as a data resource which could be easily used for data analysis and currently allows for limited data disaggregation. In 2018, the CSO announced the launch of a new study on the prevalence of sexual violence, which is expected for publication by the end of 2024.¹²² This study was campaigned for by many of the violence against women civil society organisations and has been welcomed. However, some consultees expressed concerns about the length of time to publish the data and about the absence of disaggregated data on minority and minoritised groups.¹²³ In order to fill this gap, the state relies heavily on services providers including, inter alia, the Disability Federation of Ireland, Women's Aid, Safe Ireland, Dublin Rape Crisis Centre, the Immigrant Council of Ireland, RCNI, and Pavee Point to collect disaggregated data on the services' users. Not only are these organisations under-resourced to conduct such research, but, additionally, the data provided is far from being representative of the magnitude of DSGBV

119 Psychological Counsellors in Higher Education Ireland's website, Speak Out Reporting Tool (26 October 2021), available at <https://www.pchei.ie/blog/speak-out-reporting-tool> [Last accessed 30 May 2022].

120 University college Dublin website, report and support - Report Anonymously, available at <https://reportandsupport.ucd.ie/report-report-anonymously> [Last accessed 30 May 2022]

121 Pádraig MacNeela, Kate Dawson, Theresa O'Rourke, Siobhán Healy-Cullen, Lorraine Burke, William F. Flack, *Report on the National Survey of Student Experiences of Sexual Violence and Harassment in Irish Higher Education Institutions* (Higher education authority, 2022). Available at <https://www.gov.ie/en/publication/09bb5-report-on-surveys-of-experiences-of-sexual-violence-and-harassment-in-higher-education/> [Last accessed 03 May 2022].

122 CSO Website, Sexual Violence Survey FAQ's, available at <https://www.cso.ie/en/surveys/surveysunderdevelopment/sexualviolence-surveysvs/sexualviolencesurveyfaqs/> [Last accessed 30 May 2022]

123 Online interview conducted with Dublin Rape Crisis Centre, 31/01/2022; Online interview conducted with Cairde, 02/02/2022; Online interview conducted with Women's Aid, 04/02/2022; Transgender Equality Network Ireland, *Human Rights Violations in Ireland on the Basis of Gender Identity and Intersex Identity*, Submission to the Country Report Task Forces of the Human Rights Committee (Transgender Equality Network Ireland, 2013) page 10.

in Ireland. As a result, specific types of violence such as femicides,¹²⁴ human trafficking and the prevalence of DSGBV against women in prostitution, cyber-violence, intimate partner violence experienced by young people between 18 and 25 years old, the economic impact of DSGBV, the relationship between pornography and DSGBV, violence in congregated residential settings for supported living are not properly documented. This is creating a deeply concerning gap in policymaking on prevention and response.¹²⁵ Consequently, Ireland's failure to comply with its obligation to collect disaggregated relevant data significantly impacts funding to support services due to the under-estimation of the scale of DSGBV in the country.

Importantly, consultees highlight the necessity for the state to collaborate with specialist services to fund the collection of high-quality, complete, accurate, disaggregated, and comparable data.¹²⁶ Services working with minority and minoritised women must be included and consulted with in relation to the collection of data by ethnicity. Pavee Point expressed concerns about the difficulties faced by certain services to collect disaggregated data in line with human rights standards.¹²⁷ Awareness raising amongst service users on the reason behind disaggregated data collection must also take place.¹²⁸ Indeed, service users must be informed about the necessity and objectives in collecting data on ethnicity, migration status, disability etc., which may not always be self-evident. Collaborating with specialist service providers working with minority and minoritised women is also indispensable to ensure that the scope of the data collected reflects the reality of the intersecting experiences of violence. For instance, the NWC Disabled Women's Group reported that one of the systematic issues with CSO reporting on disability is that it mostly focuses on intellectual disability rather than also including physical and sensory disabilities, due to the lack of inclusion of disabled women in research design and data collection.¹²⁹

In March 2022, the Minister for Children, Equality, Disability, Integration and Youth announced the development of a National Equality Data Strategy.¹³⁰ This joint effort of the CSO and the Department of Children, Equality, Disability, Integration and Youth aims at implementing a 'strategic approach to improving the collection, use and dissemination

124 Please note that femicide cases are criminalised under murder, manslaughter or involuntary manslaughters as there is no offence of femicide in the Irish criminal legal system. However, civil society organisations use this terminology to highlight the gendered nature of such a crime and the necessity to include femicides within the scope of data collection. See for example National Women's Council of Ireland, *Response to Study on Familicide and Domestic Homicide Reviews*, (NAWC, July 2019), Monica Mazzone and Women's Aid, *Unheard and Uncounted, Women, Domestic Abuse and the Irish Criminal Justice System* (Women's Aid, 2019).

125 Online interview conducted with Women's Aid, 04/02/2022.

126 Online interview conducted with Pavee Point Traveller and Roma Centre, 08/02/2022; Online interview conducted with Cairde, 02/02/2022.

127 Pavee Point Traveller and Roma Centre, *Submission towards the Development of the Third National Strategy on Domestic, Sexual and Gender-Based Violence* (Pavee Point Traveller and Roma Centre, June 2021).

128 Ibid.

129 Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022.

130 Department of Children, Equality, Disability, Integration and Youth website, 'Minister O'Gorman announces the development of a National Equality Data Strategy' (21 March 2022). Available at <https://www.gov.ie/en/press-release/5a7f4-minister-ogorman-announces-the-development-of-a-national-equality-data-strategy/> [Last accessed 03 May 2022]

of equality data', starting in 2023.¹³¹ While the Observatory commends this initiative and hopes that it will contribute to address the issues above-mentioned, especially in relation to the lack of disaggregation of data collected by state agencies, it also recalls the government's obligation to gender proof and mainstream all data collection and dissemination policies in line with the National Strategy for Women and Girls 2017-2020 and the above-mentioned Public Sector Duty.¹³² In order to remedy the current lack of comparability of data compiled by state agencies, the Observatory recommends the state to establish a Criminal Justice Operational Hub to facilitate the exchange of data within the sector – a measure contained within the Department of Justice's Data and Research Strategy 2018/2020, which has not yet come to fruition.¹³³ Moreover, the Irish Research Council and other research funders should be mandated to resource the involvement of NGO staff as well as academic staff in collaborative research projects. Currently, in the IRC New Foundations budget allocations, the NGO can claim some of the costs of delivering the project, however a budget for staff involvement is allocated to the academic institution but not the NGO partner in the project.

Recommendations:

3. *The State must establish publicly available, coordinated, disaggregated data collection on DSGBV and a Criminal Justice Operational Hub to facilitate exchange of information within the sector;*¹³⁴
4. *The State must urgently define and implement a 'gold standard' of data collection by all national agencies including An Garda Síochána, Courts Service, Irish Prison Service, Probation Service, Legal Aid Board, Criminal Injuries Compensation Tribunal, Sexual Assault Treatment Units, HEIs and Tusla;*¹³⁵
5. *Data sets must be disaggregated by age, gender, ethnicity, migration status of both victim-survivors and perpetrators as well as by relationship between victim-survivors and perpetrators in line with the Convention's standards and through the implementation of rigorous data collection methods;*
6. *The State must include specialist services, especially those working with migrant women, disabled women, Traveller and Roma women, rural women and LGBTQIA+ populations in the design of disaggregated collection methods and scope as well as in the process of collection itself through the provision of adequate funding;*

¹³¹ Ibid.

¹³² EIGE, 'Gender Mainstreaming: Ireland' (no date). Available at: <https://eige.europa.eu/gender-mainstreaming/countries/ireland> [Last accessed: 30 June 2022].

¹³³ Department of Justice and Equality, 'Data and Research Strategy 2018-2020' (July 2018). Available at: https://www.justice.ie/en/JELR/Department_of_Justice_and_Equality_Data_and_Research%20Strategy_2018-2021.pdf/Files/Department_of_Justice_and_Equality_Data_and_Research%20Strategy_2018-2021.pdf [Last accessed: 30 June 2022].

¹³⁴ National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence* (National Women's Council of Ireland, June 2021) page 35.

¹³⁵ CEDAW, 'Concluding observations on the combined sixth and seventh periodic reports of Ireland' UN Doc CEDAW/C/IRL/CO/6-7 (9 March 2017) paragraph 27.

- 7. The State must expand the scope of research on the causes and consequences of DSGBV to include under-researched areas such as, but not limited to, femicides, human trafficking and the prevalence of DSGBV against women in prostitution, cyber-violence, intimate partner violence experienced by young people between 18 and 25 years old, the economic impact of DSGBV, the relationship between pornography and DSGBV, violence in congregated residential settings for supported living and DSGBV in primary, secondary and higher education;*
- 8. The State must introduce regular population-based surveys to assess the prevalence of and trends in all forms of violence covered by the scope of the Convention as well as complementary qualitative studies to capture the experiences of minority and minoritised groups;*
- 9. The forthcoming CSO study on sexual violence (2022-2023) must inform future actions to address sexual violence;*
- 10. The National Equality Data Strategy and the Third National Strategy's objectives on research and data collection must be gender-proofed and promptly and effectively implemented.*



Chapter III. Prevention

Article 13 – Awareness-raising

Article 14 – Education

Article 15 – Training of professionals

Article 13 – Awareness-raising

- 1. Parties shall promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes, including in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations, especially women's organisations, where appropriate, to increase awareness and understanding among the general public of the different manifestations of all forms of violence covered by the scope of this Convention, their consequences on children and the need to prevent such violence.*

The State has led several awareness-raising campaigns in recent times - although the latest campaign, which included a six years programme, was severely impacted by Covid-19.¹³⁶ Indeed, the second part of the campaign, titled 'no excuses' was a major national awareness campaign focusing on sexual harassment and sexual violence, and was relaunched in

¹³⁶ *Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021* (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016) page 5.

November 2020, after being paused in March 2020.¹³⁷ Some organisations expressed regret that the campaign has not had the impact expected, with several organisations reporting that there is a long way to go to achieve the goal of society to recognise different forms of violence against women, including sexual violence within intimate partner violence (IPV).¹³⁸

The State and civil society organisations engage in campaigns against DSGBV during marked days, including International Women’s Day and the 16 Days of Action against Gender-Based Violence. In line with non-discrimination obligations the State must ensure that campaigns it leads, include an intersectional analysis, make visible all forms of DSGBV against all groups of women, and support civil society to do similarly.¹³⁹ Considerable efforts need to be undertaken in this regard, as state-wide campaigns undertaken to date, despite their success, have lacked inclusivity. The most notable example is the Government’s Covid-19 #StillHere campaign.¹⁴⁰ The campaign was launched in April 2020 and ran under the banner ‘if your home isn’t safe, support is still here’. Its aim was to raise public awareness of the measures available for victim-survivors of DSGBV from support services to state agencies. The website, accompanied by TV and radio ads, provided information for victim-survivors of domestic and sexual violence, containing resources on designing a safety plan, emergency phone numbers, and services available by county (including contact details). The campaign provided clear and specific information for victim-survivors under 18, however it was not sufficiently accessible for older persons and persons with disabilities, information for migrant victim-survivors, Roma and Traveller women as the counter ‘We Are Here Too’ campaign highlighted.¹⁴¹

Civil society has been at the forefront of leading and delivering extremely successful campaigns against DSGBV despite their limited resources. Among these is the #FixedItCampaign, a campaign set up and run by the Sexual Violence Centre Cork, which re-writes news headlines and challenges sexist media sources.¹⁴² A number of these awareness-raising campaigns target specific sectors and forms of violence. Women’s Aid launched a campaign in 2011 called ‘TooIntoYou’, aiming at raising awareness of relationship abuse against young women aged 18-25.¹⁴³ NWC, in partnership with Ruhama and the Immigrant Council of Ireland established a civil society campaign for equality and freedom from sexual exploitation called ‘Beyond Exploitation’ aiming to ‘support the

137 Government of Ireland, ‘Minister McEntee relaunches ‘No Excuses’ awareness campaign on sexual harassment and violence’ (published on 16 November 2020, last updated 25 June 2021). Available at <https://www.justice.ie/en/JELR/Pages/PR20000263> [Last accessed 20 April 2022].

138 Online interview conducted with DRCC, 31/01/2022; Online interview conducted with Women’s Aid, 04/02/2022.

139 National Women’s Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women’s Council of Ireland, June 2021) 17.

140 Department of Justice, ‘If your home isn’t safe, support is still here’ (no date). Available at: <https://www.stillhere.ie> [Last accessed: 15 May 2022].

141 European Website on Integration, ‘Ireland: ‘We Are Here Too’ campaign for migrant women victims of domestic violence’ (25 November 2020). Available at: <https://ec.europa.eu/migrant-integration/node/28646fr> [Last accessed 18 April 2022]; Online interview conducted with Pavee Point Traveller and Roman Women, 8/02/2022.

142 Sexual Violence Centre Cork, ‘projects’. Available at: <https://www.sexualviolence.ie/projects> [Last accessed 15 May 2022].

143 Women’s Aid, ‘Too Into You National Public Awareness Campaign’ (14 February 2022) available at <https://www.womensaid.ie/about/campaigns/toointoyou.html> [Last accessed 18 April 2022].

most vulnerable and silenced people in prostitution to have a voice.’¹⁴⁴ DRCC launched in 2020 a campaign focusing on clarity and communication in sexual relationships under the banner #100consent. The organisation teamed up with 22 of Ireland’s most popular TikTokkers, with a combined following of 2.8 million followers, to spread the message.¹⁴⁵ Furthermore, as part of its campaign to change Ireland’s approach to consent, the DRCC launched research on Attitudes to Consent in Ireland in October 2021.¹⁴⁶ Ruhama’s ‘Get the Full Picture’ is a collaborative campaign involving victim-survivors of human trafficking to highlight the prevalence of human trafficking for sexual exploitation by narrating the stories of those with lived experience of it.¹⁴⁷ NWC has led the ‘It Stops Now’ campaign to prevent and combat sexual harassment and violence to build a culture of zero tolerance in third level education.¹⁴⁸ Similarly, a number of initiatives have come from third level education institutions. University College Cork has a Bystander Intervention Programme aiming to raise awareness of the importance of the public to become active bystanders and develop the required knowledge and expertise to address sexual violence harassment was rolled out nationally in 2021.¹⁴⁹ The National University of Ireland Galway also has a programme in place under the name ‘Active*Consent’ to develop young people and their circles’ knowledge on consent as key to positive sexual health and well-being.¹⁵⁰

Given the central importance that these campaigns - mainly run by civil society- it is crucial that the State effectively supports and funds them. The State has the obligation to ensure that campaigns cover all forms of violence against women contained within the Convention and that specific information is provided therein to cater to minority and minoritised women, and women with intersectional needs. This is recognised in the Third National Strategy under the objective to enhance ‘the understanding of the general public of all forms of DSGBV and its root causes and educate society to recognise the harm and prevent the human rights abuse that is DSGBV while making clear the pathways to safety and sanctions.’¹⁵¹ The Observatory commends the State on its endeavour to raise awareness on a broad range of forms of DSGBV, including the harm of prostitution, pornography, cyberviolence, and intimate image abuse as well as in a broad diversity of contexts such as the workplace, higher and further education and the online space.¹⁵²

144 Beyond Exploitation, ‘Defending the human rights not to be bought or sold for sex’. Available at: <https://www.beyondexploitation.ie/> [Last accessed: 13 May 2022].

145 DRCC, ‘#100consent. #100PERCENT - be 100% or it’s not consent’. Available: <https://www.drcc.ie/policy-advocacy/campaigns/100consent/> [Last Accessed: 13 May 2022].

146 DRCC, ‘Launch of research on Attitudes to Consent in Ireland’ (20 October 2021) <https://www.drcc.ie/news-resources/events/2021/10/20/launch-of-research-on-attitudes-to-consent-in-ireland/> [Last accessed: 29 June 2022].

147 Ruhama, ‘Get the Full Picture’ (22 November 2021). Available at: <https://www.ruhama.ie/campaigns/get-the-full-picture-campaign/> [Last Accessed: 13 May 2022].

148 It Stops Now, ‘Ending Sexual Harassment and Violence in Third Level Education (ESHTE)’. Available at: <https://www.itstopsnow.org/en/home> [Last Accessed: 13 May 2022].

149 University Express, ‘National Campaign for UCC Bystander in HEI Launched’ (15 September 2021). Available at: <https://uccexpress.ie/national-campaign-for-ucc-bystander-in-hei-launched/> [Last accessed: 13 May 2022].

150 NUIG, ‘Active*Consent’ (no date). Available at: <https://www.nuigalway.ie/student-life/student-support/active-consent/> [Last Accessed: 13 May 2022].

151 Department of Justice, Implementation Plan - *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, page 3, Action 1.1

152 Ibid

Notably, Actions 1.1.5 and 1.1.2 respectively provide for the ‘develop(ment) and launch a national campaign on consent’,¹⁵³ and to ‘continue to engage in awareness raising activities, provide training on sexual consent and the issue of sexual violence and harassment’ within higher education.¹⁵⁴ Although raising awareness of consent is essential in preventing DSGBV, NWC has argued that ‘consent as the primary framing or focus fails to capture the inherent complexities of DSGBV. Education, training, and awareness all need to be framed in terms of gender equality, equality and fundamental human rights and should not be reduced to solely focus on consent.’¹⁵⁵ An approach similar to the bystander intervention programme developed by the University College Cork, raising awareness on how to speak up, step in and support others in situations of DSGBV should be adopted in awareness raising activities to expand on the concept of consent. While nationally coordinated awareness campaigns are central, consultees have also expressed the importance that the State allocates funds for organisations to be able to run local and community awareness-raising.¹⁵⁶

Recommendations:

2. *The State must ensure that awareness-raising activities are gender-sensitive, accessible and adopt an intersectional analysis of DSGBV, accounting for the needs and realities of minority and minoritised women;*
3. *The State must ensure that awareness raising campaigns highlight all forms of violence within the Convention and other forms of DSGBV recognised in the Strategy, and address a broad diversity of contexts;*
4. *The State must effectively fund and support co-design, delivery and evaluation of public awareness campaigns with relevant civil society organisations and NGOs, including those representing minorities and vulnerable women;*
5. *The State should fund and support national as well as community-based campaigns in order to ensure that NGOs may continue carrying out successful awareness-raising activities at the local and regional levels;*
6. *The State should expand on the concept of consent currently developed in awareness raising activities to ensure a gender equality, equality, and human rights framing and incorporating bystander intervention actions.*

¹⁵³ Ibid, action 1.1.5, page 5.

¹⁵⁴ Ibid, action 1.2.1 and 1.2.2., page 8.

¹⁵⁵ National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence*, (National Women's Council of Ireland, June 2021), page 18

¹⁵⁶ Online interview conducted with NTDC - Ascend, 21/01/2022.

Article 14 – Education

1. *Parties shall take, where appropriate, the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women and the right to personal integrity, adapted to the evolving capacity of learners, in formal curricula and at all levels of education.*

Article 14 provides for the obligation to design, when appropriate, teaching material for all levels of education to promote values of gender equality and non-violence.¹⁵⁷ The Second National Strategy provided for the development of awareness/education programmes for first, second and third levels of education.¹⁵⁸ However, consulted specialist services reported that the state has not yet fully implemented this provision despite the central role of education in the eradication of DSGBV.¹⁵⁹

In the past few years, positive developments undertaken include the development by the Health Service Executive of ‘Busy Bodies’ a resource on puberty, human reproduction, gender identity and sexual orientation used in 5th and 6th class in primary school or in 1st year of secondary school and available online for parents of 10 to 14 year olds.¹⁶⁰ Ireland also has a junior cycle Social, Personal and Health Education Syllabus which aims at educating students about making ‘informed decisions about their health, personal lives, and social development (...) in the context of the wider society’ while promoting a holistic approach to health.¹⁶¹ However, the DRCC has noted that given the fact that the curriculum was developed in 2000, it has now become outdated and it does not place a sufficient emphasis on Social, Personal and Health Education/Relationships Sex education (SPHR/RSE).¹⁶² As a result, key topics such as intimate partner violence (IPV), consent, relationships, sex education, gender identity, and sexual exploitation and pornography are not systematically addressed in schools. Pornography and cyberviolence, including image-based abuse sometimes referred to as ‘revenge porn’, were mentioned as being of particular concern by several consultees. They highlighted the detrimental impact of pornography on teenagers’ conception of gender equality, consent, as well as on sexual and romantic relationships, which can ultimately lead to DSGBV, and in

157 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 95.

158 *Action Plan, Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021* (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, Action Plan, January 2016), Actions 1.200, 1.300 and 1.400.

159 Online interview conducted with DVR, 16/01/2022; Online interview conducted with Longford women’s link, 21/01/2022; Online interview conducted with Women’s Aid, 04/02/2022; Online interview conducted with Pavee Point, 08/02/2022; Online interview conducted with DRCC, 31/01/2022.

160 HSE, Sexual Health and Crisis Pregnancy Programme, *Busy Bodies, a booklet about puberty for you and your parents* (HSE, 2020), available at <https://www.sexualwellbeing.ie/for-parents/resources/busy-bodies.pdf> [Last accessed 05 May 2022]

161 Curriculum Online, ‘Social Personal and Health Education’. Available at: <https://www.curriculumonline.ie/Junior-cycle/Junior-Cycle-Subjects/Repository/Social-Personal-and-Health-Education/> [Last accessed 16 May 2022].

162 Online interview conducted with DRCC, 31/01/2022

particular to sexual violence and IPV.¹⁶³ The Observatory welcomes that the National Council for Curriculum and Assessment is due to review the curriculum, and public consultations should be commencing soon. However, it also highlights, as reported by DRCC, that there is no guarantee that the review will strengthen SPHR/RSE.¹⁶⁴

A related concern in terms of education is the state's lack of full control on the implementation of the national curriculum. In Ireland, the Catholic Church controls 90% of national schools.¹⁶⁵ Consequently, the taught curriculum is shaped by the Church, as allowed by the ethos clause of the Rules for National Schools.¹⁶⁶ NWC reported that some schools may be excluding topics such as abortion, same sex relationships and gender identity from their curriculum.¹⁶⁷ Such an ethos clause therefore violates Article 14 of the Istanbul Convention and must be removed to ensure that all students in Ireland have access to education on equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, domestic, sexual and gender-based violence against women and the right to personal integrity.

The Second National Strategy did not address the necessity to provide education on DSGBV and gender-equality at the higher and further education levels. Civil society organisations, student unions, NGOs and some third level institutions raised awareness on these issues, with a particular focus on sexual violence and sexual harassment.¹⁶⁸ In response to this advocacy and campaigning, the Department of Education adopted a national Framework for HEI entitled 'Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions' in 2019.¹⁶⁹ The strategy emphasises the need to provide year-round education based workshops with a particular focus on healthy relationships, active consent and bystander intervention strategies.¹⁷⁰ As a result, Higher education Institutions have now adopted this framework and increasingly provide education, currently mostly through online workshops to students (a response to Covid 19).¹⁷¹ There are concerns that if this work stays only online, transformative educational opportunities may be missed,¹⁷² nonetheless it is a significant step forward from five years ago.

163 Online interview conducted with Women's Aid, 04/02/2022; Online interview conducted with DVR, 16/01/2022; Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022.

164 Online interview conducted with DRCC, 31/01/2022.

165 Alison Mawhinney, *Freedom of Religion and Schools: The Case of Ireland: A Failure to Protect International Human Rights Standards* (Saarbrücken: VDM, Verlag Dr. Müller, 2009). See also (more recently) Jennifer Horgan, 'Taking the church out of Irish primary schools' (The Irish Times, 3 May 2022). Available at <https://www.irishtimes.com/news/education/taking-the-church-out-of-irish-primary-schools-1.4861213> [Last accessed 13 May 2022].

166 See Rule 68 Department of Justice, Rules for National Schools (1965).

167 Online interview conducted with NWC, 11/05/2022.

168 For further details on the development of this work, please see information provided under Article 40, Sexual Harassment.

169 Safe, Respectful, Supportive and Positive Ending Sexual Violence and Harassment in Irish Higher Education Institutions (Department of Education and Skills, 2019).

170 Ibid page 26.

171 HEA Advisory Group on ESVH in Higher education institutions, *Submission to the Minister for Further and Higher Education, Research, Innovation and Science in relation to ending sexual violence and harassment in higher education institutions* (HEA Advisory Group, 2022) page 8.

172 Online interview conducted with NWC, 11/05/2022.

Consultees also emphasise the necessity to include specialist services in the design of the curriculum at all levels of education. This is particularly important in the case of specialist services working with women facing intersectional forms of violence. NWC has recommended that, in line with Article 4, teaching materials should adopt an 'intersectional analysis including but not limited to: DSGBV against Disabled, Traveller, Roma, Black, and ethnic minority women; racism, ableism and classism as they relate to DSGBV'.¹⁷³ As it stands, the curriculum fails to account for the intersecting identities and experiences. For instance, the NWC Disabled Women's Group highlighted that disabled women are not seen as sexual beings and, therefore, are seldom included in the scope of sex education sessions, which may contribute to the prevalence and underreporting of sexual violence against disabled women.¹⁷⁴ A good-practice example of inter-agency collaboration around education is Ascend's programme on Healthy Relationships in schools in North Tipperary, or the Manuela Riedo Project ran by GRCC and other associate partners in collaboration with TUSLA.¹⁷⁵ Ascend's programme has been providing age-appropriate training on healthy relationships to nearly every school in Tipperary and received positive feedback from teachers. Similarly, the Manuela Riedo Programme ran between 2017 and 2020 to prevent sexual violence among young people and was delivered to over 2700 young people in Ireland. However, in many cases, Social, Personal and Health Education/Relationships Sex education is delivered by privately contracted providers and NWC has expressed concerns about the lack of quality control and rights-based approach of the content of these teaching materials.¹⁷⁶

The importance of education to eradicate DSGBV is clearly reflected in the Third National Strategy. Under the Prevention Pillar, two objectives relate to education with the necessity to 'resource, support and implement the development and updating of primary school, junior and senior cycle SPHE/RSE curriculum specifications in all schools including, in an age appropriate manner, the areas of consent, domestic violence and coercive control, safe and responsible use of the internet and social media and its effects on relationships and self-esteem, and LGBTQI+ matters',¹⁷⁷ and 'within higher education, [to] enhance understanding of consent, DSGBV, coercive control, and healthy relationships and support the implementation of a victim/survivor centred approach to responding to incidents of DSGBV'.¹⁷⁸ The Strategy includes, inter alia, actions to 'resource, support and implement the development and updating of Primary school, Junior and Senior cycle SPHE/RSE curriculum specification in all schools,¹⁷⁹ to 'deliver age-appropriate DSGBV awareness and education programmes to young people no longer

173 National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence*, (National Women's Council of Ireland, June 2021) page 18.

174 Disabled Women's Group, *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2020) page 12; Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022.

175 See further: TUSLA, 'The Manuela Project' (no date). Available at: <https://www.tusla.ie/services/domestic-sexual-gender-based-violence/professional-resources/manuela-riedo-programme/the-manuela-project/> [Last accessed: 29 June 2022]; NTDC Ascend Project (no date). Available at: <https://www.ntdc.ie/programmes/ascend/> [Last accessed: 29 June 2022].

176 Online interview conducted with NWC, 05/05/2022.

177 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, actions 1.3.1, page 12.

178 Ibid, objective 1.2, page 8

179 Ibid, Action 1.3.1, page 12.

involved in the formal educational system, in non-formal education settings such as sports and youth settings,¹⁸⁰ to 'develop and deliver specific age appropriate interventions designed to address and challenge male violence'¹⁸¹ and to provide 'information campaigns which highlight how pornography fuels misogyny and undermines gender equality'.¹⁸² However, civil society organisations and NGOs are not explicitly named as being included in the design and delivery of teaching materials relating to DSGBV and gender equality.

Recommendations:

2. *The State must ensure that the implementation of the Third National Strategy provides for concrete steps to strengthen curricula on Social, Personal and Health Education and Relationships and Sex Education so that students at all levels of education are taught about gender equality, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, DSGBV and the right to personal integrity;*
3. *The State must develop a comprehensive, continuous, age-appropriate sex education programme as part of the National Council for Curriculum and Assessment review of the national education curriculum, including topics such as IPV, sexual exploitation, pornography and cyber-violence;*
4. *The design and implementation of the national curriculum should be developed in collaboration with specialist services whenever relevant and adopt an intersectional approach to Social, Personal and Health Education and Relationships and Sex Education;*
5. *The State must remove the ethos clause from the Rules for National Schools and have full control over the curriculum.*

Article 15 – Training of professionals

1. *Parties shall provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of this Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation.*
2. *Parties shall encourage that the training referred to in paragraph 1 includes training on co-ordinated-multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of violence covered by the scope of this Convention*

The obligations outlined in Article 15 are not fully met by the state, as training delivered to State agencies working with DSGBV victim-survivors such as An Garda Síochána, Courts Service and

180 Ibid, Action 1.3.3, page 13.

181 Ibid, Action 1.3.4.

182 Ibid, Action 1.3.7, page 14.

Tusla funded DSGBV services is neither compulsory nor systematic. Training initiatives provided to these bodies have, to date, lacked consistency, and a gender-sensitive and trauma-informed approach and are rarely developed in partnership with specialist support services. Consulted services reported that, currently, training looks like ‘short information sessions’,¹⁸³ rather than continuous vocational and in-service training that contributes to sensitising ‘professionals to the many causes, manifestations and consequences of all forms of violence covered by the Convention (and to) changing the outlooks and the conduct of these professionals with regard to the victims’.¹⁸⁴ Every organisation consulted reported the urgent need for training, especially with regards to the offence of coercive control, which is not well understood by general support services, especially in relation to perpetrators’ behaviours.¹⁸⁵ Furthermore, key general statutory services, including more particularly Court services and An Garda Síochána still struggle to understand the re-traumatising and re-victimising nature of the criminal legal system and, in some cases, replicate mechanisms of power when addressing DSGBV as highlighted by Women’s Aid and Dublin Rape Crisis Centre who reported on victim-survivors’ negative experiences throughout their journey to justice.¹⁸⁶

Consultees expressed general concerns about the lack of resources allocated to training which directly impact victim-survivors. For instance, Haven Horizon delivers a Level 6 accredited Programme on Reflecting on and Responding to Abuse and Coercive Control’ which attracted an encouraging number of stakeholders including the Gardaí and social workers. Regrettably, some participants had to finance their participation themselves as there was no funding available through their own agency.¹⁸⁷ Frontline agencies such as Gardai, Tusla and domestic abuse services must be resourced to attend accredited interagency training to ensure a shared understanding of the issues and dynamics of DSGBA, developing a common approach to risk assessment and risk management with a focus on victim safety and perpetrator accountability.

Additionally, some of the consultees reported that training generally lacks cultural sensitivity, especially in addressing specific types of violence such as Female Genital Mutilation (FGM) and trafficking for the purpose of sexual exploitation, partly due to the fact that training is not always developed with and delivered in collaboration specialist services. A good practice example of multi-sectoral collaboration is AkiDwA’s engagement with healthcare professionals. In 2018, AkiDwA recruited and trained 13 active Community Health Ambassadors which provided awareness-raising and training to over 3,000 healthcare professionals on FGM.¹⁸⁸

183 Online interview conducted with Pavee Point, 08/02/2022.

184 «GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 98.

185 Online interview conducted with DVR, 18/01/2022; Online interview conducted with Women’s Aid, 04/02/2022.

186 Dublin Rape Crisis Centre, *Submission to the Garda Síochána Inspectorate’s inspection into the effectiveness and efficiency of the Garda Síochána’s response to domestic abuse* (DRCC, January 28th 2022), Monica Mazzone and Women’s Aid, *Unheard and Uncounted, Women, Domestic Abuse and the Irish Criminal Justice System* (Women’s Aid, 2019).

187 Online interview conducted with Haven Horizons, 25/01/2022.

188 As well as the publication of a first edition handbook entitled ‘FGM: Information for Healthcare Professionals Working in Ireland’ by AkiDwA in conjunction with the Royal College of Surgeons and the HSE. See Salome Mbugua, *Towards a National Action Plan to Combat Female Genital Mutilation 2016-2019* (AkiDwA, 2016).

Indeed, it is crucial that the state systematically avails of the experience of specialist services, especially services working with minority and minoritised women to both design and deliver training on DSGBV. Organisations working with disabled women report that training lacks understanding of ableism and of the structural obstacles faced by disabled women in accessing services.¹⁸⁹ This is because training is neither designed nor delivered by professionals with disabilities. Similarly, the intersection between trans-identity and DSGBV is not well-understood and accounted for in service provision due to a lack of specialist training.¹⁹⁰

Importantly, consulted Roma and Travellers organisations expressed concerns about the lack of focus on stereotypes, anti-racism and anti-discrimination from a human rights perspective in training delivery.¹⁹¹ Indeed, Roma and Traveller victim-survivors frequently report that their access to statutory services, especially An Garda Síochána, Courts Service, Tusla funded DSGBV services as well as Local Authorities may be impacted by negative cultural stereotypes, gendered racism and discrimination.¹⁹² This, as stated above, is in contravention to section 42 of the Irish Human Rights and Equality Commission Act 2014, enshrining public sector bodies obligation to ensure that their practises and services do not discriminate but also that they actively promote anti-discrimination, equality and protect human rights.¹⁹³ Ensuring that DSGBV training tackles negative stereotypes, racism and discrimination is thus essential to ensure that services are equally accessible and equipped to support Roma, Traveller and other minoritised victim-survivors. Such training should be designed and delivered in collaboration with specialised services.

The absence of a follow-up and monitoring mechanism to assess the implementation of the skills acquired by professionals is concerning. Article 15 requires that 'relevant training (is) ongoing and sustained with appropriate follow-up to ensure that newly acquired skills are adequately applied'.¹⁹⁴ This obligation is not met as there is no assessment body to evaluate the implementation of newly acquired skills.¹⁹⁵ Some consultees observed that, in most cases, training is only provided on one occasion during stakeholders' careers in the form of a short session.¹⁹⁶ As a result of this lack of follow-up, Women's Aid suggests that there is 'little evidence on the ground that [current] training has positively and systematically changed the response

189 Nem Kearns, *Submission to the Third Strategy on Domestic Sexual and Gender Based Violence* (Disabled Women Ireland, 2021); Disabled Women's Group, *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2020).

190 Amanda Haynes and Jennifer Schweppe, *Stop Transphobia And Discrimination Report 2014-2016* (Transgender Equality Network Ireland, 2017).

191 Online interview conducted with Pavee Point, 08/02/2022; Online interview conducted with Cairdre, 02/02/2022.

192 Pavee Point, *Submission towards the Development of the Third National Strategy on Domestic, Sexual and Gender-based Violence* (Pavee Point, June 2021) pages 6-8.

193 Ibid page 6.

194 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 99.

195 Dublin Rape Crisis Centre, *Submission to the Garda Síochána Inspectorate's inspection into the effectiveness and efficiency of the Garda Síochána's response to domestic abuse* (DRCC, January 28th 2022); Women's Aid, *Submission to the Review of the National Strategy on Domestic, Sexual and Gender-Based Violence* (Women's Aid, 2021) 4.

196 Online interview conducted with DVR, 16/01/2022; Online interview conducted with Women's Aid, 04/02/2022; Online interview conducted with Pavee Point, 08/02/2022; Online interview conducted with DRCC, 31/01/2022.

of state actors.¹⁹⁷ Pavee Point recommends that it is important to build on training on an annual basis, not only to assess the full and effective implementation of previously acquired skills, but also to update information when this is relevant,¹⁹⁸ including on newly established offences such as coercive control. In addition, some of the consultees explicitly call for the establishment of indicators to assess implementation of training on a regular basis through the implementation of specific qualitative criteria and checklists, designed in collaboration with specialist services to assess the adequate application of newly acquired skills.¹⁹⁹

The Third National Strategy addresses some of the issues developed above. Provision of DSGBV training is planned to include a wide range of professionals in diverse sectors such as education, including further and higher education, the workplace, the justice, legal and policing systems, as well as the DSGBV frontline services and the medical sector.²⁰⁰ Notably, an emphasis is placed on training of all staff (including those in leadership positions) and students in higher education (to include training for all students in their first year) on consent and the issue on sexual violence and sexual harassment in higher education.²⁰¹ This objective will also be further strengthened by Action 1.2.5, which provides for the necessity to 'enhance the understanding of consent within the Further Education and Training (FET) Sector'.²⁰² In relation to these actions, the Observatory commends the state for its endeavour to pursue the adoption of a collaborative approach to training co-design and delivery. Importantly, one of the objectives of this collaborative approach is to ensure that training focuses on how DSGBV has a different effect on vulnerable groups.²⁰³ It will be critical in the implementation of training related actions that there is a commitment to involve specialist support services working with minority and minoritised women in training design and delivery. Additionally, the need for a follow up mechanism to assess the implementation of the skills acquired by professionals should be considered.

Recommendations:

3. *The state must ensure that sufficient and ring-fenced funding is dedicated to high-quality, gender-sensitive, trauma-informed and holistic training for all first responders and frontline workers should including, inter alia, health care professionals, social workers, child protection professionals and child assessors in family law courts, gardaí, DPP, protection professionals, lawyers, judges and court personnel;*²⁰⁴
4. *Specialist support services, and more particularly services working with migrant women, disabled women, Roma and Traveller women, trans women and rural women must be*

197 Women's Aid, *Submission to the Review of the National Strategy on Domestic, Sexual and Gender-Based Violence* (Women's Aid, 2021) page 4.

198 Online interview conducted with Pavee Point, 08/02/2022.

199 Online interview conducted with DRCC, 31/01/2022, Online interview conducted with DVR, 16/01/2022.

200 Implementation /Action Plan Section... Department of Justice, Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence, actions 1.4, page 14.

201 Ibid Actions 1.2, page 8.

202 Ibid Action 1.2.5, page 11

203 Ibid, page 15.

204 CEDAW, 'Concluding observations on the combined sixth and seventh periodic reports of Ireland' UN Doc CEDAW/C/IRL/CO/6-7 (9 March 2017), a similar recommendation made by the CEDAW Committee remains unimplemented.

included in the design and delivery of training through the recruitment of experts, including experts specialising in intersectional forms of DSGBV;

- 5. Training must focus on, inter alia, the experiences of victim-survivors of DSGBV including the impact of trauma on accessing services, reporting and navigating the legal system, on tackling the myths and stereotypes around DSGBV and on the intersecting barriers faced by minority and minoritised women in accessing services;²⁰⁵*
- 6. Training should address all DSGBV including coercive control, FGM and human trafficking;*
- 7. The State must ensure that training is ongoing and sustained with follow up sessions through the implementation of specific criteria to assess the regularity of training and the quality of its implementation by relevant stakeholders.²⁰⁶*

205 Tom O'Malley et al., *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences* (Irish Department of Justice, July 2020), para 7.7, available at www.justice.ie [Last accessed 18 April 2022], 10.8.

206 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 99.



Chapter IV. Protection and support

Article 19 – Information

Article 20 – General support services

Article 23 – Shelters

Article 25 – Support for victims of sexual violence

Article 19 – Information

Parties shall take the necessary legislative or other measures to ensure that victims receive adequate and timely information on available support services and legal measures in a language they understand.

The O'Malley Report recommended that adequate, timely and accessible information should be provided to victim-survivors at all stages of general and specialist service provision. Victim-survivors must be able to access both general and individualised information including information about, inter alia, reporting the offence, availability of services as well as substantive rights and legal procedures.²⁰⁷ In Ireland, information is provided by general support services such as An Garda Síochána, which offers a 'victim information card' and a 'victim information booklet' as well as by specialist support services through online resources, national helplines and in-person support.

²⁰⁷ Tom O'Malley et al., *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences* (Irish Department of Justice, July 2020), para 7.7. Available at www.justice.ie [Last Accessed: 18 April 2022].

It is important to note that both general and specialist services endeavour to translate materials into different languages. For instance, An Garda Síochána's Victim Information Booklet is available in 38 languages,²⁰⁸ and SATU's information is translated in Arabic, Polish, Portuguese, Romanian, Russian and Spanish.²⁰⁹ Access to information to non-English speakers is also increasingly provided by NGOs such as Women's Aid and DRCC, which, through the Telephone interpretation service of the National Freephone Helpline which can technically offer support in over 200 languages as well as Irish Sign Language (ISF).²¹⁰ However, several concerns persist in relation to accessibility. Some victim-survivors, especially migrant women, Roma and Traveller women, cannot always receive adequate information and/or complete forms due to literacy and language barriers when they report a case. As a result, Pavee Point observes a tendency for victim-survivors to agree with staff without having the possibility to express that they do not fully understand the content of the information communicated.²¹¹ This further affects the agency and capacity of victim-survivors towards decision-making, which, in most cases, is already damaged by the incident(s) of DSGBV. In practice, translators are not always available and, sometimes, it is even the victim-survivors' children and/or partner who translate for the victim-survivor.²¹²

Translation offered should be confidential, safe and professional to prevent translators from impacting on and changing the victim-survivors' testimony if they 'subscribe to community norms of marital power dynamic, or cultural ideas of disclosing (domestic) violence'.²¹³ Similarly, deaf women must have access to adequate and timely information through trained ISL interpreters. However, ISL interpreters are seldom available, and consultees reported a difficult coordinated response with frontline service providers due to a lack of training.²¹⁴ ISL interpreters must adopt a trauma-informed approach to translation, but they are not systematically trained to deal with issues relating to violence against disabled women.

Information must not only be accessible and representative of each individual women's lived experiences in its format but also in its content. For instance, TENI reported that there is a lack of adequate information on the intersection between trans, non-binary and intersex people and DSGBV.²¹⁵ This can be explained by a general lack of inclusion of minority and minoritised women in information design, as highlighted by several consultees,

208 An Garda Síochána's website, Garda Victim Service, available at <https://www.garda.ie/en/victim-services/garda-victim-service/> [Last Accessed: 03 May 2022]

209 HSE website, 'Sexual Assault Treatment Units: Resources for healthcare professionals'. Available at <https://www.hse.ie/eng/services/list/5/sexhealth/sexual-assault-treatment-units-resources-for-healthcare-professionals/> [Last Accessed: 03 May 2022]

210 Women's Aid Website, 'Telephone Interpretation Service'. Available at: <https://www.womensaid.ie/services/helpline/telephoneinterp.html> [Last accessed: 28 March 2022].

211 Pavee Point Traveller and Roma Centre, *Pavee Point Considerations towards the Review of Current Domestic Violence Accommodation Service Provision 2020* (Pavee Point Traveller and Roma Centre, February 2020) page 7.

212 AkiDwA, *Position Paper on Domestic Violence* (AkiDwA, August 2020) page 7.

213 Ibid.

214 National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2021); Disabled Women's Group, *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2020).

215 Amanda Haynes and Jennifer Schweppe, *Stop Transphobia And Discrimination Report 2014-2016* (Transgender Equality Network Ireland, 2017).

including NWC's Disabled Women's Group, AkiDwA, Cairde and Pavee Point.²¹⁶ Materials do not always reflect the specific, intersectional and unique types of DSGBV faced by migrant women, disabled women, Roma and Travellers women and trans women. As a good practice example, Pavee Point Traveller and Roma Centre produces easy to understand and accessible information, by the community, about the community and for the community.²¹⁷

Access to information constitutes an important component of the Protection Pillar of the Third National Strategy. Objective 2.1: commits to 'Ensure that individuals who experience DSGBV can access adequate, extensive and accessible information on and offline' and proposes tangible actions to improve accessibility. The Observatory commends the commitment to continue the application of a collaborative approach to service delivery and to re-centre specialist services expertise in information design and delivery to enhance access for victim-survivors, and in particular those belonging to minority and minoritised groups.

Recommendations:

8. *General and specialised services must be sufficiently funded to be able to provide victim-survivors with information on DSGBV in the most widely used languages, including when seeking services in-person, online and through the national helpline;*
9. *Trained foreign language and ISL interpreters must be made promptly available to victim-survivors who wish to seek justice through the legal system from the moment of reporting;*
10. *Training on how to work in collaboration with language and ISL interpreters should be provided to general support services personnel;*
11. *Specialist services, and more particularly services supporting minority and minoritised women must be key stakeholders in information design and content provided by both statutory services and mainstream specialist support services.*

216 Online interview conducted with Pavee Point, 08/02/2022; Online interview conducted with AkiDwA, 10/02/2022; Online interview conducted with Cairde, 02/02/2022; Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022.

217 See, for instance, Pavee Point Traveller and Roma Centre, 'Does Someone Close to You Make You Feel Scared or Afraid?' (Pavee Point's Violence against Women Programme, 2013); Pavee Point Traveller and Roma Centre, 'Cineva apropiat te face să te simți Speriată sau Amenințată?' (Pavee Point's Violence against Women Programme, 2013).

Article 20 – General support services

1. *Parties shall take the necessary legislative or other measures to ensure that victims have access to services facilitating their recovery from violence. These measures should include, when necessary, services such as legal and psychological counselling, financial assistance, housing, education, training and assistance in finding employment.*
2. *Parties shall take the necessary legislative or other measures to ensure that victims have access to health care and social services and that services are adequately resourced, and professionals are trained to assist victims and refer them to the appropriate services*

The journey ‘from victim to survivor’ of DSGBV may require women to access several general support services in different thematic areas: safety and access to justice, psycho-social support, accommodation, money and finances and education. The Explanatory Report to the Convention requires that public welfare services address ‘the specific needs of victims of the forms of violence covered by the scope of the Convention’, including their ‘particularly difficult situation and trauma.’²¹⁸ This requires that victims-survivors are ‘treated in a supportive manner and that their needs are properly addressed’.²¹⁹

General support services in Ireland are housed under a range of government departments including Children, Equality, Disability, Integration and Youth; Health; Education; Housing and Local Government and Justice.²²⁰ Agencies providing general support services include An Garda Síochána, Courts Service, Irish Prison Service, Probation Service, Legal Aid Board, Criminal Injuries Compensation Tribunal, Sexual Assault Treatment Units, Tusla, the Housing Agency, and Health Service Executive. Issues raised by consultees in relation to these general support services are addressed in various sections of this report including, inter alia, Article 7 – Comprehensive and co-ordinated policies, Article 10 – Co-ordinating body, Article 15 – Training, Article 25 – Support for victims of sexual violence, Article 31 – Custody, visitation rights and safety and Article 33 – Shelters. This section discusses general considerations applying to this range of services before focusing on the Legal Aid Board, given that this agency is not referred to elsewhere in the submission.

Several consultees expressed that gender and cultural stereotyping are prevalent within general support services negatively impacting victims’ experience in these services. Consultees providing specialist services to minority and minoritised women recount frequent discrimination within generalist services in different thematic areas.²²¹ The NWC Disabled Women’s Group expressed concern that ableism is prevalent within general support services. The group has exemplified a number of these barriers, including but not restricted to, ‘structural barriers in

218 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 126.

219 Ibid.

220 Ibid at Appendix 6.

221 Online interview conducted with Pavee Point Traveller and Roma Centre, 8/02/2022.

physically accessing services' or 'unrealistic processes' with excessive paperwork which is not disability friendly.²²² Similarly, Pavee Point raised in its submission to the Third National Strategy (2021) that there are still issues of anti-Traveller and Roma discrimination and racism within the Gardaí responses to crime,²²³ and negative or discriminatory treatment or outcomes in services for Traveller women, 'including, in the Courts services, DSGBV services, family support services, and accommodation based services, such as in the Local Authority Accommodation services'.²²⁴ These examples illustrate that the specific needs of all women victim-survivors of DSGBV are currently not fully satisfied by general support services. Accordingly, it is urgent that the state undertakes a thorough review of these services to ensure that victim-survivors' access is adequate, and that their entitlement to have their needs properly addressed is guaranteed including through the provision of additional funding where required. The Implementation Plan contains an Objective 2.4 under the Protection Pillar 'to ensure a victim/survivor centred wraparound service through the creation of clear integrated local pathways... for adults and child...victims/survivors to access the DV and SV information, services, and supports'²²⁵

Even though the objective and accompanying actions do not mention general support services specifically, they must be read to apply to them also. From the victim-survivors' perspective, it is crucial that general support services are explicitly included within the Implementation Plan Actions 2.4.1 and 2.4.2, which aim to draw links between services to address gaps in responding to victim-survivors, and to 'develop a key worker approach across all services for each victim/survivor'.²²⁶ Similarly, the state must ensure that the new statutory DSGBV agency's plans to put in place 'a robust set of national service standards and governance arrangements (...) to ensure adherence to appropriate standards of support services'²²⁷ include general support services.

Access to legal aid as a general support service has been reported by several consultees as being a particular challenge for victim-survivors' access to justice.²²⁸ This challenge arises from the requirement that victim-survivors satisfy an income test to determine if they qualify for legal aid. Currently, the Legal Aid Board only guarantees legal aid to victim-survivors who have an annual disposable income of less than €18,000 and disposable assets of less than €100,000.²²⁹ In addition, victim-survivors must pay an advice contribution, between €30 and €150, the first time they see a solicitor.²³⁰ If the Legal Aid Board agrees to represent a victim-survivor in court for access, custody and maintenance hearings, they must pay an aid contribution amounting to €130 or more depending on income and assets.²³¹ In practice, this income threshold leaves

222 Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022.

223 Pavee Point, *Submission towards the Development of the Third National Strategy on Domestic, Sexual and Gender-based Violence* (June 2021) page 6.

224 Ibid.

225 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, Objective 2.4, page 26.

226 Ibid, Objective 2.4, Actions 2.4.1 and 2.4.2, page 26.

227 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 22.

228 Online interview conducted with NWC, 11/05/2022.

229 Legal aid Board website, Financial Eligibility & Contributions, available at <https://www.legalaidboard.ie/en/our-services/legal-aid-services/do-i-qualify/-/financial-eligibility-contributions.html> [Last accessed 15 May 2022]

230 Ibid.

231 Ibid.

many victim-survivors of DSGBV without access to legal aid, often directly impacting on their decision not to seek justice through the legal system.

This obstacle to access justice particularly impacts minority and minoritised women. For instance, Women's Aid reported cases where women on a Disability Pension were denied legal aid because their income exceeded the threshold.²³² Furthermore, such a low income threshold to access legal aid may encourage some perpetrators to keep bringing victim-survivors into the legal system as a way to exercise economic violence.²³³ In order to tackle this issue, the O'Malley review recommends the provision of free legal aid for all victims of sexual violence even when there is no prosecution.²³⁴ However, civil society organisations and NGOs have been calling for the necessity to extend this recommendation to all victim-survivors DSGBV.²³⁵ Indeed, as stated by NWC, 'the provision of free legal advice acknowledges the gendered nature and gendered constraints that are experienced by victims of all gender-based violent crimes in accessing legal advice.'²³⁶ Regrettably, Strategy does not take these recommendations fully into account and only provides to 'seek to increase and widen access to legal aid resources of victims/survivors of DSGBV',²³⁷ and 'to review the salaries and the fee rates paid to assess their effectiveness after 18 months of having been in operation.'²³⁸ Not only do these actions lack tangibility and operationality, they also fail to address the economic, structural and gendered obstacles that women face in seeking justice.

Recommendations:

3. *The State must ensure that general support services providing legal advice, psychological counselling, financial assistance, housing, education, training and assistance in finding employment, access to health care and social services, court familiarisation and accompaniment services are resourced and effectively available to victims/survivors;*
4. *The State must ensure that all staff providing general support services are trained to identify and address DSGBV from an intersectional, non-discriminatory and gender-sensitive perspective;*
5. *The State must ensure that the new statutory agency conducts a thorough review of general support services to address the gaps above mentioned;*
6. *The State must remove the legal aid fee for all victim-survivors of DSGBV, including in Custody and Access cases where domestic violence is an issue.*

232 Women's Aid, *Submission to the Family Justice Oversight Group Consultation* (Women's Aid, February 2021) page 21.

233 Online interview conducted with NWC, 11/05/2022.

234 Tom O'Malley et al., *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences* (Irish Department of Justice, July 2020) para 5.23.

235 National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence* (National Women's Council of Ireland, June 2021) page 31.

236 National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence* (National Women's Council of Ireland, June 2021), Women's Aid, *Submission to the Family Justice Oversight Group Consultation* (Women's Aid, February 2021).

237 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Action 3.3.8*, page 37 [emphasis added].

238 Ibid

Article 23 – Shelters

Parties shall take the necessary legislative or other measures to provide for the setting-up of appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for and to reach out pro-actively to victims, especially women and their children.

Currently, Ireland does not meet its legal obligation to provide shelters to women and children, neither in terms of capacity nor in terms of accessibility. Based on Ireland's current population, the recommended number of refuge units is 500 (one family place per 10 000 inhabitants) and only 319 family units are available.²³⁹ There are only 21 refuges operating in the Republic of Ireland and 9 counties do not have any refuge.²⁴⁰ This means that over a third of the territory cannot accommodate the needs of women and children seeking emergency accommodation.

Demand to access emergency safe accommodation drastically increased during the various Covid-19 lockdowns. Safe Ireland reported that 180 women and 275 children looked for shelters every month between March and December 2020.²⁴¹ However, 2,159 of these requests could not be accommodated due to a lack of capacity.²⁴² In its annual impact report 2021, Women's Aid declared that out of the 275 calls made to refuges on behalf of women in 2021, 62% of the time, the refuges said they were full.²⁴³ Services had to work creatively to find alternative solutions, which included the development of partnerships with the private sector to provide temporary free accommodation.

In addition to being sufficient in number, shelters must also accommodate the full needs of women,²⁴⁴ including, inter alia, migrant women, trans women, rural women as well as Roma and Traveller women. Overall, the entire refuge system needs to better align with the intersecting needs of the victim-survivors through an integrated response.²⁴⁵ Currently, refuges are not always able to accommodate the needs of Traveller and Roma women, with organisations working with Roma and Traveller women stating that minority women suffer significant discrimination in accessing services. Often, Traveller and Roma women with large families cannot be accommodated and, Roma and Traveller women have testified to their discomfort in accessing shelters for fear of judgment.²⁴⁶ Moreover, some refuges will accept

239 Safe Ireland, *Women's Domestic Abuse Refuges*, Safe Ireland Submission to Oireachtas Justice Committee (Safe Ireland, August 2021) page 4.

240 Ibid.

241 Ibid.

242 Ibid.

243 Women's Aid, *Annual Impact Report 2021* (Women's Aid, June 2022) page 27.

244 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 133.

245 Online interview conducted with Longford Women's link, 21/01/2022.

246 Pavee Point Traveller and Roma Centre, *Pavee Point Considerations towards the Review of Current Domestic Violence Accommodation Service Provision 2020* (Pavee Point Traveller and Roma Centre, February 2020) page 7.

that male children above a certain age (over the age of 14).²⁴⁷ Such policies can deter women from accessing emergency accommodation for themselves and their children.

Similarly, disabled women do not systematically have equal and appropriate access to shelters in Ireland.²⁴⁸ Lack of access to information represents a barrier for disabled women and children looking for support, for example shelters rarely offer ISL interpretation.²⁴⁹ Currently, awareness-raising campaigns around accessing refuges are not targeted at disabled women.²⁵⁰ Several members of NWC Disabled Women's Group reported that facilities are not always accessible to women with physical disabilities.²⁵¹ Consultees working with disabled women, Roma and Traveller women, rural women as well as migrant women testified to the difficulty to access transport in order to travel to some refuges, especially in counties which are not equipped with refuge units.²⁵² In consequence, there is a significant risk that many women might find themselves without a home or may have no alternative but to stay in the home with their abuser(s).

Migrant women, especially asylum seekers, also face significant structural challenges in accessing shelter. Victim-survivors of DSGBV seeking emergency accommodation and having to provisionally move out of Direct Provision are not entitled to Direct Provision payment.²⁵³ As a result, many victim-survivors either choose not to seek emergency accommodation or stay for a limited period of time in the refuge. Furthermore, shelter service providers are not always equipped to respond to the specific needs of migrant women who can also be victim-survivors of sex and/or labour trafficking, female genital mutilation, forced marriage and/or honour-based violence, among other forms of violence.²⁵⁴ Access to information on the location and the services offered in shelters is seldom accessible to non-English speakers as there is no professional interpreter systematically assigned to every refuge. Similarly, women with mental health or addiction issues need additional and specialised support to access refuges.²⁵⁵

Furthermore, as highlighted by the Immigrant Council of Ireland, Ruhama and NWC as part of the Beyond Exploitation campaign, the needs of women who have been subjected to

247 Ibid, 8.

248 Disabled Women Ireland, Nem Kearns, *Submission to the Third Strategy on Domestic Sexual and Gender Based Violence* (Disabled Women Ireland, 2021) page 4.

249 Disabled Women's Group, *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2020).

250 Ibid.

251 Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022.

252 Focus group discussion conducted with 6 members of the Disabled Women's Group, National Women's Council of Ireland, 01/02/2022, Online interview conducted with Pavee Point Traveller and Roma Women, 8/02/2022, Online interview conducted with AkiDwA, 10/02/2022, Online interview conducted with NTDC - Ascend, 21/01/2022; Online interview conducted with Domestic Violence Response, 18/02/2022.

253 Online interview conducted with AkiDwA, 10/02/2022.

254 Immigrant Council of Ireland, *Joint Submission to Citizen's Assembly on Violence Against Migrant Women* (Immigrant Council of Ireland, 2020) page 4.

255 Specialist services such as the SAOL project should be consulted as to what particular services and supports should be put in place.

sexual exploitation, trafficking and prostitution require 'dedicated shelter accommodation with 'wrap around' gender specific support services'.²⁵⁶ Research shows that access to safe accommodation is crucial to victim-survivors' recovery and preparation in their potential role of witness within criminal investigation.²⁵⁷ Although short-term access to refuges constitutes an emergency solution to leave a situation of violence, victim-survivors must be supported in securing long-term housing through clear pathway out of refuges, especially trafficked and prostituted women.

The issue of the absence of a clear pathway out of domestic violence services has been raised repeatedly by domestic violence service providers, and currently, many victim-survivors of DSGBV are transferred from shelters to homelessness services with limited housing options available.²⁵⁸ This is partly due to the ongoing housing crisis in Ireland but also to broader challenges including landlord discrimination, high cost of private rented housing and insufficient supply of social housing.²⁵⁹ Entering a whole new system of homelessness services can be extremely damaging for victim-survivors in recovery.²⁶⁰ An integrated approach to housing and DSGBV support services is essential to ensure that victim-survivors do not have to choose between DSGBV and homelessness, be it within and outside the contexts of prostitution and sexual exploitation.

Some of these issues were highlighted by TUSLA in the 2022 Review of the Provision of Accommodation for Victims of Domestic Violence.²⁶¹ The Implementation Plan, states the Review's recommendations will be taken into account at Action 2.3.2.²⁶² Moreover, Action 2.3.1, that "We will engage with key stakeholders to remove the legal barriers that can prevent individuals experiencing sexual and or domestic violence to remain at home (where it is safe to do so)" is a significant national commitment²⁶³. The Implementation Plan makes specific timed commitments to increase refuge spaces at Action 2.3.2 including "24 refuge places in Wexford, Dundalk and Navan in 2023 and 2024... project management and capacity building supports to 12 priority locations in 2022 and 2023... 14 additional safe homes by Q4 2022 with further expansion in 2023"²⁶⁴ However, the Strategy does not provide a clear pathway out of shelters through the integration of DSGBV and housing services. Therefore, as highlighted by Focus Ireland, the Observatory submits that the issue of housing should have a central place in all monitoring and evaluation of the Third National Strategy.²⁶⁵

256 Beyond exploitation, *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence* (NWC, ICI & Ruhama, June 2020).

257 Ibid page 18.

258 Paula Mayock and Fiona Neary for Focus Ireland, *Domestic Violence & Family Homelessness* (Focus Ireland & The Housing Agency, 2021) page 17.

259 Ibid page 18.

260 Ibid.

261 TUSLA, *Review of the Provision of Accommodation for Victims of Domestic Violence* (TUSLA, February 2022).

262 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, page 26

263 Ibid, page 25.

264 Ibid

265 Tara Gallagher & Mike Allen for Focus Ireland, 'Housing should be at the heart of new Domestic Violence Strategy' (Focus Ireland, 8 march 2022). Available at <https://www.focusireland.ie/focus-blog/why-homelessness-mattered/> [Last accessed: 03 May 2022].

Recommendations:

7. *The State should fully implement the recommendation of the Review of the Provision of Accommodation for Victims of Domestic Violence;*
8. *The number of refuges, safe homes and other emergency accommodation strategies must be increased to reach the Istanbul Convention's standard of 500 refuge units spread throughout the country;*
9. *Refuges must be established in all 26 counties of the Republic of Ireland and easily accessible through affordable transportation;*
10. *All refuges must be resourced and able to respond appropriately to the intersecting needs of all women and/or children, including Traveller women, women with disabilities, migrant women, and women exiting prostitution and sex trafficking. This requires the state to:*
 - *Review age restrictions for male children of women victim-survivors;*
 - *Ensure that facilities and information provided in shelters are accessible to disabled women;*
 - *Ensure that resources offered in shelters are translated into the most widely spoken languages;*
 - *Fund compulsory training to frontline refuge service providers on the intersecting needs of, inter alia, disabled women, migrant women, rural women, transwomen, Roma and Traveller women so that services are delivered in a non-discriminatory manner;*
 - *fully resourced services and supports for women in prostitution or who wish to exit;*
 - *Ensure adequate spaces and support for women in addiction;²⁶⁶*
11. *An integrated response looking at emergency accommodation in combination with social housing and the private renting sector should be adopted to ensure that victim-survivors are supported in securing long-term housing through clear pathway out of refuges, especially trafficked and prostituted women.*

Article 25 – Support for victims of sexual violence

Parties shall take the necessary legislative or other measures to provide for the setting up of appropriate, easily accessible rape crisis or sexual violence referral centres for victims in sufficient numbers to provide for medical and forensic examination, trauma support and counselling for victims.

In 2020, the National 24-Hour Helpline received 13,438 contacts, with 6,451 calls being first-time contacts.²⁶⁷ The 24-Hour Helpline is accredited by the Helplines Partnership (a nationally

²⁶⁶ Specialist services such as the SAOL project should be consulted as to what particular services and supports are needed.

²⁶⁷ Dublin Rape Crisis Centre, *2020 Year in Review*. Available at: https://www.drcc.ie/assets/files/pdf/drcc_2020_infographic.pdf [Last accessed: 4 May 2022].

recognised quality standard body) and is run by the Dublin Rape Crisis Centre. It operates 24/7 in English, it offers live interpreting in more than 200 languages, and it operates a text service for those who are deaf or hard of hearing - with both services running from Monday to Friday between 8am and 6.30pm.²⁶⁸ The helpline also has a webchat service, which is available Monday to Friday 10am to 2pm (excluding Bank Holidays). It offers a free and confidential service for victim-survivors of all forms of sexual violence and is staffed by telephone counsellors.

Under the obligation to ensure that rape crisis and sexual violence centres are in sufficient numbers, the Council of Europe Task Force to Combat Violence against Women including Domestic Violence recommends 1 centre per every 200.000 inhabitants and equal geographic spread to ensure victims-survivors in rural areas can access centres as much as victims-survivors in cities.²⁶⁹ Regarding the availability of rape crisis centres / sexual violence centres, concerns arise from the lack of universally accessible services, particularly exacerbated by a backlog of cases. Consultees stated that the current demand, paired with insufficient funding have a negative effect on the availability of services. Some consultees have expressed concerns in relation to the long waiting lists and the inability to offer long-term counselling services. Lack of sufficient funding has also impacted the geographical distribution of rape crisis centres, leaving a number of rural areas with no outreach centres.²⁷⁰ Moreover, consultees have reported persisting barriers for victim-survivors of sexual violence with multiple, intersectional needs to access support. Therefore, progress must be made to ensure that all women can access services on a and obtain effective support in line with their needs.²⁷¹ The Observatory recommends that access to protection and support 'should not be dependent on status or location.'²⁷²

Separately from rape crisis centres / sexual violence centres, Ireland also has six Sexual Assault Treatment Units (SATU) in Cork, Donegal, Dublin, Galway, Mullingar and Waterford.²⁷³ These are open 24/7, 365 days a year for all victim-survivors of rape or sexual assault. They undertake forensic examinations, health checks and provide medications where necessary for victim-survivors of sexual violence. During the Covid-19 pandemic, SATUs continued to operate, but victim-survivors' accompaniment, often provided by civil society organisations, was restricted.²⁷⁴ In its 2020 impact report, the Dublin Rape Crisis Centre reported having been able to accompany 132 people to SATU, a considerable decrease from the previous year, where they supported over 500 people through SATU.²⁷⁵

268 Dublin Rape Crisis Centre, 'National 24-Hour Helpline' (no date). Available at: <https://www.drcc.ie/services/helpline/> [Last accessed: 15 May 2022].

269 *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210 (Council of Europe, 2011) para 142.

270 Online interview with Cork Sexual Violence Centre, 13/01/2022. The Centre reported the closure of outreach centres in North and West Cork.

271 Online interview with Dublin Rape Crisis Centre, 31/01/2022.

272 Dublin Rape Crisis Centre, Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence' (June 2021).

273 HSE website, 'Sexual Assault Units'. Available at <https://www2.hse.ie/services/sexual-assault-treatment-units/sexual-assault-treatment-units.html> [Last accessed 13 April 2022].

274 Dublin Rape Crisis Centre, *Annual Report, Navigating 2020* (DRCC, 7 September 2021).

275 Ibid 19.

The Third National Strategy provides actions in relation to enhancing services for victim-survivors of sexual violence, which are linked to the implementation of the recommendations and proposals for reform set out in ‘Supporting a Victim’s Journey’ plan. These, enumerated above in the analysis provided under Article 7, constitute crucially important actions. In relation to victim-survivor protection, one of the planned actions is the roll out and progress development of two additional comprehensive centres in Cork and Dublin with links to local SATU’s.²⁷⁶ The Observatory highlights the importance of promptly implementing the measures contained within the ‘Supporting of Victim’s Journey’ plan, and urges the state to ensure that additional resources are allocated to services supporting victims of sexual violence to ‘fully address the complex range of needs, geographical spread and numbers of clients presenting’.²⁷⁷

Recommendations:

12. *The State must allocate sustainable and equitable funding so that that Rape Crisis and Sexual Violence Centres are in place in sufficient numbers to provide adequate geographical coverage to fully address ‘the complex range of needs, geographical spread and numbers of clients presenting’;*²⁷⁸
13. *The State must collaboratively work with services providing support to victims of sexual violence to identify and remove barriers with the view of ensuring that victim-survivors with multiple, intersectional needs can access support and protection on an equal footing;*
14. *Training of all state agents supporting sexual violence victim-survivors on a gender-sensitive, trauma-informed approach to services must be implemented as matter of urgent priority in the Third National Strategy;*
15. *The State must implement all measures in the ‘Supporting a Victim’s Journey’;*
16. *The State must roll out the two additional Barnahus pilot projects in Dublin and Cork, and promptly analyse its success, with the view of extending the pilot to other counties.*

²⁷⁶ Department of Justice, Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence, Action 2.5.1, page 29.

²⁷⁷ Department of Justice, ‘Supporting a Victim’s Journey: A Plan to help victims and vulnerable witnesses in sexual violence cases’ (no date). Available at: https://www.justice.ie/en/JELR/Pages/Supporting_a_Victims_Journey [Last accessed: 14 May 2022], page 6.

²⁷⁸ Ibid.



Chapter V. Substantive law

Article 31 – Custody, visitation rights and safety

Article 33 – Psychological violence

Article 38 – Female genital mutilation

Article 40 – Sexual harassment

Article 45 – Sanctions and measures

Article 31 – Custody, visitation rights and safety

1. Parties shall take the necessary legislative or other measures to ensure that, in the determination of custody and visitation rights of children, incidents of violence covered by the scope of this Convention are taken into account.
2. Parties shall take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

Article 31 provides for the obligation of the judicial authorities to account for potential incidents of violence in issuing contact orders. The provision aims at ensuring that DSGBV perpetrated against the non-abusive parent and against children are taken into account in deciding on custody and visitation rights.²⁷⁹ Consulted service providers reported that

²⁷⁹ GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210, (Council of Europe, 2011) para 175.

perpetrators often use the legal system and, more specifically, child access to exercise further abuse against their former-partner.²⁸⁰ As argued by the NWC, this is the direct consequence of the dysfunctional relationship between family law and criminal law systems which remain critically disconnected in Ireland.²⁸¹ Despite the prevalence of family law proceedings occurring in a context of DSGBV, the safety and welfare of women and children is not placed at the centre of such proceedings. Even when an abusive partner has been convicted of serious offences such as physical or sexual assault against the mother and/or children, such criminal behaviour is not always taken into account by family law courts in deciding access.²⁸² Problematically, other forms of DSGBV, such as coercive control are taken into account even less. Moreover, in cases where DSGBV is considered by the family court, there is neither systematic expert consultation nor adoption of specific measures.²⁸³

Women's Aid's analysis highlights the existence of a 'pro-contact culture that prioritises the right of access of the abuser over the safety and welfare of the child and mother'.²⁸⁴ As a result, the incidents of DSGBV are seldom considered by the family court which sometimes puts women and children at risk by encouraging contact and even co-parenting.²⁸⁵ Indeed, it is precisely these access arrangements that often constitute the primary trigger for abuse and such a pro-contact culture is symptomatic of a 'patchy understanding of the dynamics of domestic violence by the Courts'.²⁸⁶ The Observatory advises that victims of domestic violence must never be required to make contact with the non-custodial parent, for example, in order to seek maintenance. In the event that contact is mandated by the Court, as a risk-mitigating measure, the State must put in place and fund supervised contact centres, which are currently non-existent in Ireland. The Observatory notes with concern that the final Strategy & Implementation Plan do not make any commitment to the establishment of contact centres and calls on the State to urgently review this lack of action.

Moreover, a recent submission to the Family Justice Oversight Group Consultation by Children Living with Domestic and Sexual Violence Group reports that there is an increasing tendency to promote mediation in Family law. The Observatory recalls that alternative dispute resolution methods should never be mandatory in line with the Convention's Article 48. The State should ensure that mediation processes are not used as an opportunity to exert further violence on women. Thus, it is vital that abused parties are not mandated or coerced into mediation, and that refusal to engage in mediation is not positioned as a sign

280 Online interview conducted with NTDC - Ascend, 21/01/2022; Online interview conducted with Domestic Violence Response, 18/02/2022; Online interview conducted with Women's Aid, 04/02/2022; Online interview conducted with Longford Women's link, 31/01/2022. Safe Ireland, *Submission to the Family Justice Oversight Group Consultation Topics - Phase 1 Consultation*, (Safe Ireland, February 2021).

281 National Women's Council, *Submission on the General Scheme of the Family Court Bill* (National Women's Council, April 2021) page 2.

282 National Women's Council, *Family Justice Oversight Group - Phase 1 Consultation*, (National Women's Council, 26 February 2021) page 9.

283 Ibid page 5.

284 Women's Aid, *Submission to the Review of the National Strategy on Domestic, Sexual and Gender-Based Violence*, (Women's Aid, 2021) page 9.

285 Women's Aid, *Submission to the Family Justice Oversight Group Consultation*, (Women's Aid, February 2021).

286 National Women's Council, *Submission on the General Scheme of the Family Court Bill* (National Women's Council, April 2021) page 2.

that the abused parent is 'uncooperative'.²⁸⁷ Currently, mediators are not a professionalised sector, are unregulated and not required to be trained in forms of DSGBV. This is crucial to ensure, so that should an abused party freely decide to avail of mediation, the process is trauma informed and properly initiated and continued.²⁸⁸

Court experts and psychologists assessing children under Section 32 and 47 of the Children Act 1989,²⁸⁹ are not systematically trained to recognise signs of DSGBV against women and children and have issued reports recommending child access for the abusive partner.²⁹⁰ Women's Aid recommends that child assessors 'should also be regulated, so that it is clear their role is impartial and there should be no previous connection or partiality to either of the parties'.²⁹¹ In some instances, if the history of abuse is identified, it is often minimised or dismissed.²⁹² A wide range of organisations recommend the adoption of the Safe & Together Australian model to ensure a holistic approach to child access in context of DSGBV.²⁹³

Consultees also expressed concerns about the use of the much-discredited concept of parental alienation in Irish Courts,²⁹⁴ that may be used by the abusive partner to dismiss the children and/or mothers' claim of violence perpetrated against the children and/or the mother. Research shows that when parental alienation is referred to by the father, the mother's risk to lose custody increases from 26% to 50%.²⁹⁵ Such a phenomenon increases the risk of abuse for children and contributes to hiding the broader context of coercive control, as well as other forms of DSGBV and unequal relational power dynamics.

In September 2020, the Minister for Justice established the Family Justice Oversight Group which launched public consultations to 'identify ways to modernise and improve family justice and people's experience of the system'.²⁹⁶ The issues mentioned above were raised

287 CLwDSV, 'Submission to the Family Justice Oversight Group Consultation' (February 2021) Available at: <https://www.womensaid.ie/assets/files/pdf/joint-clwdsv-sub-to-the-family-justice-og-final.pdf> [Last accessed: 30 June 2022].

288 Ibid.

289 Children Act, 1989.

290 SiSi, *Recommendations to Courts Services in Relation to Children involved in Childcare Law and Family Law Proceedings* (SiSi, February 2021); National Women's Council, *Family Justice Oversight Group - Phase 1 Consultation* (National Women's Council, 26 February 2021); Online interview conducted with NTDC - Ascend, 21/01/2022, Online interview conducted with Domestic Violence Response, 18/02/2022; Online interview conducted with Women's Aid, 04/02/2022.

291 Women's Aid, *Submission to the Family Justice Oversight Group Consultation* (Women's Aid, February 2021) page 26.

292 Women's Aid, *Submission to the Family Justice Oversight Group Consultation* (Women's Aid, February 2021).

293 Safe and Together institute website, available at: <https://safeandtogetherinstitute.com/about-us/about-the-model/> [Last accessed 1 April 2022].

294 Jeffries S., 'In the Best Interests of the Abuser: Coercive Control, Child Custody Proceedings and the "Expert" Assessments That Guide Judicial Determinations' (2016) *Laws* 5(14), page 1. See also: Women's Aid, *Submission to the Department of Justice on Parental Alienation* (June 2022). Available at: https://www.womensaid.ie/assets/files/pdf/submission_on_parental_alienation_june_2022.pdf [Last accessed: 30 June 2022].

295 Women's Aid, *Annual Impact Report 2020* (Women's Aid, June 2021) page 43 citing Joan S. Meier, 'U.S. child custody outcomes in cases involving parental alienation and abuse allegations: what do the data show?' (2020) 42 (1) *Journal of Social Welfare and Family Law* 92-105 DOI: 10.1080/09649069.2020.1701941.

296 Department of Justice website, 'Open Consultation on the Future of Family Justice'. Available at https://www.justice.ie/en/JELR/Pages/Future_of_Family_Justice_Consultation [Last accessed 10 May 2022].

by many organisations in their submissions.²⁹⁷ The Third National Strategy refers to the Oversight Group and forthcoming report, however, the recommendations of the Oversight Group are still to be formulated and published²⁹⁸. The Strategy highlights the necessity to 'explore the interface and interaction of civil family law, public criminal law and the child protection justice systems'²⁹⁹ with the objective to 'reduce attrition rates and enhance access to the legal system'.³⁰⁰ Currently, research commissioned by the NWC and funded by the Department of Justice on the intersection of the Criminal and Civil justice systems is being undertaken. The recommendations of this research will be critical to address the disconnect between the criminal law and family law systems that currently puts women and children at risk of violence in the determination of custody and visitation rights of children in a DSGBV context.

Additionally, the Implementation Plan Action 3.2.3 provides for the establishment of a new Family Law Court at Hammond Lane.³⁰¹

Recommendations:

3. *The State must address the disconnect between the Criminal and the Family law systems and ensure that action is taken to, inter alia:*

- *implement the recommendations of the NWC research on the intersection of criminal and civil justice systems;*
- *fund and provide compulsory and systematic gender-sensitive training to members of the judiciary and Court experts to identify signs of abuse in judging matters of custody and visitation rights;*
- *establish that victims of domestic violence must never be required to make contact with the non-custodial parent in order to seek maintenance;*
- *ensure that children's psychological assessments under Section 32 and 47 are conducted in an independent, timely and professional manner, taking into account the best interests of the child;*
- *fund and provide training for judicial officers and court experts on how to hear the voice of the child according to their age and abilities;*

²⁹⁷ See for instance Women's Aid, *Submission to the Family Justice Oversight Group Consultation* (Women's Aid, February 2021); National Women's Council, *Family Justice Oversight Group - Phase 1 Consultation* (National Women's Council, 26 February 2021); Safe Ireland, *Submission to the Family Justice Oversight Group Consultation Topics - Phase 1 Consultation*, (Safe Ireland, February 2021); SiSi, *Recommendations to Courts Services in Relation to Children involved in Childcare Law and Family Law Proceedings* (SiSi, February 2021).

²⁹⁸ Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 36.

²⁹⁹ Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, Action 3.2.1, page 33.

³⁰⁰ *Ibid* Action 3.3, page 34.

³⁰¹ *Ibid* page 33.

4. *Conduct state-funded research critically discussing the concept of parental alienation and documenting its harmful impact on women and children's safety; issuing guidance to courts, policing and DSGBV services on international criticisms and GREVIOs advice for States to refrain from of this 'concept';*
5. *Mediation should never be coerced, forced or compulsory. The State, moreover, must ensure that professionals involved in mediation, including mediators and child expert reporters are professionalised and sufficiently trained on domestic violence, child sexual violence and coercive control;*
6. *A network of supervised contact centres should be established. Staff must be trained on domestic violence and its impact on children.*

Article 33 – Psychological violence

Parties shall take the necessary legislative or other measures to ensure that the intentional conduct of seriously impairing a person's psychological integrity through coercion or threats is criminalised.

Ireland criminalised psychological violence under Article 39 of the Domestic Violence Act 2018, which entered into force on the 1st of January 2019.³⁰² The enactment of the provision was a result of long term lobbying and campaigning by civil society organisations, and has been recognised as a 'great gift to domestic violence advocates', especially but not only, for its 'potential to change culture in Ireland'.³⁰³ Since 2019, there have been three convictions under this provision and reports indicate that there are dozens of cases, at least 50 at the start of 2021, under investigation or with the DPP for consideration.³⁰⁴ It is important to note that the three convictions of coercive control concerned cases that also involved either substantial physical violence or substantial amounts of evidence, circumstances that may not be present in all cases of coercive control.³⁰⁵

Despite the fact that the legal development constitutes a positive change, its implementation

302 Domestic Violence Act 2018, s39, available at <https://www.irishstatutebook.ie/eli/2018/act/6/enacted/en/html> [Last accessed 18 April 2022].

303 Law Society Gazette, 'Coercive control law is a 'great gift' to advocates' (30 November 2021) Available at: <https://www.lawsociety.ie/gazette/top-stories/coercive-control-law-a-great-gift-to-domestic-violence-advocates> [Last accessed 13 May 2022].

304 Connor Lally, 'At least 50 coercive control cases under investigation or with DPP for consideration' (The Irish Times, 22 January 2021), available at <https://www.irishtimes.com/news/crime-and-law/at-least-50-coercive-control-cases-under-investigation-or-with-spp-for-consideration-1.4464661> [Last accessed 18 April 2022].

305 Stephen Maguire, 'Man Jailed for Coercive Control Phoned Woman 5757 Times in Four Months' The Irish Times, *The Irish Times* (11 February 2020) <https://www.irishtimes.com/news/crime-and-law/courts/circuit-court/man-jailed-for-coercive-control-phoned-woman-5-757-times-in-four-months-1.4170652> [Last accessed 14 May 2022]; '10-year sentence following coercive control trial "sends a strong message" to other women' *The Journal.ie* (22 January 2021). Available at: <https://www.thejournal.ie/sentence-coercive-control-5331737-Jan2021/> [Last accessed 14 May 2022].

Ann Healy, 'Man facing sentence for coercive control of former partner' (21 April 2021). Available at: <https://www.irishtimes.com/news/crime-and-law/courts/circuit-court/man-facing-sentence-for-coercive-control-of-former-partner-1.4543758> [Last accessed 14 May 2022]; Tom Tuite, 'Garda sent for trial for coercive control and sexual assault of ex-partner' (20 December 2021). Available at: <https://www.irishtimes.com/news/crime-and-law/courts/district-court/garda-sent-for-trial-for-coercive-control-and-sexual-assault-of-ex-partner-1.4760251> [Last accessed 14 May 2022].

is still in the early days, and a number of concerns have been identified as potential barriers for its effective implementation in policing, prosecuting and its adjudication in the courts.³⁰⁶ An Garda Síochána's policies on DSGBV have significantly improved in the years of the Second National Strategy – notably the establishment of Garda National Protective Service Bureau's Divisional Protective Service Units in all Garda divisions. Yet, cultural issues in policing involving 'problematic views of DV and abuse such as victim blaming, minimisation and patriarchal attitudes toward women' remain an issue, creating an 'inconsistent' response to domestic violence.³⁰⁷ This is particularly problematic in policing coercive control, which requires training for officers to move away from an understanding of domestic violence as an incidental crime towards a recognition of the continuum of abuse typical in coercive control. In this regard, research has found that 'there is still a lack of understanding of how coercive control fits in with domestic violence more generally'.³⁰⁸ While improvements nationally are significant, the challenge remains to ensure that every victim of DSGBV receives the same quality of response, based on a clear understanding and empathy of DSGBV and of AGS policy and procedures.

Effectively prosecuting and adjudicating coercive control cases will further require training of all relevant frontline professionals engaging in the identification of coercive control, prosecution of perpetrators and adjudication of cases. This is critical to ensure proper collection and analysis of evidence and that the potential revictimising elements of the justice process are minimised to the maximum extent possible. Therefore, to ensure an effective implementation of Article 33, it is important that the state redresses pre-existing issues in relation to access to justice for domestic violence as highlighted by Women's Aid in their submission to the Third National Strategy (2021), which may become increasingly amplified in coercive control cases. Women's Aid publication titled 'Unheard and Uncounted - Women, Domestic Abuse and the Irish Criminal Justice System' (2020) reports on a number of these issues.³⁰⁹ These include, inter alia: limitations of an 'incident' based system in providing justice; a negative, revictimising impact arising from the interplay between Family Law Court and the Criminal Court, which has the potential to be weaponised by coercive control perpetrators; or women's sense that the criminal justice process may not guarantee their safety.

The state must further acknowledge and recognise intersectional specificities of coercive control in diverse social locations and cultural backgrounds. The NWC Disabled Women's Group submitted that coercive control experienced by disabled women from 'carers, relatives or friends who may exploit the disabled women's vulnerability' is not covered by law and particular challenges faced by disabled women are not recognised.³¹⁰ Similarly,

306 Thomson et al, 'A welcome change... but early days': Irish Service Provider Perspectives on 'Domestic Abuse and the Domestic Violence Act 2018' (2022) *Criminology & Criminal Justice* 1, page 9.

307 Ibid page 8.

308 Ibid page 8.

309 Monica Mazzone and Women's Aid, *Unheard and Uncounted, Women, Domestic Abuse and the Irish Criminal Justice System*, (Women's Aid, 2019).

310 Disabled Women's Group, *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence* (National Women's Council of Ireland, June 2020).

women's experiences of coercive control in institutional settings, such as Direct Provision or congregated settings, must be recognised and adequately addressed. The state must also recognise and put in place policies to address abuse in rural areas and migration-facilitated coercive control, which exacerbate women's isolation and reinforce barriers to safety.³¹¹

Recommendations:

7. *The State must ensure that all relevant frontline professionals engaging in the identification of coercive control, prosecution of perpetrators, adjudication of cases, and support of victim-survivors are fully and formally trained on the specificities of coercive control as a pattern of abuse in order to foster a consistent criminal justice response;*
8. *More particularly, the state must prioritise that frontline official at all stages of the criminal and civil justice system receive specialist and ongoing training on coercive control to ensure that coercive control cases that do not involve substantial physical violence are equally prosecuted;*
9. *The State must ensure that this training is high-quality, delivered in partnership with specialist support services, and adequately funded;*³¹²
10. *The State must specifically acknowledge and recognise intersectional experiences of coercive control and train all stakeholders involved in coercive control cases accordingly to ensure access to services;*
11. *The State must recognise and mainstream all women's experiences of coercive control within all existing and future campaigns, including disabled women and other minority and minoritised groups.*

Article 38 – Female genital mutilation

Parties shall take the necessary legislative or other measures to ensure that the following intentional conducts are criminalised:

- A. *excising, infibulating or performing any other mutilation to the whole or any part of a woman's labia majora, labia minora or clitoris;*
- B. *coercing or procuring a woman to undergo any of the acts listed in point A;*
- C. *inciting, coercing or procuring a girl to undergo any of the acts listed in point A.*

Despite the absence of CSO data on the prevalence of female genital mutilation (FGM), it is estimated that 5,790 women and girls residing in Ireland have undergone FGM.³¹³

311 Thomson et al, 'A welcome change... but early days': Irish Service Provider Perspectives on 'Domestic Abuse and the Domestic Violence Act 2018' (2022) *Criminology & Criminal Justice* 1, page 8.

312 Women's Aid, *Submission to the Review of the National Strategy on Domestic, Sexual and Gender-based Violence* (June 2021) page 5.

313 AkiDwA website, *Female Genital Mutilation - Prevalence of FGM*, available at <https://akidwa.ie/female-genital-mutilation/> [Last accessed 01 April 2022].

Ireland passed the Criminal Justice (Female Genital Mutilation) Act in 2012 which prohibits FGM under Section 2.³¹⁴ While the principle of extraterritoriality is not included in the Act, Section 3 criminalises the removal or attempted removal of a girl or woman from Ireland if the purpose is to make her undergo FGM abroad.³¹⁵ Action 2.3800 of the Action Plan to the Second National Strategy on Domestic, Sexual and Gender-Based Violence calls for the extraterritorial application of FGM offences.³¹⁶ This is the only mention of FGM in the entire Strategy. AkiDwA, the leading national organisation on the prevention of FGM, highlights that, as a form of DSGBV, FGM should have been included in all the goals of the Strategy.³¹⁷ As a result of this silence on FGM in Ireland's anti-DSGBV policies, the prevention against and response to this type of violence is inadequate.

In 2015, a National Steering Committee³¹⁸ led by AkiDwA proposed a comprehensive National Action Plan to Combat Female Genital Mutilation (2016-2019) articulated around 5 strategic themes, namely prevention, protection, provision of support, prosecution and promotion of the eradication of FGM globally.³¹⁹ This proposed Action Plan has to date not been considered for implementation by the State. There is only one free specialised Migrant women's health clinic offering FGM support service, which is located in Dublin. Moreover, support services are not provided with systematic, cultural and gender-sensitive training to address this type of DSGBV, and there is an overall lack of inter-agency response to FGM.³²⁰ AkiDwA strongly advocated for the inclusion of FGM in the Third National Strategy during the consultation process, as well as other specific and often omitted types of DSGBV, including human trafficking and forced marriage.³²¹

In the Third National Strategy, the introductory sections explicitly account for specific types of violence including FGM and human trafficking for the purpose of sexual exploitation and provide figures about the prevalence of FGM in Ireland³²². In addition, the implementation Plan, Protection Pillar contains actions specific to FGM at '2.4.11 Put in place special support services required by victims/survivors of FGM'³²³

However, actions relating to FGM must be also clearly understood to be incorporated in all pillars of the Strategy under the term all 'forms of DSGBV' including training for professionals, public awareness raising, and supports services for victim-survivors.

314 Criminal Justice (Female Genital Mutilation) Act 2012.

315 Ibid.

316 *Action Plan - Second National Strategy on Domestic, Sexual and Gender-Based Violence - 2016 - 2021*, Action Plan (Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, January 2016) page 22.

317 Salome Mbugua, *Towards a National Action Plan to Combat Female Genital Mutilation 2016-2019*, (AkiDwA, 2016).

318 Composed by AkiDwA, Concern Worldwide, Dice Network, HSE, Immigrant Council of Ireland, The Irish Consortium on Gender Based Violence, ISPC, New Communities Partnership, Tusla, UNHCR, Wezesha and Youth United of Ireland.

319 Salome Mbugua, *Towards a National Action Plan to Combat Female Genital Mutilation 2016-2019* (AkiDwA, 2016).

320 Ibid.

321 Online interview conducted with AkiDwA on 10/02/2022.

322 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Strategy 2022-2026*, page 12.

323 Department of Justice, *Zero Tolerance Third Domestic, Sexual and Gender-Based Violence Implementation Plan 2022-2026*, page 27

Recommendations:

4. *The State must legislate on the extraterritorial application of section 2 of the Criminal Justice (Female Genital Mutilation) Act 2012;*
5. *The State must explicitly include FGM in the implementation of every goal of the Third National Strategy on Domestic, Sexual and Gender-Based Violence;*
6. *The State must fund and co-design a national campaign on FGM in collaboration with specialist support services;*
7. *The State must include a module on FGM in training delivered to frontline DSGBV services;*
8. *Ireland should pursue the adoption of a targeted National Action Plan to Combat FGM in collaboration with relevant specialist services by the end of 2026;*
9. *The State must implement a strong monitoring mechanism to evaluate the implementation of the legal and policy framework with the view of eliminating FGM.*

Article 40 - Sexual harassment

Parties shall take the necessary legislative or other measures to ensure that any unwanted verbal, non-verbal or physical conduct of a sexual nature with the purpose or effect of violating the dignity of a person, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment is subject to criminal or other legal sanction.

Sexual harassment is prohibited by statute in the employment field under the Employment Equality Act 1998 to 2011, as well as under the Equal Status Acts 2000-2012. NWC has called on all departments and statutory agencies to proactively promote the responsibilities and obligations of employers and service providers who are subject to the Equal Status Acts 2000-2018 and Employment Equality Acts 1998-2011. Institutions who are in receipt of public funding should also be reminded of any obligations they have under the Public Sector Equality and Human Rights Duty. This should include the active promotion of the recently published Code of Practice on Sexual Harassment and Harassment at Work.³²⁴ The Code of Practice was approved by the Minister for Children, Equality, Disability, Integration and Youth and its provisions are admissible in evidence in proceedings before a court or in proceedings under the EEA and in proceedings before the Workplace Relations Commission or the Labour Court. NWC also calls for the Irish government to ratify the International Labour Organisation's Violence and Harassment Convention which specifically addresses DSGBV and harassment in the workplace.³²⁵ If ratified by the Irish state, legislation and measures to protect and support workers experiencing DSGBV in the workplace would be mandated for developing and strengthening the provisions of the EEA in this area.

³²⁴ Irish Human Rights and Equality Commission, Code of Practice on Sexual Harassment and Harassment at Work (February 2022), available at: https://www.ihrec.ie/app/uploads/2022/03/Codes-of-Practice-Sexual-Harassment-FA_Digital.pdf [Last Accessed 30 May 2022]

³²⁵ International labour organisation, Violence and Harassment Convention (No.190), 2019

Ireland also recently criminalised online sexual harassment through the Harassment, Harmful Communications and Related Offences Act 2020.³²⁶ The piece of legislation criminalises anyone who 'distributes, publishes or threatens to distribute or publish an intimate image of another person' without their consent and with intent to cause harm or recklessness as to whether or not the harm is caused. It carries an 'unlimited fine or a prison sentence of up to seven years'.³²⁷ However, no conviction has taken place since its enactment and an overall lack of understanding of this offence and training persist amongst general and support services.³²⁸

Given that sexual harassment takes place in manifold contexts, and that the scope of the provision is not limited to the employment field, the state must tackle sexual harassment in all sectors of Irish life. As outlined in the section on Article 13 above, Higher education provides a model as to how different sectors of Irish society could be responding to sexual harassment and violence. Long term campaigning by students, academics and NGOs led to the Department of Education developing the first national framework 'Respectful, Supportive and Positive - Ending Sexual Violence and Harassment in Irish Higher Education Institutions' in 2019. A key structure that led to this positive development was the NWC-convened National Advisory Committee (NAC) established in 2016 as part of an EU Daphne funded project Ending Sexual Harassment and Violence in Third Level Education project (ESHTE 2016-2019) to 'build a feminist understanding and analysis of the causes and effects of sexual harassment and violence'.³²⁹ The NAC is comprised of the Union of Students of Ireland, Student Unions, Statutory bodies, Higher Education Institutions (HEIs) and key NGOs to support the development of campaigns, projects and policy, and their consistent dissemination across all HEI campuses.³³⁰ Key milestones included, inter alia, ESHTE review of data on the prevalence of sexual violence and harassment of women students in higher education, launch of the 'It Stops Now' website and Campaign, the design of training modules as well as the organisation of several webinars and conferences. As outlined under Article 13 above, the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) has now developed a high-level advisory group based at the Higher Education Authority (HEA) and provides funding to HEIs to directly tackle this issue. The recently published Department of Further and Higher Education, Research, Innovation and Science 2022 - 2026 Strategy reiterates the necessity to 'develop policy on a Consent Framework including ensuring that each higher education institution prepares an individual action plan'.³³¹ The State should support initiatives 'such as consent workshops, bystander intervention programmes and specialist support programmes, with the view to create a zero-

326 Harassment, Harmful Communications and Related Offences Act 2020, available at: <https://www.irishstatutebook.ie/eli/2020/act/32/enacted/en/print> [Last accessed 20 April 2022].

327 Ibid.

328 DRCC Opening Statement to the Joint Committee on Justice and Equality (23 October 2019). Available at https://www.drcc.ie/assets/files/pdf/drcc_2019_opening-statement-to-joc-justice-equality_oct-2019.pdf [Last accessed 20 April 2022].

329 It Stops Now's website, Ending Sexual Harassment and Violence in Third Level Education (ESHTE) available at <https://www.it-stopsnow.org/en/about> [Last accessed 04 May 2022].

330 Ibid.

331 *Statement of Strategy 2021–2023* (Department of Further and Higher Education, Research, Innovation and Science, 2021) page 19.

tolerance culture for sexual harassment and violence in third level education,³³² and NWC recommends increased funding in that regard.³³³ Investment and interventions in higher and further education will not only address the specific issues of this sector but also make a significant contribution to overall national prevention work.

A further example of the awareness for the need for a systemic approach to good sectoral practice is demonstrated in the recent proceedings of the Joint Committee on Tourism, Culture, Arts, Sport and Media on the delivery of a safe and respectful working environment in the arts. The 2021 'SPEAK UP: A Call for Change' report and its comprehensive recommendations provided a strong framework for sectoral reform in Arts & Culture.³³⁴ The findings of its Speak Up ACTION Survey that 'the majority of those surveyed have experienced and witnessed harmful workplace behaviours that undermine people's right to dignity at work,³³⁵ are shocking and mirror the HEI surveys. NWC has recommended that the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media should convene a NAC type stakeholder group similar to Arts and Culture Recovery Taskforce with ICTU, contractors, employers, promoters, specialist support agencies working to end DSGBV as well as Departments' officials to develop practical interventions and long term recommendations, for the wider Arts sector as it seeks to challenge this harassment and violence.³³⁶ NWC has recommended that the Department undertake actions specific to its sectoral responsibilities but also that it should advocate and act to support the development of such a national culture through both political but also artistic and cultural advocacy and activism.³³⁷

Lastly, it is notable that the state followed civil society's recommendations,³³⁸ and announced the appointment of an Online Safety Commissioner empowered to hold the state and internet service providers to account with the view to 'make online and social media spaces safer and free from cyber violence.³³⁹ These positive developments are welcome and contribute to addressing a gap in the Second National Strategy, which did not contain any provision or action on preventing and combating sexual harassment despite the criminalisation of this type of DSGBV. The collaborative approach to the design of the Third National Strategy may have enabled civil society organisations' call to strengthen prevention and response with regards to sexual harassment, especially in higher and further education.³⁴⁰

332 National Women's Council, 'Urgent need to address sexual harassment and violence in third level education' (27 January 2022). Available at: <https://www.nwci.ie/learn/article/national-womens-council-calls-on-third-level-institutes-and-government-to-i> [Last accessed 20 April 2022].

333 Ibid.

334 Irish Theatre Institute, *SPEAK UP: A Call for Change, Towards creating a safe and respectful working environment for the arts*, (ICI, October 2021) available at: https://www.irishtheatreinstitute.ie/wp-content/uploads/2021/10/ITI-Speak-Up-A-Call-for-Change-Report-Oct2021_Final_WEB.pdf [Last accessed 30 May 2022]

335 Ibid, page 10.

336 National Women's Council, *Submission to the JOC on Tourism, Culture, Arts, Sport and Media* (NWC, 21 April 2022).

337 Ibid.

338 DRCC Opening Statement to the Joint Committee on Justice and Equality (23 October 2019). Available at: https://www.drcc.ie/assets/files/pdf/drcc_2019_opening-statement-to-joc-justice-equality_oct-2019.pdf [Last accessed 20 April 2022].

339 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence, Action 1.5.1*, page 23.

340 Ibid, Action 1.2, page 8.

Recommendations:

10. *The State should ratify the International Labour Organisation's Violence and Harassment Convention;*
11. *All State departments, statutory agencies and publicly funded institutions should actively promote and implement the provisions of Code of Practice on Sexual Harassment and Harassment at Work;*
12. *The Third National Strategy's objective on combatting DSGBV in Higher Education must address all forms of sexual harassment and further the work initiated by civil society with adequate funding;*
13. *The positive developments in the Arts & Culture sector should be sustained by funding and implemented through a multi-sectoral approach;*
14. *The good practises developed in the Higher & Further Education as well as in the Arts & Culture sectors should be extended to all sectors including outside of the workplace and online;*
15. *The State must ensure that support services are trained and have the necessary resources to offer services to victims-survivors of sexual harassment, including in an online setting with 'legal and technical advice on the removal of harmful online content.'³⁴¹*

Article 45 - Sanctions and measures

1. *Parties shall take the necessary legislative or other measures to ensure that the offences established in accordance with this Convention are punishable by effective, proportionate and dissuasive sanctions, taking into account their seriousness. These sanctions shall include, where appropriate, sentences involving the deprivation of liberty, which can give rise to extradition*
2. *Parties may adopt other measures in relation to perpetrators, such as:*
 - *Monitoring or supervision of convicted persons;*
 - *Withdrawal of parental rights, if the best interests of the child, which may include the safety of the victim, cannot be guaranteed in any other way*

In Ireland, the forms of DSGBV addressed under the Convention carry criminal and civil sanctions depending on the nature and severity of the behaviour. The main legal provisions are contained within the following statutes: Criminal Law (Sexual Offences) Acts 2017 and 2019, Domestic Violence Act 2018, Criminal Justice (Female Genital Mutilation) Act 2012, the Employment Equality Act 1998 (as amended by the Equality

341 GREVIO, 'General Recommendation No. 1 on the digital dimension of violence against women' (adopted 20 October 2021) para 53.

Act 2004) and the Harmful Communications and Related Offences Act 2020. Moreover, many offences relating to DSGBV, including physical assaults, threats to kill or possession of firearms, are prosecuted under other legislation. The Criminal Justice (Hate Crime) Bill 2021, currently undergoing pre-legislative scrutiny will create 'new, aggravated forms of certain existing criminal offences, where those offences are motivated by prejudice against a protected characteristic'.³⁴² Specialist services working with victims of sexual violence advise there is a need to reform and consolidate sexual offences legislation. Reform is also required to amend significantly problematic aspects used in court in sexual violence cases, such as the honest belief defence.³⁴³ To combat online abuse, the Online Safety and Media Regulation Bill 2022 is a welcome development, but the Observatory submits that it must codify 'take down orders' to mandate the removal of harmful content.

Despite the existence of laws punishing all forms of DSGBV under the Convention with effective, proportionate and dissuasive sanctions, taking into account their seriousness, its implementation shows 'consistently low prosecution rates, low conviction rates as well as high attrition rates concerning domestic, sexual and gender-based crimes'.³⁴⁴ Regrettably, the likelihood of lenient sentences, reducing sentences on appeal or the overturning of verdicts, often reported in DSGBV cases, may contribute to a lack of faith in the role of the criminal and civil justice system as an avenue for protection and redress. As already noted above, Women's Aid's report 'Unheard and Uncounted' (2019), narrates women's experience of the criminal justice system when reporting domestic violence and provides a concerning account of women's perception of sentencing. The report notes that among the women consulted 'only some of the incidents were reported and even less prosecuted. Charges were dropped or downgraded along the way in many cases. In some cases there was no conviction'.³⁴⁵ It further states that most of the participants felt that justice was not fulfilled, with women believing that the perpetrator's sentence did not reflect the severity of the abuse they had experienced.³⁴⁶ A consultee stated that, at times, going through the justice system is 'too traumatic' to the extent that the outcome for victim-survivors is 'not worth it'.³⁴⁷ The same consultee believed that breach of protection orders do not have harsh enough penalties attached to them. This is in line with 'Unheard and Uncounted' findings that women believed

342 Department of Justice, 'Tough sentences for hate crimes under new Bill from Minister McEntee' (16 April 2021). Available at: <https://justice.ie/en/JELR/Pages/PR21000084> [Last accessed 15 May 2022]

343 Law Society Gazette, 'Rape accused's consent must be 'objectively reasonable' – LRC' (8 November 2019). Available at: <https://www.lawsociety.ie/gazette/top-stories/2019/11-november/a-rape-accuseds-belief-that-consent-was-given-must-be-objectively-reasonable--lrc> [Last accessed: 30 June 2022].

344 NWC, 'Family Justice Oversight Group - Phase 1 Consultation' (2 March 2021). Available at: https://www.nwci.ie/learn/publication/family_justice_oversight_group_phase_1_consultation [Accessed 5 May 2022].

345 Monica Mazzone and Women's Aid, *Unheard and Uncounted, Women, Domestic Abuse and the Irish Criminal Justice System* (Women's Aid, 2019).

346 Ibid page 41.

347 Online interview conducted with Longford Women's Link, 31/01/2022.

‘sentences were too lenient to be a proper sanction and effective deterrent’.³⁴⁸ Delays in sentencing, posed by an inadequate number of judges, constant adjournments and backlogs are also prevalent and hugely concerning issue, and must also be addressed through legislative reform to ensure that victims-survivors are not re-victimised.³⁴⁹

AkiDwA advised as recently as 2019 that there had been no prosecutions under the Criminal Law (Female Genital Mutilation Act 2012), despite the provision having been in force for seven years.³⁵⁰ Similarly, there have not been any convictions under s.38 of the Domestic Violence Act 2018, criminalising forced marriage. Further, given the recent legislation provisions punishing certain forms of DSGBV, Women’s Aid has raised the need to evaluate recent positive legislative progress achieved by the enactment of the Domestic Violence Act 2018, in order to monitor the use of measures including the use of safety, barring, interim, emergency and protection orders or the use of aggravating circumstances in sentencing for domestic violence related crimes.³⁵¹ The Observatory agrees with this recommendation and encourages the State to collect data with the view of ascertaining that the use of sanctions attached to breaches of these orders is monitored.

The Observatory welcomes the inclusion within the Prosecution pillar objectives to “Ensure all professionals / frontline workers involved in DSGBV work with adults and children in the courts, and in the justice, legal and policing systems, have the skills and analysis of DSGBV to equip them with the necessary expertise they require”³⁵². The Observatory encourages the state to put in place actionable measures to implement these actions urgently to ensure that victim-survivors regain trust in the criminal justice system. Recent developments are cause for optimism to improve prosecution and the victim-survivor experience in the criminal justice system. These include the creation of a Department of Public Prosecutor’s Sexual Violence Unit, and the introduction of preliminary trial hearings, aiming to ‘benefit the trial process for a range of offences’.³⁵³

An extraordinary level of campaigning and advocacy from Observatory members and civil society has led to very welcome reform of the criminal justice system over the last decade including the recognition of forms of ‘new’ violence in law, the development of a positive model of consent and the shifting of criminalisation in sexual exploitation and prostitution from (largely women & girls) to exploiters and profiteers. The Observatory welcomes the commitment to continuing legislative reform including “to provide for the Introduction of a specific offence of non-fatal strangulation, a specific offence of stalking and other legislative

348 Monica Mazzone and Women’s Aid, *Unheard and Uncounted, Women, Domestic Abuse and the Irish Criminal Justice System*, (Women’s Aid, 2019) page 42.

349 Dublin Rape Crisis Centre, ‘Submission to the Judicial Planning Working Group’ (DRCC, 12 November 2021) para C.

350 AkiDwA, ‘Submission to United Nations Committee on the Elimination of all forms of Racial Discrimination, on the examination of Ireland on its combined 5th to 9th reports’ (AkiDwA, November 2019).

351 Women’s Aid, *Submission to the Review of the National Strategy on Domestic, Sexual and Gender-based Violence* (June 2021)

352 Department of Justice, Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence, Action 3.1, page 32.

353 Department of Justice, ‘Pre-trial hearings can take place from today under Act commenced by Minister McEntee’ (28 February 2022). Available at: <https://www.justice.ie/en/JELR/Pages/PR22000038> [Last accessed 15 May 2022].

reforms relevant to tackling DSGBV” and “gender-based harassment offences, public abuse of women and gender-based aggressive behaviour”.³⁵⁴ The Observatory further welcomes the establishment of “a review cycle to identify outstanding and emerging further reforms required to law”³⁵⁵ The Observatory calls on the State to engage proactively with civil society in this review cycle.

The Observatory notes at action 3.3.2 the reference to the Garda Síochána (Digital Recording) Bill 2022. The Observatory in principle welcomes legislative reforms which will make women and girls safer, however it notes the concerns raised by the Irish Human Rights & Equality Commission (IHREC) in its submission to the Minister for Justice on the General Scheme of the Garda Síochána (Digital Recording) Bill³⁵⁶ and recommends that the Minister ensures the Bill is fully human rights and equality proofed.

The Observatory also notes the action 3.3.12 “Examine the role and potential of victim/survivor-led restorative justice initiatives as part of a suite of options post-conviction and stage of release into the community.” The Observatory urges the State to undertake such work with a high level of gender sensitivity, awareness of the underlying coercion in action in gender-based violence and the significant pressures on victim-survivors to resolve domestic, sexual and gender-based violence in ways that are ‘easier’ for family, community and society. As recognised by Restorative Justice: Strategies for Change (RJS4C) Ireland, “Facilitating RJ in cases of IPV is difficult” and must be mindful of power dynamics.³⁵⁷

Recommendations:

3. *The State must prioritise passing legislation to ensure the efficient prosecution and case management of DSGBV cases to avert delays in line with European Court of Human Rights’ standards, in order to minimise the re-victimisation of survivors;*
4. *The State must prioritise recruiting and appointing sufficient numbers of law enforcement and judicial staff, and that they are properly trained in the gendered nature of DSGBV, its forms, manifestations and consequences, and take these into account in the sentencing of perpetrators;*
5. *The State should fund research to evaluate the impact of the Domestic Violence Act 2018 on sentencing domestic violence perpetrators, by monitoring the application of sanctions attached to the offences provided in the new legislation;*
6. *The State should consider addressing the victimising nature of the justice system through the development of a Court Welfare System that adopts a victim-centred and trauma-informed*

³⁵⁴ Department of Justice, Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence, Action 3.3.2 and 3.3.13, page 35/38.

³⁵⁵ Ibid Action 3.3.3, page 36

³⁵⁶ <https://www.ihrec.ie/app/uploads/2022/04/Submission-to-the-Minister-for-Justice-on-the-General-Scheme-of-the-Garda-S%C3%ADoch%C3%A1na-Digital-Recording-Bill.pdf>

³⁵⁷ <https://restorativejustice.ie/2021/06/20/restorative-justice-and-intimate-partner-violence-acjrd-annual-conference-2019/>

approach to DSGBV cases;³⁵⁸

- 7. The State should engage proactively with civil society in the reforms review cycle to identify outstanding and emerging further reforms required to identify outstanding and emerging further reforms required;*
- 8. The State must ensure the Garda Síochána (Digital Recording) Bill 2022 is human rights and equality proofed;*
- 9. The State must approach the application of restorative justice models to DSGBV from a gender sensitive and trauma informed framework.*

³⁵⁸ National Women's Council, Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence (National Women's Council of Ireland, June 2021) page 28.



Chapter VI – Investigation, prosecution, procedural law and protective measures

Article 50 – Immediate response, prevention, and protection

Article 51 – Risk assessment and risk management

Article 50 – Immediate response, prevention and protection

1. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies respond to all forms of violence covered by the scope of this Convention promptly and appropriately by offering adequate and immediate protection to victims.
2. Parties shall take the necessary legislative or other measures to ensure that the responsible law enforcement agencies engage promptly and appropriately in the prevention and protection against all forms of violence covered by the scope of this Convention, including the employment of preventive operational measures and the collection of evidence.

The Convention requires the state to ensure a prompt, appropriate response to DSGBV through ‘adequate and immediate protection to victims’.³⁵⁹ As the Convention explanatory report recalls, the role of law enforcement agencies in responding promptly is crucial to discharge the obligations under this article. An Garda Síochána’s National Protective Services Bureau serves to advise and guide Gardaí in investigating DSGBV. As part of An Garda Síochána’s Modernisation and Renewal Programme, the force has put in operation Divisional Protective Service Units (DPSUs) nationwide - units which are specifically trained to investigate ‘sexual crime, child protection, investigation of domestic abuse, online child exploitation and sex offender management’.³⁶⁰

The Policing Authority Assessment of Policing Performance 2019-2021, published in April 2022, reports that there remains scope for improvement, especially in relation to the consistency in the service provided to victims.³⁶¹ In its Submission to the Garda Síochána Inspectorate (2022), DRCC raised the need for DPSUs to ‘be properly resourced’ to ensure effective investigation and allow proactive contact with victim-survivors.³⁶² In order to effectively discharge its obligations under Article 50, the state must ensure that victim-survivors are offered a consistent, caring, professional and quality response when reporting DSGBV. However, organisations report that victim-survivors have very diverse experiences when reporting to the Gardaí.³⁶³ Women’s Aid Submission on An Garda Síochána’s Response to Domestic Abuse (2022) illustrates this and provides examples of An Garda’s inconsistent response to domestic violence as well as recommendations to remedy these.³⁶⁴ Concerning examples include An Garda failing to enforce orders under the Domestic Violence Act 2018, being dismissive of the DSGBV incidents, not taking statements or not attending court to give evidence in domestic violence orders applications.³⁶⁵

The State must effectively fund and increase relevant professionals’ training within An Garda’s personnel, as well as support training for all legal practitioners who have a role in ensuring access to justice at any point of the justice path. Moreover, an adequate response requires an effective case management system in place that promotes prompt and efficient investigations and minimise delays. The provision of a prompt, appropriate response to DSGBV has been further called into question as An Garda reportedly cancelled ‘thousands’

359 GREVIO, *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*, Explanatory report CETS 210, (Council of Europe, 2011) para 257.

360 An Garda Síochána, ‘An Garda Síochána Divisional Protective Service Units now Operational Nationwide’ (29 September 2020). Available at: <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2020/sep-tember/an-garda-siochana-divisional-protective-services-units-now-operational-nationwide-.html> [Last accessed 15 May 2022].

361 Policing Authority, ‘Policing Authority Assessment of Policing Performance 2019-202’ (April 2022).

362 Dublin Rape Crisis Centre, Submission to the Garda Síochána Inspectorate’s inspection into the effectiveness and efficiency of the Garda Síochána’s response to domestic abuse’ (January 28th 2022), page 3.

363 Ibid page 5.

364 Women’s Aid, An Garda Síochána Inspectorate on An Garda Síochána’s Response to Domestic Abuse (June 2022) Available at: https://www.womensaid.ie/assets/files/pdf/womens_aid_garda_inspectorate_submission_january_2022.pdf [Last accessed: 30 June 2022].

365 Ibid.

of 999 phone calls during 2019.³⁶⁶ In June 2021 NWC, Irish Council for Civil Liberties (ICCL), Free Legal Advice Centres (FLAC) and SiSi called for an independent review of the cancelled emergency calls and An Garda's failure to respond to 999 calls.³⁶⁷ The Policing Authority announced a preliminary independent review on these incidents in July 2021,³⁶⁸ and in November it published an interim report which forms part of the on-going examination of the incidents.³⁶⁹

The Implementation Plan contains an objective that aims at 'strengthening the policing and prosecution' of DSGBV.³⁷⁰ This is accompanied by an action to 'ensure every Garda Division has a fully staffed and equipped DPSU with trained staff'.³⁷¹ The Observatory urgently recommends that the State pledges to review and promptly implement the necessary changes to ensure that An Garda Síochána has an effective case management system, with the goal of providing adequate and immediate protection to victims.

Recommendations:

3. *DPSUs must be properly resourced to provide a consistent, caring, professional and quality response;*
4. *DPSU officers must be adequately trained on all forms of DSGBV to ensure effective investigation;*
5. *Effective case-management structures must be put in place to ensure that the investigation is conducted promptly and efficiently without undue delays and with adequate supervision;*
6. *Once the independent review of the 999 cancelled calls is finalised, its recommendations must be implemented without delay and put in place preventive operational measures to ensure prompt response by An Garda Síochána in all future calls, and ensure transparency and public confidence.*

366 Conor Lally, 'Garda members continued to cancel 999 calls despite controversy - Harris' (The Irish Times, 23 September 2021). Available at <https://www.irishtimes.com/news/crime-and-law/garda-members-continued-to-cancel-999-calls-despite-controversy-harris-1.4682151> [Last accessed 20 April 2022].

367 National Women's Council, *Submission on the Third National Strategy on Domestic, Sexual and Gender-Based Violence*, (National Women's Council of Ireland, June 2021).

368 Policing Authority, 'Policing Authority appoints Mr. Derek Penman to provide independent strategic advice on the Garda Síochána review of the invalid and unwarranted closure of CAD incidents' (29 July 2021). Available at: <https://www.policingauthority.ie/en/news/policing-authority-appoints-mr-derek-penman-to-provide-independent-strategic-advice-on-the-garda-siochana-review-of-the-invalid-and-unwarranted-closure-of-cad-incidents>

369 Policing Authority, 'Policing Authority publishes interim update on the preliminary examination of the Garda Síochána review of the closure of CAD incidents' (November 2021). Available at: <https://www.policingauthority.ie/en/all-media/news-detail/policing-authority-publishes-interim-update-on-the-preliminary-examination-of-the-garda-siochana-review-of-the-closure-of-cad-incidents>

370 Department of Justice, *Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence*, Action 3.5, page 39.

371 Ibid Action 3.5.1.

Article 51 – Risk assessment and risk management

1. *Parties shall take the necessary legislative or other measures to ensure that an assessment of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities in order to manage the risk and if necessary to provide co-ordinated safety and support*

The explanatory report to the Convention reads that ‘concerns for victim-survivors’ safety must be at the heart of every intervention’ and that Article 51 establishes states’ obligation to assess and devise a plan to manage the risks of safety on a case-by-case basis.³⁷² The provision requires that states ensure that ‘an effective multi-agency network of professionals is set up to protect victims’ with the view of planning a safety plan in a co-ordinated manner.³⁷³ Specialist support services and state bodies alike use risk assessments in assessing lethality risk and repeated violence. In Ireland, the main state actors involved in risk assessment and management procedures include the police, probation services, health professionals and social services.³⁷⁴

Broadly, it may be stated that Ireland is still ‘very early in the process of implementing risk assessment and risk management of domestic violence perpetrators.’³⁷⁵ Risk assessment and management for other forms of violence, including FGM, forced marriage and sexual violence, are at an even earlier stage. Generally, third sector organisations providing specialist support services undertake risk management and assessment by using their own, often unrecognised, tools. Although GREVIO has ‘strongly encouraged’ the use of evidence-based risk assessment tools,³⁷⁶ consultees have stated that they have found ‘using tools is too restrictive.’³⁷⁷ Instead, they report that their own safety plans allow for enhanced personalisation, using the victim-survivors themselves as the tool.³⁷⁸

While there are a number of standardised and regulating policies at the national level in relation to risk-assessment and risk-management, a number of concerns have been highlighted in relation to these. A concrete example involves TUSLA’s Signs of Safety policy, setting out the National Approach to Practise in Child Protection and Welfare. This policy is used by relevant professionals making decisions on child protection but does not include questions for children allowing or facilitating safe disclosure of violence.³⁷⁹ Moreover,

372 Council of Europe, ‘Explanatory Report to the Council of Europe Convention on preventing and combating violence against women and domestic violence’ (Istanbul, 11 May 2011) CETS No 210, paras 260-261.

373 Ibid.

374 ElGE, ‘Risk assessment and management of intimate partner violence in the EU’ (2019), 21. Available at <https://eige.europa.eu/publications/risk-assessment-and-management-intimate-partner-violence-eu> [Last accessed 20 April 2022].

375 ElGE, ‘Risk assessment and management of intimate partner violence in the EU’ (2019), 51.

376 GREVIO, ‘GREVIO’s Baseline Evaluation Report on Serbia’ GREVIO/Inf(2019)20 (22 January 2020) para 224.

377 Online interview conducted with Longford Women’s Link, 04/02/2022.

378 Ibid.

379 Online interview conducted with SiSi, 26/01/2022.

currently, there are no standardised procedures in place for co-operation and co-ordination between state bodies and non-state organisations in assessing and managing risk. When in place, such standardised procedures must be used in criminal and family law courts and should be aware of and incorporate for less well-known forms of violence, such as coercive control. There are also examples in neighbouring jurisdictions that could be used for learning. An example from the UK is the Priority Perpetrator Identification Tool (PPIT) piloted by the police service since 2016. It is a questionnaire designed to aid practitioners in the identification of high-risk domestic abuse perpetrators who will be priority targets for multi-agency monitoring and management. It examines the attitudes and nature of the offender, history of offending and related linked offences and was designed in collaboration with frontline services.

The Strategy aims to address gaps by introducing policies and procedures enabling and facilitating structured and effective multi-agency co-operation in Risk Assessment.³⁸⁰ Civil society organisations and specialist agencies must be involved in their development. The Observatory further notes, that the state should take into consideration the findings of the Study on Familicide and Domestic Homicide reviews to inform the development of a multi-agency risk assessment tool.³⁸¹

Recommendations:

2. *Review risk assessments currently in use and roll out systematic risk assessments for all forms of DSGBV contained within the Convention that take into account women's intersectional needs;*
3. *Put in place standardised procedures to facilitate the co-operation and co-ordination between State bodies and non-state organisations in assessing and managing risk.*

380 Department of Justice, Implementation Plan - Zero Tolerance Third Domestic, Sexual and Gender-Based Violence, Action 3.5.5, page 40.

381 Study on Familicide and Domestic Homicide Reviews, 'Terms of Reference'. Available at: <http://www.fsdhr.ie> [Last accessed 28 April 2022].

ANNEX I: Civil society stakeholders referenced to in the shadow report

Action Aid Ireland

Action Aid Ireland is an international charity that works with women and girls living in poverty by providing long term support both to women and their children in their own communities in developing countries. Their approach is one of empowerment, undertaken by providing women with education and training, among others on leadership skills, and how to achieve their rights to healthcare, work and education. They are an independent organisation with no religious, political or governmental affiliations.

AkiDwA

Established in 2001, AkiDwA is a national network of migrant women living in Ireland. AkiDwA's core objective is to advance education and address poverty of migrant women by setting up a drop-in-centre to relieve hardship for women immigrating, particularly from the continent of Africa into Ireland. This is done by providing information, counselling (including therapeutic services for survivors of war, female genital mutilation, torture, and other forms of disempowerment to women), and social opportunities.

Aoibhneas

Aoibhneas is an organisation that supports women and children through each stage of the cycle of domestic abuse. The organisation ensure that families affected by domestic abuse have access to a suite of supports and interventions through the following services; refuge accommodation, drop- in, court preparation and accompaniment, community and outreach, education and training. Aoibhneas aims to empower victim-survivors to live in freedom and safety from domestic abuse through a process nurturing and enabling positive growth and societal change.

Ascend - North Tipperary Development Company

North Tipperary Development Company is a local development company responsible for the delivery of a range of rural enterprise, social inclusion, and community development initiatives in the Tipperary North County area. Ascend Domestic Abuse Service for Women offers confidential support services to women who have or are experiencing Domestic Abuse in their intimate relationships. Ascend's services include one-to-One Support, helpline, court accompaniment, information and outreach support, personal development group, delivery of healthy relationships programme to transition year students and provision of a Safe House.

Cairde

Cairde is a community development organisation working to tackle health inequalities among ethnic minority communities by improving ethnic minority access to health services, and ethnic minority participation in health planning and delivery. Cairde aims to implement actions which will be seen to have a measurable impact on the delivery of primary health care to a selected number of disadvantaged ethnic minority communities in Dublin. Service can be provided to disadvantaged ethnic minority communities from the continent of Africa; Eastern Europe and the Baltic states in different languages.

Cork Sexual Violence Centre

Sexual Violence Centre Cork was set up on International Women's Day in 1983 and has been providing services to victim-survivors of sexual violence in Cork city and County for over 37 years. The Centre provides services to survivors of rape, sexual assault and child sexual abuse. Services include a freephone helpline, counselling, accompaniment to court or the Sexual Assault Treatment Unit and training. Additionally, the Centre engages with a range of community and statutory bodies, alongside second and third level students in their colleges and schools.

Domestic Violence Response, Galway

Established in 1998, Domestic Violence Response (DVR) is a community-based company and registered charity, responding to the needs of women who are impacted by domestic abuse. DVR is engaged in developing long term responses to the issue of domestic abuse in society. From its base in County Galway (Oughterard) and Moycullen we provide a range of services including counselling support information, telephone support, advocacy, accompaniment services to the Court and Gardai, and education support programmes for women post separation.

Disability Federation of Ireland (DFI)

DFI is the national umbrella body for Ireland's main organisations of and for people with disabilities. The growing membership now numbers some 66 organisations who provide a comprehensive range of services to people with a disability. These services range from information and support services to education, training, housing, accommodation, respite care, para-medical and other professional services.

Disabled Women's Group - National Women's Council

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.

Disabled Women Ireland (DWI)

Disabled Women Ireland is the only dedicated organisation advocating for the rights of self-identified women, girls and non-binary/genderqueer/gender non-confirming people with disabilities in Ireland. DWI is a disabled person's organisation that actively promotes the participation of self-identified women and non-binary/genderqueer/ gender non-confirming people with disabilities in all aspects of social, economic, political and cultural life, advocates on issues concerning self-identified women and non-binary/genderqueer/ gender non-confirming people with disabilities in Ireland, including DSGBV and creates and grows a network of disabled self-identified women and non-binary/genderqueer/ gender non-confirming people with disabilities

Dublin Rape Crisis Centre (DRCC)

The mission of Dublin Rape Crisis Centre (DRCC) is to prevent the harm and heal the trauma of all forms of sexual violence in Ireland. DRCC has been at the forefront of the Irish response to sexual violence for more than 40 years. That response includes running the National 24-Hour Helpline, providing individual advocacy, counselling and other support, accompaniment and support services for those attending the Sexual Assault Treatment Unit (SATU) and those reporting to An Garda Síochána or attending court, building understanding and awareness on consent in sexual activity and data collection and analysis on trends and issues relating to sexual violence. As a frontline service provider, we work with and support people who have been directly affected by sexual violence. We are also committed to eliminating its tolerance through education, awareness raising, advocacy and policy analysis.

Focus Ireland

Focus Ireland is a non-profit organisation based in Dublin that provides services for people who are homeless and people at risk of homelessness in Ireland. It was founded by Sister Stanislaus Kennedy in 1985 and is now one of the largest housing and homelessness organisations in Ireland. Focus Ireland provides services in Dublin, Cork, Limerick, Kilkenny, Sligo, Kildare, Carlow, Tipperary, Wexford and Waterford.

Haven Horizons

Haven Horizons is focused on the elimination of relationship, domestic, and gender-based abuse. Haven Horizons is a national education and research centre concentrating on primary prevention activities including accredited CPD programmes, the promotion of engaged research and research translation, data informed policies and piloting evidence-based models of best-practice. Our work is informed by the Istanbul Convention.

Immigrant Council of Ireland

The Immigrant Council of Ireland is a human rights organisation and Independent Law Centre. We support and advocate for the rights of immigrants and their families and act as a catalyst for public debate, legal and policy change. Our helpline provides an opportunity

for people from a migrant background to raise any queries or problems they may be facing and we are committed to supporting individuals who are at a vulnerable stage of their life. We are experts in supporting vulnerable children and women. We provide legal advice and support to victims of trafficking, as well as campaign for a more effective state response to the heinous crime.

Irish Consortium on Gender Based Violence

The Irish Consortium of Gender Based Violence is an Irish based alliance of International human rights, humanitarian and development organisations, including International NGO's, Irish Aid and The Irish Defence Forces. The Consortium organisations work together to increase knowledge and understanding of violence against women and girl to ensure high quality programming and policy responses, in both Humanitarian and Development settings. They build leadership to support the shared vision of a world free from gender-based violence.

Longford Women's Link

Longford Women's Link (LWL) is a dynamic social enterprise which was founded in 2005 initially, to provide back to education and training opportunities for women. Over the past 23 years LWL has diversified and expanded to become a substantial organisation that advocates effectively on the issues that impact women and their families, providing practical supports such as affordable childcare and transport where possible and also providing the essential services of domestic violence support, counselling, women's community training and education and support in employment and self-employment options for women and their families.

Love and care for people

Love and Care for People "LCP" is a non-profit registered charitable organisation based in Cork. LCP is an integrated and holistic service which provides a safe and supportive environment to women and young people especially those living in hardship, socially excluded, victims of abuse and those with fewer opportunities. Among other services, LCP supports women in accessing services available in the community, encourage women to make positive life and health choices, provide support for victims of abuse, and provide training programmes in Domestic Violence, one to one support and we deliver a variety of peer-led, educational programmes and training courses.

National Women's Council

Founded in 1973, the National Women's Council (NWC) is the leading national women's membership organisation. NWC represents and derives its mandate from its membership, which includes over 190 groups and organisations from a diversity of backgrounds, sectors and locations across Ireland. NWC's mission is to lead and to be a catalyst for change in the achievement of equality for women. NWC's vision is of an Ireland and of a world where women can achieve their full potential and there is full equality for women.

Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre is a national non-governmental organisation committed to the attainment of human rights for Travellers and Roma. The organisation comprises Travellers, Roma and members of the majority population working in partnership to address the needs of Travellers and Roma, who as minority ethnic groups experience racism, discrimination, exclusion and marginalisation. Its he Violence Against Women Programme provides a Traveller and Roma analysis of gender-based violence. The programme maps out the specific issues and barriers that Traveller and Roma women face in relation to domestic and sexual violence and develops responses to violence against Traveller and Roma women.

Ruhama

Ruhama supports women affected by prostitution and sex trafficking in Ireland. Ruhama is a specialist NGO providing holistic support on a national basis in the Republic of Ireland to women affected by prostitution, including women who have been trafficked for sexual exploitation. Ruhama is the only specialist agency doing this work at a national level in Ireland. Ruhama has been providing direct services for 30 years and have worked with thousands of women of over 60 nationalities through a wide range of supports, including individual casework support and advocacy, care planning and case management, crisis accommodation in emergency situations, one-to-one and group education, training and development opportunities, support for women participating in the criminal justice process, housing and social welfare support, etc.

Rape Crisis Network Ireland (RCNI)

Rape Crisis Network Ireland is a specialist policy agency on sexual violence. RCNI is founded, owned and governed by its member Rape Crisis Centres. RCNI has been serving survivors' interests and working towards the prevention of all forms of sexual violence since 1985. RCNI builds and sustains considerable expertise to identify, make the case for, and implement priorities for a whole-of-society and Government response to sexual violence.

Safe Ireland

Safe Ireland is the national development and co-ordination body with responsibility for Domestic Violence (DV) which over time has developed three distinct functions: investigating the causes and effects of DV; developing guidelines for best practice in the delivery of local support services; and influencing national strategic policy. This is achieved by working directly with a range of public bodies; local independent frontline DV services; academic institutions; philanthropists; and corporate partners. There are thirty-nine DV services across Ireland affiliated as members to Safe Ireland. Each delivers various combinations of services to women and children including crisis helpline support, information and advocacy, Garda and court accompaniment, counselling, and welfare advice; along with emergency provisions such as food and clothing.

Sonas Domestic Violence Charity

Sonas is the largest provider of frontline services to women and children experiencing domestic abuse in the greater Dublin region. Sonas offers support to women and children experiencing domestic abuse by providing effective, quality services and advocates on women and children's behalf with other services and on issues that impact on the safety, welfare and wellbeing of women and children experiencing domestic abuse.

Survivors Informing Services and Institutions (SiSi)

SiSi is a collective of women survivors of intimate abuse. SiSi's mission is to support women out of isolation to become leaders and to be recognised as experts by experience. SiSi takes collective action to inform and influence the policy, legal, social and political reform required to end intimate abuse through networking and gathering survivors, providing mentorship, capacity building and training, being an independent source of data collection and taking up representational roles to inform intervention models of policy and practice.

Transgender Equality Network Ireland (TENI)

TENI is a non-profit member-driven organisation, founded in 2006 and registered as a company limited by guarantee in February 2010. TENI engages in activities that promote the equality and well-being of trans people in Ireland. We work nationally in four main areas: healthcare, employment, education and legislation. TENI offers a range of support services that aim to increase the well-being of trans people and their families by providing support that mitigates common experiences of isolation, misunderstanding and exclusion.

Women's Aid

Women's Aid is a leading national organisation that has been working in Ireland to stop domestic violence against women and children since 1974. In this time, the organisation has built up a huge body of experience and expertise on the issue, enabling us to best support women and share this knowledge with other agencies responding to women subjected to domestic violence and abuse. Women's Aid operates the 24hr National Freephone Helpline and a number of Dublin-based face-to-face services. Women's Aid also acts for justice and social change through our specialised training, public awareness campaigns and policy work.

Women's Collective Ireland

Women's Collective Ireland (WCI) is a national women's community development organisation advancing marginalised women's equality through women's community development. WCI represents and works directly with women experiencing disadvantage, through our 17 Women's Community Development Projects throughout Ireland and national structures. WCI staff support women's access to domestic violence services and supports and work closely with local violence against women networks to raise awareness.

Young Women's Christian Association of Ireland (YWCA)

YWCA Ireland is part of the World YWCA, the largest women's membership organisation in the world. YWCA Ireland seeks to transform women into leaders, to encourage women to be decision makers by giving them responsibility and to connect women throughout Ireland and the world. It also raises awareness of human rights issues affecting women and girls worldwide.

