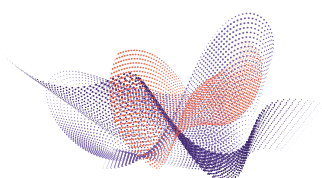


# Monitoring the Implementation of **Zero Tolerance: The Third National Strategy** on **Domestic, Sexual** and **Gender-Based Violence**



**Irish Observatory  
on Violence  
Against Women**

Supported by:

**Community  
Foundation  
Ireland**

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# Introduction

## The Third National Strategy on Domestic, Sexual and Gender-Based Violence

In June 2022, the Department of Justice published *Zero Tolerance*, Ireland's Third National Strategy on Domestic, Sexual and Gender-Based Violence (DSGBV)<sup>1</sup>. This is an ambitious, comprehensive and detailed strategy and plan of action to eliminate violence against women in all its forms and to bring about a radical cultural shift so that in Ireland, historic gender inequalities and the social attitudes and behaviours underpinning them would no longer be tolerated. While it adopts a whole of government approach, involving different Departments, Agencies and bodies to lead, co-design & support, the Department of Justice has ultimate responsibility to oversee the implementation of the strategy and its accompanying action plan.<sup>2</sup>

The strategy outlines a series of actions and goals to be achieved over 5 years, and intersectionality (an acknowledgement of the interconnected and interdependent systems of disadvantage experienced by individuals as a result of their gender, social class or ethnicity, for example), a victim-centred stance and a strategy of co-design, are at its heart. The centrality of these approaches recognises the importance and added value gained by the involvement and expertise built up over years both by civil society organisations and victim/survivors in best addressing the issues of gendered violence.

While there have been significant positive developments and progress in the implementation of the Strategy across the 4 pillars, which are addressed in depth throughout this report (including awareness campaigns, new domestic violence refuge spaces, a significant number of new legislations and policies, amongst others), it is clear that across all realms of DSGBV considerable challenges remain to be addressed in terms of vindicating the rights of women and girls to live free from DSGBV (including barriers to the effective teaching of the SPHE curriculum, accessibility of supports for socially excluded groups, survivors' experiences not being sufficiently addressed in the Family Courts, and the lack of robust and systematic data collection and monitoring systems, amongst others).

With support from Community Foundation Ireland, the National Observatory on Violence against Women and Girls have produced Ireland's first monitoring report on the implementation of the first year of the Third National Strategy (June 2022-June 2023). The purpose of this report is to examine and record the Government's successes and to note the remaining challenges in actioning the commitments outlined in the Strategy and the Implementation Plan. The report does not aim to comment on all the objectives and actions in the Strategy and implementation Plan, as it would be beyond the Observatory's capacity but instead focuses on identified priorities. The process undertaken to identify these priorities took place in May 2023, with an Observatory meeting, where the members selected key objectives in the Strategy to be monitored, taking also into account what was possible to track according to available data and research in 2022/2023. This report tracks, where possible, the Government's performance, informed by the limited data available from Government reports, Government updates and meetings on the progress of the Strategy, reports from service providers in Ireland, both Observatory and non-Observatory members

<sup>1</sup> Department of Justice (2022) *Zero Tolerance Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/228480/67b6e3af-a0d2-4d70-889f-0b1e2001995b.pdf#page=null> (Accessed: 2 August 2023).

<sup>2</sup> Department of Justice (2022a) *Third National Strategy on Domestic, Sexual & Gender-Based Violence Implementation Plan*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/228481/69e48889-49ea-49d6-8143-982f6cc28bac.pdf#page=null> (Accessed: 2 August 2023).

<sup>3</sup> The selected Objectives to monitor were: Prevention Pillar: 1.1, 1.3, 1.4 and 1.5. Protection Pillar: 2.1, 2.2, 2.3 and 2.6. Prosecution Pillar: 3.1, 3.2, 3.4 and 3.5. Policy Coordination Pillar: 4.1, 4.3, 4.5 and 4.7.



and the review of relevant literature. It is important to highlight the challenges encountered in monitoring the implementation of the Strategy, due to the lack of performance indicators and, lack of robust and systematic data collection and monitoring systems overall. These limitations and the urgent need for action to address these issues are explored throughout the report.

## **National Observatory on Violence Against Women**

The National Observatory on Violence Against Women was established in 2002 and is chaired by the National Women's Council. The Observatory is an independent network of grassroots and national organisations that come together quarterly to monitor progress on violence against women in Ireland. It provides a vital space for organisations to work for improved policies, service provision and advocacy in support of women victims –survivors of male violence, with a diversity of voices. It raises awareness of the phenomenon of male violence against women, monitors government commitments at national and international levels, and provides relevant data. The Observatory links into the European Women's Lobby (EWL) and European Observatory on Violence against Women.

The organisations in the Observatory include Action Aid Ireland, AkiDwA, AMAL Women's Association, Amber Women's Refuge, Aoibhneas, Ascend-North Tipperary Development Company, Cairde, Cope Galway Domestic Services, Domestic Violence Response Galway, Dublin Rape Crisis Centre, Galway Rape Crisis Centre, Haven Horizons, Immigrant Council of Ireland, Irish Consortium on Gender Based Violence, Longford Women's Link, Love & Care for People, NWC, Pavee Point Traveller and Roma Centre, Ruhama, Sexual Exploitation Research Programme (SERP), Sexual Violence Centre Cork, SAOL project, Sonas Domestic Violence Charity, Spunout, Survivors Informing Services and Institutions (SISI), Women's Aid, Women's Collective Ireland, Young Women's Christian Association of Ireland (YWCA).

# The Pillars



**Prevention**



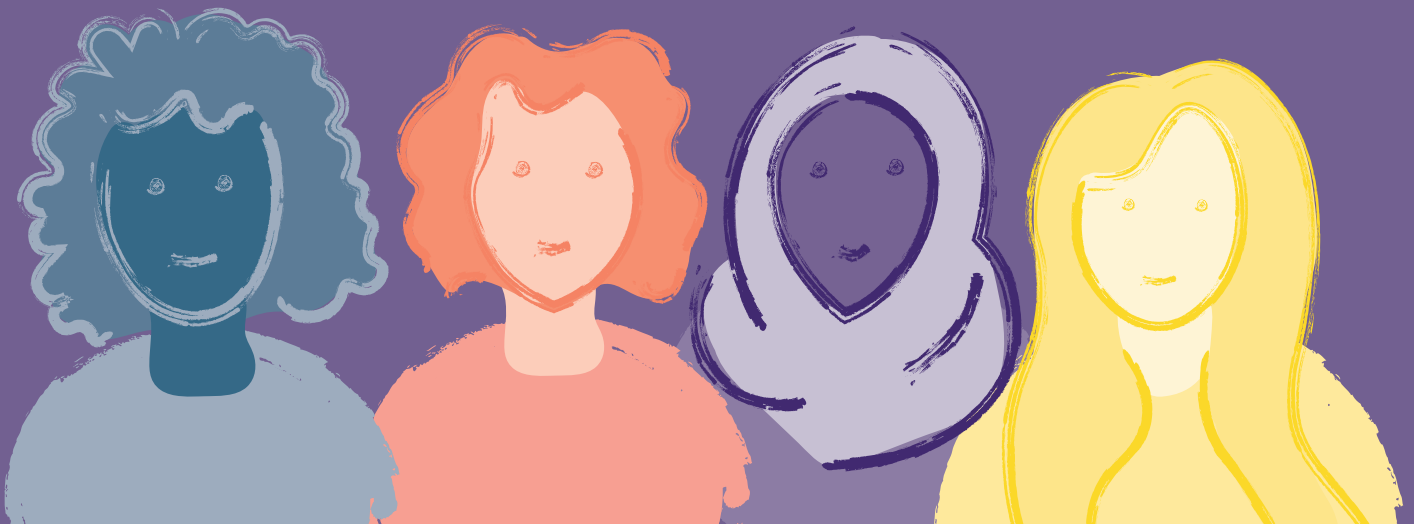
**Protection**



**Prosecution**



**Policy Co-ordination**



# Prevention



The overall goal of this pillar is the eradication of the social and cultural norms that underpin and contribute to gender-based violence. This part of the convention is about working at a deep level to address the root causes of gender inequality that are both a cause and consequence of DSGBV.

## Awareness Raising

**Objective 1.1 Enhance the understanding of the general public of all forms of DSGBV while making clear the pathways to safety and sanctions <sup>4</sup>**

### Progress in the implementation of the Strategy:

Action 1.1.1 focuses on raising awareness of DSGBV in all its forms and across all groups in society, with a specific focus on encouraging everyone to recognise the role we all have in creating a zero tolerance approach to DSGBV. This objective is also concerned with creating material specifically designed to reach migrant and Traveller communities. The *No Excuses* campaign highlighting sexual harassment and sexual violence was instituted under the Second National Strategy on DSGBV (2016-2021) and was intended to reach a national audience featuring TV, cinema, radio, outdoor, social and digital advertising. Some of these assets were rebranded as the 'Zero Tolerance' media campaign by the Department of Justice for use in the implementation of the current strategy and were made available in November 2022. The campaign encourages bystanders to recognise unacceptable behaviour and not to 'laugh it off' and men and boys are clearly targeted here which was a key task in the implementation plan. While the *Zero Tolerance* campaign is strong and seems to have the potential for a high impact in that it deals with sexual harassment in a number of scenarios including the issue of intimate image abuse, it does not include the experience and specific barriers encountered by marginalised groups, nor any elements aimed specifically at Travellers/Roma<sup>5</sup>, disabled people, or migrants. These were groups of individuals that were named specifically in the implementation plan and strategy under the measures to be adopted in Article 13.

With regards Action 1.1.2, the Department of Justice *Still Here* social media campaign run in conjunction with various front-line domestic and sexual violence service is still running. The campaign was launched to tackle domestic violence in the context of COVID-19 and its associated website is also still available giving valuable information on the services available by county. Currently, this campaign, as well as the national campaign on consent (Action 1.1.5) are in the final stages of being designed, in conjunction with the established Advisory Group (including civil society organisations). It is welcome that Dublin Rape Crisis Centre (DRCC) Real Consent<sup>6</sup> research on sexual behaviour and sexual consent understandings and attitudes was a key input for the development of this campaign. It is important to note that these campaigns are being developed by an independent advertising company supported

<sup>4</sup> Department of Justice (2022a) *Third National Strategy on Domestic, Sexual & Gender-Based Violence Implementation Plan*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/228481/69e48889-49ea-49d6-8143-982f6cc28bac.pdf#page=nul> (Accessed: 2 August 2023).

<sup>5</sup> For example, Traveller and Roma women face literacy and language barriers, some are unable to access the advertisement due to living on the side of the road/rural areas, they have no access to broadband or technology (particularly for an older generation who would not use smart phones).

<sup>6</sup> Hand, K. (2021) 'Healthy Sexual Relationships & The Role of Consent', DRCC. Available at: [https://www.drcc.ie/assets/files/pdf/healthy\\_sexual\\_encounters\\_the\\_role\\_of\\_consent\\_-\\_debrief\\_to\\_drcc\\_-\\_final\\_-\\_october\\_2021.pdf](https://www.drcc.ie/assets/files/pdf/healthy_sexual_encounters_the_role_of_consent_-_debrief_to_drcc_-_final_-_october_2021.pdf) (Accessed: 21 August 2023).

by the DSGBV Advisory group. While the Victims Forum (comprising organisations working with marginalised and socially excluded communities) consultation is very important, it would be key to involve these organisations in the co-designing process to allow for a meaningful engagement in these campaigns.

No updates have been provided with regards to Action 1.1.4 (awareness raising on the harms of pornography and of how the sex trade and pornography fuel misogyny and violence against women

and undermine gender equality), nor on Action 1.1.3 (raising awareness on the harms of prostitution). This is mainly due to the unfortunate time lag between the call for submissions, and the publishing of the review of Part 4 of the Criminal Law (Sexual Offences) Act 2017, further explored in the following Pillars. The National Observatory members have indicated their concern to the Department of Justice (DOJ) at the delay in publication of the review not only in terms of its implications for the implementation of the Third National strategy but in relation also to the broader issue of addressing the needs of women in prostitution.

Action 1.1.7 focuses on raising awareness of the harm caused by intimate image abuse. Phase 2<sup>7</sup> of the *Serious Consequences* advertising campaign was launched in May 2023 showing that threatening to share intimate images, or the actual sharing of intimate images non-consensually is a crime. It's unclear how long this campaign will run for or if there are plans to develop new materials in relation to these issues so that the messages can be sustained and reach the wide audience intended in the implementation plan. This campaign did not overtly target any of the marginalised groups mentioned in the action, though it is to be commended that there is an Irish language version of the 'Serious Consequences' campaign. The campaign ran across TV, cinema, radio, digital outdoor, digital and social media and the website of the advertising agency responsible for the production notes that further advertising activity was planned for September 2023. Phase 2 does not mention the Hotline, ie national reporting service for illegal online content takedown service as was required in the implementation plan.

Alongside the main *Serious Consequences* assets for TV, radio and cinema focussing on the fallout for a perpetrator from threatening to share intimate images, there is a separate asset which is victim-based. It shows a *WhatsApp* conversation between a man threatening to share intimate images and his former partner who repeatedly asks him not to before - empowered by her knowledge of the law - she makes him aware that even threatening to publish the images is an offence. This campaign appears to be strong and impactful but there are only Irish and English language versions available as well as versions with subtitles.

With regards Action 1.1.9, in March 2023 the DRCC launched the *We Consent* website and project, jointly funded by the Department of Justice and Community Foundation Ireland. This is a three-year initiative designed to ignite a national conversation on consent. It is a relatively long-term project with the singular objective of shifting national attitudes about consent. It sets itself the task of informing, educating and engaging with all cohorts of society on the issue. Dublin Rape Crisis Centre (DRCC) has also launched *We-Speak* as part of the *We Consent* project, the first-ever anonymous online platform in Ireland, that aims to empower survivors of sexual violence to safely tell their own stories, in their own time, in their own words. The platform seeks to amplify the voice of survivors, offering a space for them to reclaim their narrative and share valuable advice and encouragement with others.

<sup>7</sup> Phase 1 of this campaign began in September 2021, following the commencement of Coco's Law (the Harassment, Harmful Communications and Related Offences Act 2020), the Department of Justice launched the first phase of a campaign to raise awareness of intimate image abuse and to better inform people of the strong legislation in place to combat it. The first phase focused on the sharing of intimate images without consent and highlighted that this is a criminal offence regardless of the motivation for doing so. It also provided information for victims about reporting it to An Garda Síochána for investigation and/or to Hotline.ie to have the image(s) taken down from the internet.

## Remaining Challenges

The increased level of public awareness and education initiatives on consent is heartening and should be acknowledged as a positive step in the right direction, but there is a considerable road to travel. The overall prevalence of sexual violence in Ireland remains disturbingly high. The CSO *Sexual Violence Survey* results published this year show that a shocking 65% of women aged 18-24 years reported experiencing sexual violence in their lifetime.<sup>8</sup> Research from the Dublin Rape Crisis Centre showed that an overwhelming majority of 70% see a problem with sexual consent in Ireland.<sup>9</sup> This research also underlined the negative influence of pornography in that it creates unrealistic expectations that add to the pressure to go further in sexual encounters than some are comfortable with.<sup>10</sup> Moreover, research from Women's Aid has shown that exposure to pornography normalises disrespectful sexualised behaviour and promotes misogynistic, and often coercive and abusive, sexual expectations – particularly of girls and young women.<sup>11</sup>

The first issue to be noted in relation to the actions identified in the implementation plan is that many specify that campaigns should be supported by and co-designed with the new statutory DSGBV agency and other community-based support organisations. While the State's commitment to creating a statutory DSGBV agency is laudable, this new agency is set to come into existence nearly a year and half after the launch of the Strategy. This had the effect of delaying many actions in the strategy.

Moreover, the campaigns discussed aim to build awareness on key sexual violence issues such as sexual harassment, intimate image abuse and consent which is very positive. However, the state needs to do more to target specific marginalised communities, as well as on other forms of violence such as FGM and forced marriages. Tackling the violence and abuse experienced by children must also be a key focus of Government (either as direct victims of abuse or as victims of domestic violence in that they suffer harm through being in an environment where this abuse is perpetrated). The State has an obligation to ensure that campaigns cover all forms of violence against women mentioned in the Istanbul Convention and that specific information is provided to cater to minority and structurally vulnerable women. 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.

This, along with all other awareness-raising campaigns will only achieve a real impact with sustained activities and a refreshing of the message. The issue with this is the near impossibility of measuring their effectiveness, we have no baseline against which we can measure attitudinal shift on these issues and until such disaggregated information is collected, we will continue to estimate the impact and effectiveness of initiatives that seek to inform and change perspectives and understanding of DSGBV. Effective monitoring and tracking public awareness and attitudinal change will require systematic and periodic National Population attitudes Surveys.

8 Overall Prevalence of Sexual Violence Ireland (2023) Central Statistics Office Ireland. Available at: <https://www.cso.ie/en/releasesandpublications/ep/p-svsmr/sexualviolencesurvey2022mainresults/overallprevalence/> (Accessed: 24 August 2023).

9 Dublin Rape Crisis Centre (2021) *Ireland Consent Research 2021 Sexual behaviour and sexual consent Understandings and attitudes*, Dublin Rape Crisis Centre. Available at: [https://www.drcc.ie/assets/files/pdf/consent2021\\_presentation\\_20\\_oct\\_2021.pdf](https://www.drcc.ie/assets/files/pdf/consent2021_presentation_20_oct_2021.pdf) (Accessed: 24 August 2023).

10 DRCC (2021) *ibid*

11 Women's Aid (2022) *It's time to talk about porn Irish attitudes on the links between pornography, sexual development, gender inequality and violence against women and girls*. Women's Aid. Available at: [https://www.womensaid.ie/app/uploads/2023/05/its\\_time\\_to\\_talk\\_about\\_porn\\_report\\_womens\\_aid\\_november\\_2022.pdf](https://www.womensaid.ie/app/uploads/2023/05/its_time_to_talk_about_porn_report_womens_aid_november_2022.pdf) (Accessed: 24 August 2023).

Civil society continues to be at the forefront of leading and delivering extremely successful campaigns against DSGBV despite their limited resources.<sup>12</sup> Given the central importance of these campaigns it is crucial that the State effectively supports and funds them. The Observatory has noted the huge importance of nationally coordinated awareness campaigns, but also points to the necessity that the State allocate funds for organisations to run local, community level awareness-raising initiatives.

## Education

**Objective 1.3 ‘Enhance the understanding of the general public of all forms of DSGBV, and educate society to recognise the harm and prevent human rights abuse that is DSGBV while making clear pathways to safety and sanctions’<sup>13</sup>**

### Progress in the implementation of the Strategy:

A lot of valuable work has now been completed in the area of primary and secondary education with regard to reforming and updating how SPHE is taught, Action 1.3.3. The National Council for Curriculum and Assessment (NCCA) has finalised an updated SPHE curriculum which was rolled out for junior cycle students from September 2023. The new course provides 100 hours of learning (an increase from 70 hours) over the three years of the cycle. The new curriculum will address issues such as consent, the effects of pornography and the concept of gender identity. It also covers bias, inequality, exclusion, development of emotional resilience. ‘In relation to relationships, it includes topics like healthy, unhealthy and abusive relationships, human sexuality and consent, the importance of safer sexual activity including contraception. There is also a new focus on supporting young people to appreciate sexual orientation, gender identity and gender expression.’<sup>14</sup>

The work on the Senior Cycle draft SPHE curriculum<sup>15</sup> has begun and the public consultation ran until November 2023. This new specification will be taught to those students starting senior cycle in September 2024. The NCCA has also announced that the new SPHE specification would be developed on the basis of it becoming mandatory and the same curriculum being accessed by all students in the final two years of the senior cycle.<sup>16</sup> The draft specification currently available for consultation is designed for 60 hours of classroom learning. Crucially, it supports teachers in adopting an approach that is inclusive in accordance with principles of equality and human rights. It includes learning outcomes on recognising abusive relationships including coercive control, explaining the root causes and consequences of gender-based violence, with a particular focus on violence against women and girls, and outlining the supports available. It also investigates the influence of pornography on attitudes, behaviours and relationship expectations and discusses image-based abuse, sexual harassment, sexual assault and rape and what to do if these issues are experienced by the student or someone they know. It also involves an examination of how harmful attitudes around gender are perpetuated in the media, online and in society and discusses strategies for challenging these attitudes and narratives.

12 Irish Observatory on Violence against Women (2022) *National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIO.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIO.pdf) (Accessed: 22 August 2023).

13 Department of Justice (2022a) *Third National Strategy on Domestic, Sexual & Gender-Based Violence Implementation Plan*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/228481/69e48889-49ea-49d6-8143-982f6cc28bac.pdf#page=null> (Accessed: 2 August 2023).

14 Ward, T. (2022) ‘New sex education curriculum reflects reality’, *The Irish Times*, 23 July. Available at: <https://www.irishtimes.com/opinion/2022/07/23/new-sex-education-curriculum-refects-reality/> (Accessed: 21 August 2023).

15 National Council for Curriculum and Assessment (2023a) *Draft Senior Cycle Social, Personal and Health Education (SPHE) Specification For consultation*. NCCA. Available at: <https://ncca.ie/media/6269/draft-sc-sphe-for-consultation.pdf> (Accessed: 22 August 2023).

16 National Council for Curriculum and Assessment (2023) *Information note: Draft Senior Cycle SPHE Curriculum*. Available at: <https://ncca.ie/media/6275/information-note-re-senior-cycle-sphe.pdf> (Accessed: 21 August 2023).



This is a really positive step which should greatly reduce the huge disparity between schools in how they approach the teaching of this material both in terms of the number of hours instruction allowed for at their individual school, and the subject matter on which they offer instruction. It should support equity of access across schools and student groups to the important topics outlined in the Third National Strategy and included in the new specification.

The primary curriculum framework was published in March 2023 and the NCCA will now begin work on the area of wellbeing for primary schools which includes RSE and SPHE which will be ready to be rolled out in 2025.

Action 1.3.2. A programme of continuing professional development was commenced in Spring 2023 which entails a 2-day seminar to equip teachers to engage with the content of the updated SPHE specification.

Action 1.3.3 Since mid-2022 teachers in post-primary schools and Youth reach centres in ETBs have taken part in training to deliver the in-person Active\*Consent workshop<sup>17</sup> for adolescents. During the next cycle of the programme from 2023-2027, Active\*Consent will expand its training to the private and public sector, and continue to work with schools, colleges, sports and community organisations throughout Ireland. This programme also reaches young people outside the tertiary sector. This is commendable particularly in the case of Youth reach centres, in that young people, particularly young males who leave the mainstream formal education sector can be very hard to reach so it's immensely valuable to see this training being activated among this cohort. There is also a social media campaign called 'Consent is for Everyone' aimed specifically at 17-25 year olds illustrating realistic scenarios and how consent is established within these situations. A particularly praiseworthy aspect of the Active\*Consent programme is that it collaborates with Rugby Players Ireland, the collective voice of professional rugby players. As part of the Player Development Programme, Active\*Consent provides education and awareness-raising workshops and resources to players, with the aim of encouraging open conversations on healthy relationships and personal responsibility. This is a good starting point in the leisure/sports sector in terms of having discussions about consent and pleasurable, respectful sexual relationships.

The Bystander Intervention at UCC has launched a modified version of its programme to deliver to second level students. The design and delivery of this age- appropriate programme was funded by the Department of Children, Equality Disability, Integration and Youth. The bystander intervention aims to cultivate zero tolerance of all forms of unacceptable behaviour and empower students to actively contribute to a safe, supportive environment.

There were no available updates for Actions 1.3.5 and 1.3.6 focusing on the whole of school approach to create a school environment free from gender-based violence; and to support schools to enhance protective factors through a positive school culture and environment.

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<sup>17</sup> In June 2023 the Minister for Further and Higher Education Simon Harris launched a 5 year extension to this initial programme. The basic objective of this programme is to grow awareness of the concept of active consent. It builds on the first cycle of the Active\*Consent programme at the University of Galway, which has made substantial progress in raising awareness and deepening our understanding of consent in Higher and Further Education Institutions across the country. The Active\* Consent initiative is jointly supported by the Department of Further and Higher Education, Research, Innovation & Science and the Department of Justice.



## Remaining Challenges

The framing of the new SPHE curriculum is laudable, with the report on the review of the draft specification commenting ‘that the inclusivity of the proposed course was particularly welcome with many noting that the course was sensitive to, and respectful of, the diversity of student experiences, backgrounds and identities’.<sup>18</sup> However, it is of the utmost importance that minoritised groups are consistently considered in each of the SPHE Strands. As IHREC point out ‘the SPHE curriculum notes the need for an inclusive approach but specific detail on how the curriculum will be adapted to cater to students with diverse gender and sexual identities, ethnic minority students, or disabled students across all impairment groups is lacking’.<sup>19</sup>

SPHE at junior cycle is mandatory, in that schools are obliged to teach it; however, parents have the right to remove their children from classes that conflict with their views. This is also the case at senior cycle, parents have a right to request that their child opt out of any learning that contravenes their conscience, including SPHE. Once a student turns 18, they have a right to decide for themselves if they wish to participate in learning. The Council of Europe Commissioner for Human Rights has noted that across Europe ‘despite overwhelming evidence that comprehensive sexuality education benefits children and society as a whole, we currently face renewed opposition to the provision of mandatory sexuality education in schools. Such resistance is often an illustration of a broader opposition to the full realisation of the human rights of specific groups, in particular women, lesbian, gay, bisexual, transgender and intersex (LGBTQI+) persons and, to some extent, children themselves, on grounds that it would threaten traditional and religious values.’<sup>20</sup> In relation to the rights of parents to opt-out on behalf of their children from mandatory sexuality education the Commissioner noted that international human rights standards on the right to freedom of religion or belief do not allow for such entitlements where relevant information is conveyed in an objective and impartial manner.<sup>21</sup>

In order for the curricula to be effectively delivered, it is crucial that it is rolled out in a manner that is objective, and free from religious influence so that it can meet the needs of all students and work to prevent gender-based violence. Over half of secondary schools in Ireland operate with a religious ethos. The UN Human Rights Committee has raised concerns about teachers’ legal obligation to uphold the ethos of the school and has recommended amending the law to end this practice<sup>22</sup>. In 2019, The Joint Committee on Education and Skills Report on Relationships and Sexuality Education recommended that the Education Act 1998 be reviewed so that ethos can no longer be used as a barrier to the effective teaching of the RSE and SPHE curriculum<sup>23</sup>. We strongly support this call. Moreover, teachers must receive ongoing training to ensure they feel confident and competent in delivering this new, evidence-based curriculum. Comprehensive teacher training in SPHE and RSE needs to be provided from the beginning and expanded on an ongoing basis. Confident, competent teachers create engaging, supportive spaces, allowing students to feel comfortable discussing difficult topics such as sexual violence or mental health. We also

18 National Council for Curriculum and Assessment (2023c) *Report on the consultation on the draft Junior Cycle SPHE curriculum*. NCCA. Available at: <https://ncca.ie/media/5914/report-on-the-consultation-on-the-draft-junior-cycle-sphe-curriculum.pdf> (Accessed: 22 August 2023).

19 Irish Human Rights Equality Commission (2022) *Public consultation on IHREC submission to Draft Junior Cycle SPHE Short Course Curriculum Specification*. IHREC. Available at: <https://www.ihrec.ie/app/uploads/2022/12/SPHE-Curriculum-Consultation-IHREC-response.pdf> (Accessed: 22 August 2023).

20 *Comprehensive Sexuality Education Protects Children And Helps Build A Safer, Inclusive Society - Commissioner For Human Rights - Ww.coe.int (2020) Commissioner For Human Rights*. Council of Europe. Available at: <https://www.coe.int/en/web/commissioner/-/comprehensive-sexuality-education-protects-children-and-helps-build-a-safer-inclusive-society> (Accessed: 22 August 2023).

21 *ibid*

22 UN Human Rights Committee (2022) *Concluding observations on the fifth periodic report of Ireland*.

23 Houses of the Oireachtas (2019) *Joint Committee on Education and Skills Report on Relationships and Sexuality Education*. Available at: [2019-01-29\\_report-on-relationships-and-sexuality-education\\_en.pdf](https://www.oireachtas.ie/publications/2019-01-29_report-on-relationships-and-sexuality-education_en.pdf) (Review) - Adobe cloud storage (Accessed: 26 October 2023).

encourage a whole school approach; this means that information should be integrated into all relevant subjects and school activities. In addition, research from the University of Galway recommended that SPHE become a leaving certificate subject with a specific module on consensual behaviour, as recommended by a 2022 Joint Committee report on leaving certificate reform<sup>24</sup>. We recommend that SPHE becomes a mandatory leaving cert subject and that an accredited SPHE training for teachers is introduced.

The Department of Justice report that Tusla have partnered with Pavee Point around the delivery of this programme to Traveller youth. This is a very valuable step forward in that this demographic experience very high levels of bullying and harassment in the education system and early school-leaving is far higher among Traveller adolescents (70%) than the general population (5%).<sup>25</sup> Therefore if the formal education sector is relied on for awareness raising and education on combatting DSGBV, this grouping will be missed. It is also important to highlight that Traveller young people and parents need to be engaged in the conversation regarding SPHE. While education on consent is absolutely crucial in combatting DSGBV, really tackling the problem will involve educating young people on the structural nature of hierarchical gendered relations in society and taking a broader view of the causes and consequences of domestic/sexual violence. Greater efforts need to be made to broaden access to the issues discussed in the senior cycle new draft SPHE specification to those outside of the formal education sector so that early school leavers and others can access the sexuality education they have a right to.

## Making Digital and Media Spaces Safer

**Objective 1.5 Make digital and media spaces safer as well as creating awareness of the harm caused by online abuse, pornography and of prostitution and commercial sexual exploitation (meeting the requirements of Article 17 of the Istanbul Convention)**

### Progress in the implementation of the Strategy:

Action 1.5.1. The Online Safety and Media Regulations Act 2022 was enacted in December 2022 and is designed to regulate online content and offer some form of access to justice/redress for victims. It gives the power to make binding online safety codes to hold designated online services to account for how they tackle some of the most serious forms of harmful online content.<sup>26</sup>

This Act also provides for the establishment of Coimisiún na Meán (The Media Commission) which is now partially staffed and in development. Crucially, an Online Safety Commissioner has been appointed who has been charged with policing how websites, including social media platforms, deal with harmful content and will be able to order its removal. The commission is currently holding a public consultation which is seeking views from the public and other interested parties to inform the development of Ireland's first binding Online Safety Code. The initial stages of the Online Safety Code will focus on video-sharing platform service providers and make sure they take measures to address online harms more effectively. The first year of the Commission's work will be about establishing a framework so that the following year will focus on enforcement and the establishment of complaints system.

<sup>24</sup> *The Journal* (2023) 'Sexual consent researchers to urge TDs to introduce consent classes in Irish secondary schools', 7 November. Available at: <https://www.thejournal.ie/sexual-consent-education-tds-6216167-Nov2023/> (Accessed: 14 November 2023)

<sup>25</sup> Fundamental Rights Agency. (2020, September). *Roma and Travellers in six countries*. European Union. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-roma-travellers-six-countries\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf)

<sup>26</sup> *Irish Legal News* (2022) 'Online safety bill signed into law', 12 December. Available at: <https://www.irishlegal.com/articles/online-safety-bill-signed-into-law> (Accessed: 23 August 2023).

## Remaining Challenges

Progress on this objective is welcomed with the enactment of the Online Safety and Media Regulations Act and the appointment of the Online Safety Commissioner. However, there is still a long way to go to ensure real online safety for women and children.

Recent studies examining the impact of social media on women and girls have covered issues of gender-based and sexual abuse and harassment online, including various forms of image-based sexual abuse (such as sending unsolicited nudes, non-consensual image sharing, and sextortion), sexism and gender stereotypes in the content and algorithms of online advertising, technologically-facilitated coercive control, targeted hate campaigns against female politicians, journalists and other professionals, algorithmic bias and radicalisation, and the rise of male supremacism and pornography.<sup>27</sup> This pervasive and all-encompassing deluge of gender inequality in the virtual world has real impact on democracy and participation by women in civic life. Wheatley's (2023) research, in conjunction with the NWC, on journalists in Ireland found that many face targeted hostility, with women often subjected to particularly challenging content.<sup>28</sup>

In May 2023 the UK Children's Commissioner published a report detailing evidence of pornography's influence on harmful sexual behaviour among children<sup>29</sup>. The results of the research showed that in 50% of the cases, the transcripts contained references to acts of sexual violence commonly portrayed in porn. In Ireland, Rape Crisis Network Ireland (RCNI) report that the number of children under the age of 18 alleged to have abused other children the same age or younger increased by 18% in 2022.<sup>30</sup> The Sexual Assault Treatment Units (SATU) annual report for 2022 shows that 20.1% of victims attending their centres were 18 years or below.<sup>31</sup> Concerningly, RCNI are also reporting that the level of physical violence accompanying sexual violence has seriously escalated.

Moreover, various social media platforms have individual and specific technical functions which create opportunities for users to engage in image based sexual harassment and abuse, and this harassment overwhelmingly impacts girls.<sup>32</sup> Ringrose et al (2022) show that in particular Snapchat enables image-based sexual harassment and abuse through its quick adds, shout outs, streaks, score points and lack of identity verification measures. Instagram facilitates unwanted sexual content through its direct message and group chat features. This is increasingly a source of stress and worry for girls and young women and potential criminal charges against those who share their images without consent.

In the development of Ireland's first binding Online Safety Code the above issues must be addressed urgently, especially in relation to access to pornography by children and young people, and the non-consensual sharing of intimate images/videos and the comments posted about them. Moreover, to combat online abuse, the Commissioner should be able

27 Park, K. et al. (2023) *The impact of the use of social media on women and girls*. European Parliament Policy Department for Citizens' Rights and Constitutional Affairs. Available at: [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743341/IPOL\\_STU\(2023\)743341\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/743341/IPOL_STU(2023)743341_EN.pdf) (Accessed: 14 August 2023).

28 Wheatley, D. (2023) *Social media and online hostility: Experiences of women in Irish journalism*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/Social\\_media\\_and\\_online\\_hostility\\_Experiences\\_of\\_women\\_in\\_Irish\\_journalism.pdf](https://www.nwci.ie/images/uploads/Social_media_and_online_hostility_Experiences_of_women_in_Irish_journalism.pdf) (Accessed: 24 August 2023).

29 Children's Commissioner (2023) *Evidence on pornography's influence on harmful sexual behaviour among children*. Gov.UK. Available at: <https://assets.childrenscommissioner.gov.uk/wpuploads/2023/05/Evidence-on-pornographys-influence-on-harmful-sexual-behaviour-among-children.pdf> (Accessed: 23 August 2023).

30 Edwards, R. (2022) 'Concern at rise in number of children alleged to have sexually abused the young', *The Independent*, 16 October. Available at: <https://www.independent.ie/irish-news/concern-at-rise-in-number-of-children-alleged-to-have-sexually-abused-the-young/42069817.html> (Accessed: 23 August 2023).

31 National Women and Infants Health Programme (2023) *SATU ANNUAL REPORT 2022*. HSE. Available at: <https://www.hse.ie/eng/services/list/5/sexhealth/sexual-assault-treatment-units-resources-for-healthcare-professionals/satu-2022-annual-report.pdf> (Accessed: 23 August 2023).

32 Ringrose, J., Regehr, K. and Milne, B. (2022) *Understanding and Combatting Youth Experiences of Image-Based Sexual Harassment and Abuse*. UCL Collaborative Social Science Domain. Available at: <https://discovery.ucl.ac.uk/id/eprint/10139669/> (Accessed: 23 August 2023).

to respond to individual complaints of image-based abuse and other harmful content and facilitating their removal to effectively deal with pornography and children's access to it, as well as the technical functions to address social media platforms facilitating image based sexual abuse. While hotline.ie has been very successful in getting content removed in the majority of cases, they only have "soft power" to do so and lack the ability to issue binding take down orders; and they are limited to residents of Ireland and public websites/platforms<sup>33</sup>.

Finally, commercial sexual exploitation of women and girls continues to be facilitated and mediated by the online world and tech companies that host and publish advertisements and websites regarding sexual 'services'. The recent IHREC (2023) report highlighted how traffickers are using technology and the internet to recruit victims, advertise services, communicate with clients and coordinate their operations. The report demonstrates how 'ICT has facilitated the expansion of the indoor commercial sex trade.'<sup>34</sup> The report stresses how critical it is to 'recognise that prostitution advertising websites are not only complicit in trafficking but are also directly fuelling the demand which leads to more and more girls and young women being targeted, recruited, and coerced into the sex trade'<sup>35</sup>. This document includes a detailed evaluation of the State's implementation efforts, alongside recommendations and priority areas for the States' consideration, including dealing with making digital and media spaces safer, and to address technology facilitated pimping and trafficking.

## Training of Professionals

**Objective 1.4: Enable frontline professionals and support staff to have the necessary analysis skills and expertise to identify potential DSGBV risks and make appropriate preventative interventions and referrals.**

### Progress in the implementation of the Strategy:

Action 1.4.1. A state mapping exercise of training for law enforcement, prosecution, legal and judiciary professionals was completed in the Autumn of 2022, and all the relevant professional bodies are currently active in examining and reforming the provision of specialist DSGBV training. Previous to the mapping exercise it was acknowledged that existing workers in critical positions in these sectors had not received sufficient appropriate training to allow them take up their duties in a manner that would best support women in situations of DSGBV. There is now a Divisional Protective Services Unit in each Garda Division, meaning specialised teams are in place nationwide to engage with vulnerable victims in these cases. An Garda Síochána (AGS) have also introduced new mandatory domestic violence training, as well as training for using the 'Risk Evaluation Tool' to ensure all vulnerable victims receive the service and supports they need.

The Department of Justice have also funded some new training in the area of prostitution and commercial sexual exploitation, that was devised, designed and delivered by Ruhama. The module entitled 'Safety in Truth' is intended for frontline staff and has a focus on those who are still involved in the sex trade including women who may be trading sex for drugs or accommodation. Ruhama also continue to deliver the 'Know Sex-Trafficking' training course aimed at frontline workers which has been completely updated. Their training for the AGS is crucial as the Gardaí are tasked with implementing the law and carrying out the welfare checks, so it is vital that they fully understand the rationale behind the Equality Model as

<sup>33</sup> Women's Aid (2023) *Submission to Coimisiún na Meán's Call For Inputs: Developing Ireland's First Binding Online Safety Code for Video-Sharing Platform Services*. Available at: <https://www.womensaid.ie/app/uploads/2023/08/Submission-to-Coimisiun-na-Means-Call-For-Inputs-August-2023.pdf>

<sup>34</sup> Irish Human Rights and Equality Commission (2023) *Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*. IHREC. Available at: [https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023\\_FA\\_web-Final.pdf](https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023_FA_web-Final.pdf) (Accessed: 4 October 2023).

<sup>35</sup> Ibid

represented by the 2017 criminal law sexual offences legislation, and have an in-depth understanding of the complexities of the broader sex industry to be effective in policing this area.

Action 1.4.2 seeks to identify the gaps on training on trauma and DSGBV informed approaches for adult and child victims and survivors for medical and other front-line professionals. After the mapping exercise was completed, bilateral engagements with agencies have taken place and will continue. The development of a training plan for gaps identified is delayed and it will be developed when details of training currently being delivered has been examined fully. Further analysis on the implementation of training for frontline services is explored in Objective 3.1.

Action 1.4.5 seeks to ensure that the Department of Education's Action Plan on Bullying and Anti-Bullying Procedures for Primary and Post Primary Schools considers the specific issues of gender identity, bullying, sexual harassment and violence, sex and gender stereotyping and sexual orientation. A report on the focus groups with children and young people was published by the Department of Education in conjunction with the launch of Cineáltas Action Plan on Bullying in December 2022. This report was in response to the consultation process with school staff focus groups. The information contained within this report was considered in the development of the actions contained within Cineáltas. The review on this report will be published in Q2 2023. The anti-bullying procedures for schools are currently being updated to take account of developments and relevant research and will specifically consider areas such as cyber bullying, gender identity bullying and sexual harassment.

### Remaining challenges

The report on the DSGBV Agency co-design process in 2023<sup>36</sup> notes that participants made a number of comments about training and capacity building needs. These included the need for training and upskilling for frontline services, the need for judges to receive training, people surrounding the victim/survivor need to know about the services, not just family but friends as well as hospitals and caregivers. They also commented that it was hugely important that all staff in DV/SV services receive anti-racism and anti-discrimination training.

It is critical in the implementation of training-related actions that there is a commitment to involve specialist support services working with structurally vulnerable women. However, there were no specific updates with regards Action 1.4.4 in the information provided by the Department of Justice. This Action focuses on the resource and co-design work with the specialist services, with a focus on how DSGBV affects both children and young people and different groups (e.g., Travellers, migrants, Roma, disabled people victims of human trafficking, members of the LGBTQI+ community, etc.). Structurally vulnerable groups for example disabled women have communicated strongly that professionals need awareness training in relation to additional challenges these women face, while also addressing the substantive presenting issue of gendered violence against the disabled person.<sup>37</sup> These challenges include communication difficulties between deaf or visually impaired women in particular with the AGS, some women have had the experience of being ignored by members of the force and all conversations directed at family members/assistants or carers instead. The disability working group also highlighted the duality of care being weaponised, where the carer/supporter can also be the abuser, which, it was felt, is seldom understood. There have also been issues about the availability of sign language interpreters, and confusion about who is responsible for ensuring they are available, whether it is the

<sup>36</sup> McInerney, C. (2023) *Report on DSGBV Agency Co-design Process*. University of Limerick. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/262642/cd015a3f-67e6-4a68-9284-b651d25518de.pdf#page=null> (Accessed: 14 September 2023).

<sup>37</sup> Disabled Women's Group (2020) *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence*. Disabled Women's Group. Available at: [https://www.nwci.ie/images/uploads/Disabled\\_Womens\\_Group\\_-\\_3rd\\_National\\_Strategy\\_DSGBV\\_Submission\\_JUNE\\_2020.pdf](https://www.nwci.ie/images/uploads/Disabled_Womens_Group_-_3rd_National_Strategy_DSGBV_Submission_JUNE_2020.pdf) (Accessed: 14 September 2023).



AGS or the victim/survivor herself. Moreover, 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. 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.<sup>38</sup>

In 2020 the O'Malley Report<sup>39</sup> recommended specialist training to relevant professionals (including law enforcement personnel and all those providing counselling, support and services) to counter rape myths and to become sensitised to the trauma experienced by all victims of sexual violence. Although these recommendations have begun to be acted on, progress has been slow. While these professional bodies are currently active in examining and reforming the provision of specialist DSGBV training, current, practicing professionals in these areas have historically not been adequately or systematically trained before taking up duties. Once in service, training is voluntary and limited in scope. Training may be further limited by failure to release professionals from duties to undertake training, or failure to support them in so doing. While some organisations have highlighted great progress in training provision to professionals and support staff, particularly in relation to that provided to AGS<sup>40</sup>, significant issues remain. Training must be ongoing and sustained with follow-up sessions through the implementation of specific criteria to monitor the regularity of training and the quality of its actioning across all relevant bodies and stakeholders, including the distinction between mandatory/optional, in-person/online and credited training. It must focus on the experiences of victim-survivors of DSGBV including the impact of trauma on accessing services and trauma-informed response, reporting and navigating the legal system, on tackling the myths and stereotypes around DSGBV, and the intersecting barriers faced by minority and minoritised women in accessing services. This is further explored in Objective 3.5.

As noted by The Study on Familicide & Domestic and Family Violence Death Reviews there is a need for greater education initiatives targeting professional service providers to ensure that victims are not failed when they first report coercive control<sup>41</sup>. The study also noted that the accredited interagency training 'Reflecting on and Responding to Domestic Abuse and Coercive Control' developed by Haven Horizons in partnership with the Technological University of the Shannon: Midlands Midwest was an example of good educational practice for frontline agencies<sup>42</sup>. The interagency training has been delivered to 120 frontline professionals, and from 2024, it will be delivered geographically, followed by the establishment of a local area network in the area which will facilitate ongoing collaboration between frontline agencies. This model should be rolled out nationally and these local area network structures could be used to formally feedback information to the new Agency.

38 Irish Observatory on Violence against Women (2022) *National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIO.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIO.pdf) (Accessed: 22 August 2023).

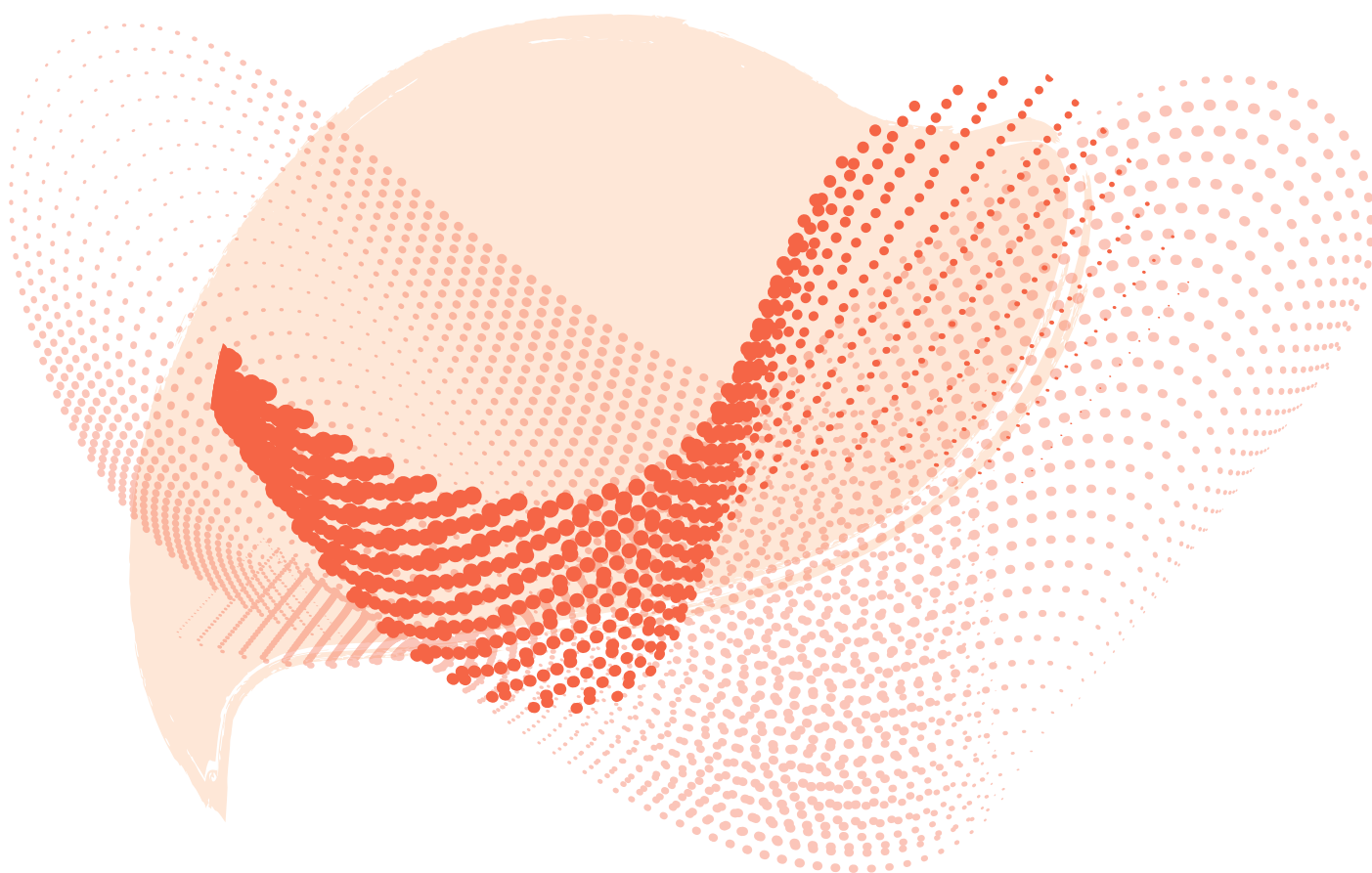
39 O'Malley, T. (2020) Supporting a Victim's Journey A plan to help victims and vulnerable witnesses in sexual violence cases. Department of Justice and Equality. Available at: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiO6NO47qqBAxWUQkEAWphCU4QFnoECBAQAw&url=https%3A%2F%2Fassets.gov.ie%2F94023%2Fbb7d391d-2198-4f94-a3bf-64fdd2538bf2.pdf&usq=AOvVaw12muLSWPezTut\\_JDVORNun&opi=89978449](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiO6NO47qqBAxWUQkEAWphCU4QFnoECBAQAw&url=https%3A%2F%2Fassets.gov.ie%2F94023%2Fbb7d391d-2198-4f94-a3bf-64fdd2538bf2.pdf&usq=AOvVaw12muLSWPezTut_JDVORNun&opi=89978449) (Accessed: 14 September 2023).

40 Both the Irish Human Rights and Equality Commission Shadow Report (2022 ) (Available at: <https://www.ihrec.ie/documents/ireland-and-the-council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence/>) and Safe Ireland's Shadow Report (2022) (Available at: <https://www.rcni.ie/wp-content/uploads/GREVIO-RCNI-SI-Shadow-Report-FINAL.pdf> ) to GREVIO include acknowledgements of progress in this area.

41 Butler, M. (2023) A Study on Familicide & Domestic and Family Violence Death Reviews. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/259211/8390d71a-7a42-4b49-b508-21316d6e2b35.pdf#page=null> (Accessed: 1 August 2023).

42 Ibid

*One Family* and other organisations working with children have advocated for training to be provided in 'how to hear the voice of the child in the context of their voice being limited by the complex nature of violence and control. In addition, training should include coercive control strategies of perpetrators targeting the community and authority figures of their victims.'<sup>43</sup>



<sup>43</sup> Children Living with Domestic and Sexual Violence group (2021) *Submission to the 3rd National Strategy on Domestic, Sexual and Gender- based violence, One Family*. Available at: <https://onefamily.ie/wp-content/uploads/2021/07/Joint-sub-to-National-Strategy-on-DSGBV-Final.pdf> (Accessed: 14 September 2023).



# Protection



The overall goal of this pillar is to ensure that victims/survivors (adults and children) have immediate and longer-term access to safety, support and advocacy that they need, with agencies held accountable for the protection of victims/survivors. When preventive measures fail and DSGBV occurs, it is vital that victim/survivors have the protection and support they need.

## Information

**Objective 2.1 Ensure that individuals who experience DSGBV can access adequate, extensive and accessible information on and offline**

### Progress in the implementation of the Strategy:

Action 2.1.2. In April 2023 the Department of Justice launched a major new social media campaign highlighting the rights and supports available for victims of crime including sexual crime in Ireland including two advertisements 'Diversity' and 'Translations' which were specifically developed for marginalised, minority and harder-to-reach communities. The objective of this campaign was to raise awareness of one of the primary online platforms for victims-survivors of DSGBV to access information on their rights and services available to them. This campaign contributes to fulfilling an action in the Third National Strategy to raise awareness of current legislation on victims' rights. 'Diversity' is focused on community inclusivity targeting marginalised groups including disabled people, the Traveller community, and older generations are represented. 'Translations' is focused on migrant communities<sup>44</sup>. Text from the Victims Charter is shown superimposed on faces, translated into various languages including Polish, Mandarin, French, Lithuanian, Arabic and Portuguese. Its purpose is to help victims find the support they need when they become a victim of crime. It also describes the Criminal Justice System so that victims/survivors can be prepared for what they will experience in the Court System.

The Department of Justice report that leaflets providing information on specific supports to victims of domestic and sexual violence, and posters have been printed in several languages. It's not clear how many have been made available or how and where they are being disseminated.

In March 2023, the Courts Service launched a new easy-to-read information page on its website<sup>45</sup>. Victims/survivors of domestic violence can now access Family Law information developed using plain language and displayed in an accessible and user-friendly way. This information in easy-to-read language, gives people the wording to discuss legal processes, applications and resolution options with legal practitioners and professionals, as well as staff in the Courts Service.

To prepare users before attending the Court, the new 360 Virtual Tours were also launched, and they allow people to experience the look and feel of the Courts in advance. This can reduce anxiety for many Court visitors. The 360 Virtual Tours demonstrate what to expect

<sup>44</sup> *Minister Harris Launches Major New Campaign Highlighting Rights And Supports For Victims Of Crime* (no date). Available at: <https://www.gov.ie/ga/preasraitis/c66d8-minister-harris-launches-major-new-campaign-highlighting-rights-and-supports-for-victims-of-crime/> (Accessed: 20 September 2023).

<sup>45</sup> *The Courts Service Of Ireland* (no date). Available at: <https://www.courts.ie/content/launch-new-family-law-information-resource-interactive-360-virtual-tours-funded-public> (Accessed: 15 September 2023).

both outside and inside the building. So, by the time a person arrives in Court they are better prepared to engage in the process.

In April 2023, a new online guide, *Finding Your Way After Sexual Violence*<sup>46</sup>, developed by Dublin Rape Crisis Centre, funded by the Department of Justice, was launched. It draws on the real-life experiences of survivors as well as frontline service providers and support agencies and is intended as a national resource for anyone seeking information and support after sexual violence. The guide covers how to access medical treatment after rape or sexual assault, information on reporting to AGS and how to navigate the courts process, using animations, audio testimony and quotes. It also offers guidance to those who are supporting friends or loved ones impacted by sexual violence. Unfortunately, although very comprehensive and useful it is only available in an English language version at this time. This online guide could act as an additional support to the Sexual Violence Victim's Information section<sup>47</sup> of the online Government of Ireland Victim's Charter. The Victim's Charter also contains a Domestic Violence Support Services section<sup>48</sup>, giving details of support services nationally. However, this page gives only very limited information about the nature of domestic violence, and none at all on the nature and meaning of coercive control and the fact that this it is also a crime.

Dublin Rape Crisis Centre's justice service offers information, support and accompaniment to any person making a statement in relation to sexual violence or attending a court case. The service can provide victims/survivors and their supporters with practical and emotional support at any stage of the process. It aims to assist victims attending court in relation to crimes of sexual violence and provides accompaniment to the Court of Criminal Justice and the Four Courts as well as to any District Court or Circuit Court in the greater Dublin Area, in addition to occasionally accompanying victim-survivors to the Workplace Relations Commission and the International Protection Office. It also offers a court familiarisation service that allows the victim to see the courtroom prior to their case commencing, in order to become familiar with the workings of the courtroom and the trial process. Women's Aid also offer a court accompaniment service for victims/survivors of domestic violence<sup>49</sup>.

Actions 2.1.6 and 2.1.7 focus on the HSE promoting awareness of DSGBV services and to develop a HSE National DSGBV Training Strategy to support healthcare workers to identify domestic violence and refer victims/survivors to appropriate services. Both actions were on track (as of the last Department of Justice update on implementation in May 2023). The HSE is working to develop a DSGBV specific online site with a repository of materials and resources; The Training/Resource needs analysis survey has been completed and existing resources and training available has been identified as well as knowledge, content and training gaps and needs. A HSE Multi-disciplinary training working group is reviewing existing DSGBV training and exploring eLearning programme development in order to provide appropriate training for HSE and services. A review of the approaches used by frontline HSE staff to ask about DSGBV is underway, including the staff voice and survivor's voices (it was due to be published in Q2 2023).

<sup>46</sup> *Finding Your Way After Sexual Violence* / Dublin Rape Crisis Centre (no date) Dublin Rape Crisis Centre. Available at: <https://www.drcc.ie/fyw> (Accessed: 16 September 2023).

<sup>47</sup> *Sexual Violence Victim Information* (no date) *Victims Charter*. Available at: <https://www.victimscharter.ie/support-reporting/sexual-violence-victim-information/> (Accessed: 15 September 2023).

<sup>48</sup> *Domestic Violence Support Services* (no date) *Victims Charter*. Available at: <https://www.victimscharter.ie/support-reporting/victims-service-directory/domestic-violence-support-services/> (Accessed: 15 September 2023).

<sup>49</sup> *One-to-one - Women's Aid* (2023) *Women's Aid*. Available at: <https://www.womensaid.ie/get-help/support-services/one-to-one/#:~:text=Support%20at%20Court,Custody%2C%20Access%20and%20Maintenance%20Orders> (Accessed: 15 September 2023).

## Remaining challenges

There remain several concerns in relation to accessibility, particularly for structurally vulnerable and socially excluded group like migrants and those with literacy challenges. RCNI and Safe Ireland point out<sup>50</sup> that there is widespread lack of interpretation and translation services (including ISL) and a prohibitive cost attached to both (Action 2.1.3). Although the DOJ progress report indicates that the Courts Service virtual tours and information videos are available in English, Irish and ISL, it's not clear from the promotional video on YouTube<sup>51</sup> that there is an ISL version available. The tours should also, of course, be available in a number of other languages reflecting the variety of languages spoken in our modern diverse country. This is also the case with the Information for Victims of Sexual Violence section of the Victims Charter and the DOJ funded and DRCC created website for victims of sexual violence<sup>52</sup>, Finding Your Way (although plans are in place in respect of the latter to improve accessibility, such as translation options throughout the Guide, through Plain language, ISL and meeting NALA certification).

Professional interpreting and translation services staffed by those who have some training in DSGBV are not always available for use by AGS and specialist support services when needed, even as a remote or online service. This results in the inappropriate use of relatives, children and untrained, partisan people to interpret or translate. There is a lack of transparency with regard to what and how information is being communicated by authorities to victims who need interpretation. In terms of translation services, these should be safe, confidential and professional. AGS's Victim Booklet is available in several languages as are the materials made available from NGOs like Women's Aid for example. All information both online and hardcopy should be offered in a variety of languages. While the implementation of recommendations regarding online provision of information in the Third National Strategy are commendable, non-digital provision of information must continue to be facilitated to prevent exclusion due to digital poverty or the lack of digital skills.

Action 2.1.2 refers to the need to target marginalised communities. However, structurally vulnerable groups such as disabled women, Travellers/Roma and members of the LGBTI+ community for example may require culturally sensitive information and support regarding their rights in relation to the crimes they have been victims of, and information about services and options available to them. A 2023 NWC/Department of Justice report<sup>53</sup> noted that these groups can be particularly vulnerable and isolated in the legal processes in relation to their engagement with the courts. Such groups often face additional burdens in ensuring the vindication of their general rights due to experiences of racism and discrimination. As part of the report, findings from interviews with Travellers highlighted a tendency on the part of some gardaí to minimise their allegations, to disbelieve the victim's account and/or leave the parties to sort the matter out amongst themselves. Furthermore, migrants access information in different ways than mainstream Irish audiences. In the same way the State has realised different strategies are needed to communicate health information to migrants, there also needs to be different approaches to help migrant victims of domestic abuse understand their rights and access information on available services.

50 Safe Ireland and Rape Crisis Network Ireland (2022) *Shadow Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence in Ireland*. Available at: <https://www.rcni.ie/wp-content/uploads/GREVIO-RCNI-SI-Shadow-Report-FINAL.pdf> (Accessed: 14 September 2023).

51 The Courts Service of Ireland (2023) *The Courts Service 360 Project*, YouTube. Available at: <https://www.youtube.com/watch?v=-g9HF1tk7zY> (Accessed: 15 September 2023).

52 Dublin Rape Crisis Centre (no date) *Finding Your Way After Sexual Violence*. Available at: <https://www.drcc.ie/fyw> (Accessed: 15 September 2023).

53 Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

Although the specialist civil society support services like those provided by DRCC and Women's Aid for example are hugely valuable they are under-resourced and therefore unable to provide information and advice to all women. This includes the provision of including outreach programmes, interpretation and translation services.

## Access to Support Services

**Objective 2.2 Ensure availability of accessible, quality, specialist and community-based services across the state so that all people who experience DSGBV have access to integrated services in the short, medium and longer term**

### Progress in the implementation of the Strategy:

Information about the progress on Actions 2.2.1 (put in place a National Services Development Plan, informed and influenced by victims' and survivors' (both adults and children) needs and rights using a collaborative co-design approach between commissioners and providers, to develop a strategy to fill identified gaps in services that recognises the short medium and long-term support needs of victims/survivors); 2.2.3 (Resource and support delivery of high quality DSGBV services by supporting the continued professional development and health and wellbeing of those working in the sector); and 2.2.4 (build the capacity and resource the specialist and community-based support organisations to address and support inclusivity) was very limited.

### Remaining challenges

Despite the relevance of this objective and the fact that actions were planned for 2022-2023, the Department of Justice May 2023 update on the implementation these actions related to Goal 2.2 show no progress made.

The experience of moving from victim to survivor may require women to access several general support services in different domains including accommodation, legal, finance, education and therapeutic. These support services are housed across a range of government departments and the Observatory 2022 shadow report to GREVIO noted that gender and cultural stereotyping is prevalent within support services and negatively impact victim's experiences.<sup>54</sup> Women have recounted frequent discrimination within generalist services in different thematic areas. The NWC Disabled Women's Group expressed concern that ableism is widespread and frequently encountered.<sup>55</sup> This is reflected in structural barriers in physically accessing services and onerous administrative processes such as excessive paperwork which are not disability friendly, amongst other issues. Cases of domestic violence experienced by migrant women are increasingly complex due to mixed immigration statuses and barriers to accessing mainstream services. The Immigrant Council of Ireland reported that the number of domestic violence cases involving migrant women as victims had increased by 12% in 2021 compared to the previous year.<sup>56</sup> Traveller and Roma women have also reported negative and discriminatory treatment in 'DSGBV services, family support services, and accommodation-based services, such as in Local Authority accommodation services. Such reports are in line with research findings and the numerous

54 Irish Observatory on Violence against Women (2022) National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIO.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIO.pdf) (Accessed: 22 August 2023).

55 Disabled Women's Group (2020) *Submission to Third National Strategy on Domestic, Sexual and Gender-Based Violence*. Disabled Women's Group. Available at: [https://www.nwci.ie/images/uploads/Disabled\\_Womens\\_Group\\_-\\_3rd\\_National\\_Strategy\\_DSGBV\\_Submission\\_JUNE\\_2020.pdf](https://www.nwci.ie/images/uploads/Disabled_Womens_Group_-_3rd_National_Strategy_DSGBV_Submission_JUNE_2020.pdf) (Accessed: 14 September 2023).

56 Immigrant Council of Ireland (2021) *12% increase in number of domestic violence cases experienced by migrant women compared to 2020*. Immigrant Council of Ireland. Available at: <https://www.immigrantcouncil.ie/news/12-increase-number-domestic-violence-cases-experienced-migrant-women-compared-2020> (Accessed: 19 September 2023).

lived experiences that show significant levels of anti-Traveller and Roma prejudice, racism and discrimination in Irish society<sup>57</sup>.

Overall, the lack of information on the progress towards implementation of these actions is a great concern, as they aim to address obstacles to the safety and security of DSGBV victim survivors. They need serious and urgent attention and action.

## Shelters

**Objective 2.3 Enable victims/survivors of DSGBV to rapidly access and live in safe, accessible, short and long-term accommodation as a priority**

### Progress in the implementation of the Strategy:

With regards Action 2.3.1, initial conversations with stakeholders have taken place to look at issues surrounding housing legislation, so that, subject to safety, the victim should not be the person to leave the home.

Action 2.3.2 commits to double the capacity of refuge accommodation over the lifetime of the Strategy. Refuge spaces have increased in the past year. 28 Refuge Units are currently underway in Wexford (12 Units to be delivered in Q2 2024), Dundalk (8 Units to be delivered in Q4 2024) and Navan (8 Units to be delivered in Q4 2024). Moreover, 32 Safe Homes were operational by the end of 2022 and the delivery of additional Safe Homes is expected to increase by 15 in 2023. A review of the Safe Space report from Safe Ireland is underway to determine how this can be best incorporated in a state response and to discuss an architectural blueprint.

The Department of Justice (as the implementation reporting body) reported that a children's support officer was allocated to all refuges to provide some level of dedicated support for children. This is a very positive development in dealing with the harms to child victims of domestic violence. However, given that so many families are turned away from refuges because there is no space for them, and end up being accommodated in emergency 'family hubs' or B&Bs and hotels, many children are left without this support.

### Remaining challenges

Increased domestic violence accommodation units are very welcome as part of the Government commitment to raising this number to 280 in the lifetime of the Strategy, and again a step forward in offering vulnerable women and children a place of safety at an extremely dangerous time.<sup>58</sup> That being said, it is important to note that this number would still fall far short of the approximately 500 units required if Ireland were to be compliant with the 1 unit per 10,000 head of population guideline of the Council of Europe<sup>59</sup>, spread across the 26 counties of the Republic. Furthermore, accommodation units must be made easily accessible through affordable transportation. Insufficient refuge places can mean those fleeing domestic violence sometimes find themselves caught between domestic violence supports and homelessness supports.

Urgent action is needed. Safe Ireland reports that domestic abuse is the leading cause of

57 Pavee Point (2021) *Submission towards the Development of the Third National Strategy on Domestic, Sexual and Gender-based Violence*. Pavee Point. Available at: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj4wPKUsrSBAXXLVKEAHX9JA\\_YQFnoECA8QAQ&url=https%3A%2F%2Fwww.paveepoint.ie%2Fwp-content%2Fuploads%2F2015%2F04%2FPavee-Point-Submission-Towards-3rd-NSDSGBV-23062021F-.doc&usg=AOvVaw2gMSnkVUoPZ1eXGuRv6qDI&opi=89978449](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwj4wPKUsrSBAXXLVKEAHX9JA_YQFnoECA8QAQ&url=https%3A%2F%2Fwww.paveepoint.ie%2Fwp-content%2Fuploads%2F2015%2F04%2FPavee-Point-Submission-Towards-3rd-NSDSGBV-23062021F-.doc&usg=AOvVaw2gMSnkVUoPZ1eXGuRv6qDI&opi=89978449) (Accessed: 18 September 2023).

58 Department of Justice (2022b) *Zero Tolerance Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/228480/67b6e3af-a0d2-4d70-889f-0b1e2001995b.pdf#page=null> (Accessed: 2 August 2023).

59 Council of Europe (2011) 'Council of Europe Convention on preventing and combating violence against women and domestic violence', *Council of Europe Treaty Series*. Council of Europe. Available at: <https://rm.coe.int/ic-and-explanatory-report/16808d24c6> (Accessed: 8 August 2023).



homelessness for women and children in Ireland.<sup>60</sup> There is an immediate need for a national plan to respond to the integral relationship between domestic abuse and homelessness of women and children, which should focus on improving access to safe and stable housing across all housing types (social, private rented and private ownership).<sup>61</sup> Children and young people are victims of domestic violence in their own right, not simply as witnesses. In terms of protection, at a basic level, there should be a minimum of dedicated trauma-informed refuge spaces for children and young people with staff that can support their journey to safety. This should involve specifically tailored programmes on an individual and group basis as required<sup>62</sup>.

Disappointingly, there is no clarity or information regarding accessibility and housing supports for structurally vulnerable victims of DSGBV. These may be migrants and/or members of minority groups, including both ethnic and racial minorities as well as members of the LGBTQI+ community, disabled people and those with mental health difficulties who can face multiple barriers to securing adequate housing when fleeing domestic violence.<sup>63</sup> Even if a victim of domestic violence is allocated a place in a refuge, most refuges impose a time limit on stays. For example, *Sonás* Refuge in Dublin can provide accommodation for up to 12 weeks, with limited scope for extensions<sup>64</sup>.

If an individual fleeing domestic violence has to present to homelessness services, the emergency accommodation available may be limited and highly unsuitable, particularly for women with children. Victims of domestic violence from minority groups with larger families could be placed at a pronounced disadvantage in seeking more suitable forms of emergency accommodation. In these cases, the families may be transferred to B&B or hotel accommodation which due to cramped space and lack of facilities are not at all suitable particularly for very young children whose development will suffer if they are housed in this way for extended periods.

Moreover, progress on Action 2.3.3. was not provided as it is planned that it will move forward once the new DSGBV Agency is in place. Safe Ireland and others have advocated for a *Whole Housing Approach* which endeavours to improve the housing options and outcomes for people experiencing domestic abuse to achieve stable housing across all tenure types and by addressing the need for move-on options from refuges, and any other type of temporary accommodation to ensuring access to a range of housing options tailored for domestic abuse<sup>65</sup>.

There are further problems for victim/survivors in accessing suitable long-term housing. The primary and universal barrier for all caught up in the housing crisis is the lack of availability of social housing. But beyond that, are additional obstacles for those fleeing violence. Social housing is only available to those who cannot provide housing for themselves, and this is assessed primarily by income which varies by local authority region. This means test is often a serious block for people who cannot live in the house they own. Legal help in addressing this is also a financial burden that is simply unattainable for some. Applicants for social housing must also have a long-term right to reside in Ireland and generally will need to show a 'local connection' to the area which they are applying in, placing an additional barrier

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60 Safe Ireland (2022b) *Naming Domestic Violence 2023 Pre-Budget Submission*. Safe Ireland. Available at: <https://www.safeireland.ie/policy-publications/> (Accessed: 18 September 2023).

61 *ibid*

62 Safe Ireland (2022c) *Women's Domestic Abuse Refuges Safe Ireland Submission*. Safe Ireland. Available at: <https://www.safeireland.ie/policy-publications/> (Accessed: 19 September 2023).

63 Mercy Law Resource Centre (2023) *Social Housing, Domestic Violence and the Public Sector Duty*. Irish Human Rights and Equality Commission. Available at: <https://mercyllaw.ie/wp-content/uploads/2023/09/mercy-law-social-housing-domestic-violence-and-the-public-sector-digital.pdf> (Accessed: 19 September 2023).

64 *ibid*

65 Safe Ireland (2022c) *Women's Domestic Abuse Refuges Safe Ireland Submission*. Safe Ireland. Available at: <https://www.safeireland.ie/policy-publications/> (Accessed: 19 September 2023).

for women who want to leave their local area and move elsewhere due to safety concerns. Obviously, this could also place an additional burden on migrants who may have few connections outside the place they currently live.

Moreover, Pavee Point<sup>66</sup> has asserted that the application of the European Directive 2004/38, Habitual Residence Condition, and the Housing Circular prevents many Roma women from exiting violence and accessing essential emergency, medium and long-term accommodation and housing supports, including Housing Assistance Payment/Rent Allowance and social housing. Traveller women who have fled domestic violence between jurisdictions can also be impacted by the Habitual Residence Condition. The inability to prove one's connection to the state impacts women's capacity to access homeless and domestic violence accommodation services. Despite residing in the jurisdiction for several years, many Roma women lack the necessary documentation, proof of address and/or language and literacy skills to prove their connection to the State. This places many families, especially women and their children in extreme poverty, and makes it difficult for Roma women experiencing domestic and sexual violence to seek support and protection. A number of DSGBV support organisations have called for a domestic violence waiver to the Habitual Residence Condition, in order to ensure that the needs of victims and survivors are met<sup>67</sup>.

All refugees must be resourced and able to respond appropriately to the intersecting needs of all women and children, including Traveller women, disabled women, migrant women and women exiting prostitution and sex-trafficking. Information and resources offered within them should be made available in the most widely spoken languages. And there should be adequate space and services reserved within refuges for women in addiction. Finally, those fleeing domestic violence should receive a derogation from the usual means test and other eligibility tests for local authority housing and an exemption from the Habitual Residency Condition.

## Supports and exit route for women in prostitution

**Objective 2.6 Ensure those, primarily women, in prostitution have access to safety, healthcare, support and exit routes**

### Progress in the implementation of the Strategy:

Action 2.6.1 focus on enabling marginalised women to connect to specialist health services where they feel listened to, supported and safe. In relation to supporting women in prostitution, the HSE National Social Inclusion office and the HSE Women's Health Service have submitted a proposal around collaborating to promote service awareness and access to health services for women in prostitution and trafficked women.

2.6.2 Provide specialist accommodation for victims of trafficking with special regard to victims of trafficking for sexual exploitation. Information about progress in relation to this is very limited, however, in recent announcements from the Department of Justice it is evident that the long term advocated specialist accommodation is due to be in place shortly, for survivors to be accommodated in a way more suited to their recovery. This is really important and good news. This move has been campaigned for over a long period of time

<sup>66</sup> Pavee Point Traveller and Roma Centre, Galway Traveller Movement, Wicklow Travellers' Group (2022) *Alternative Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence IRELAND Irish Traveller and Roma Women- Joint Alternative Report*. Available at: <https://rm.coe.int/alternative-report-to-grevio-ireland-irish-travellers-and-roma-1908202/1680a81393> (Accessed: 14 August 2023).

<sup>67</sup> Irish Human Rights and Equality Commission (2022) *Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence*. IHREC. Available at: <https://www.ihrec.ie/documents/ireland-and-the-council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence/> (Accessed: 22 August 2023).



and it's laudable that it is beginning to happen, particularly given the extent of the current accommodation crisis.

Action 2.6.3. focus on the development of a cross-Departmental and interagency response to provide employment, education, social protection etc. opportunities, support and advocacy to enable individuals exit the sex trade. The provided information by the Department of Justice about progress in relation to this action was very limited. Ruhama, funded primarily by statutory agencies (especially the Department of Justice), is the only specialist, frontline NGO in Ireland working specifically to support women, including transgender women, who are actively involved in prostitution, or are seeking to exit prostitution, or are victims of sex trafficking or have a past experience of prostitution/sex trafficking. Their 2022 Annual Report<sup>68</sup> notes a dramatic increase (120%) in engagement with their Bridge to Work programme, including service users accessing job coaching, work placements and full-time employment. Ruhama's Counselling and Trauma Therapy team also saw a 15% increase in engagements. Another important element is the support they provide to navigate the justice system, including the provision of interpretation services, support through the legal and immigration processes, assistance accessing sexual health and general health services, where Ruhama conducted 1,248 meetings with individuals across a variety of areas (including physical, mental & sexual health, addiction, family, relationships, self-care, legal, selling sex, human trafficking, finances and accommodation).

The Criminal Justice Bill is particularly welcomed, as a significant step forward from the current victim identification requirements, especially in light of its non-discriminatory and multi-agency approach and that victims of human trafficking are not required to cooperate with criminal investigations in order to receive the full range of assistance and entitlements.<sup>69</sup> Ruhama has highlighted that the aim of the NRM reforms is to extend the process by which victims are formally identified to other statutory organisations so that people who have been trafficked don't have to engage with law enforcement to get access to supports<sup>70</sup>.

Other positive development is the Garda National Protective Services Bureau increasing specialisation and coordination around human trafficking<sup>71</sup>. The ten Divisional Protective Services Units across nine Garda Divisions are equipped with specialised knowledge, skills and expertise in the protection and treatment of victims of all forms of DSGBV, including human trafficking and child sexual exploitation<sup>72</sup>. Additionally, AGS have undertaken a number of positive actions to build and improve trust with those in the sex trade and to actively identify victims. *Ruhama* has provided ongoing training to other frontline service providers, AGS and other stakeholders on recognising the signs of human trafficking and responding in a trauma-informed way. The *Immigrant Council of Ireland* provided information and legal assistance to migrants and their families, including victims of human trafficking, as well as training to frontline State officials on human trafficking (including the border management function of the Department of Justice)<sup>73</sup>.

68 Ruhama (2023) *RUHAMA ANNUAL REPORT 2022*. Ruhama. Available at: <https://www.ruhama.ie/wp-content/uploads/Ruhama-Annual-Report-2022-LR.pdf> (Accessed: 24 October 2023).

69 Immigrant Council of Ireland (2022) *Submission To Joint Committee On Justice On The General Scheme Of The Criminal Justice (Sexual Offences And Human Trafficking) Bill 2022*. Available at: <https://www.immigrantcouncil.ie/news/submission-joint-committee-justice-general-scheme-criminal-justice-sexual-offences-and-human> (Accessed: 4 October 2023).

70 McAuley, E. (2023) *Rise In Sex Trafficking Victims Seeking Help In Ireland As State Is Failing On Key Reforms*, TheJournal.ie. Available at: <https://www.thejournal.ie/sex-trafficking-ireland-6094594-Jun2023/> (Accessed: 4 October 2023).

71 Irish Human Rights and Equality Commission (2022b) *Trafficking In Human Beings In Ireland: Evaluation of the Implementation of the EU Anti-Trafficking Directive*. IHREC. Available at: <https://www.ihrec.ie/documents/trafficking-in-human-beings-in-ireland/> (Accessed: 4 October 2023).

72 Irish Human Rights and Equality Commission (2022b) Ibid

73 Irish Human Rights and Equality Commission (2022b) Ibid

## Remaining challenges

With regards Action 2.6.1 SERP. in collaboration with the HSE Women's Health Service, have highlighted the urgent need for these services. Women in prostitution and victims of trafficking experience specific needs and barriers to accessing physical, sexual reproductive, and mental health supports.<sup>74</sup> The state must collaboratively work with these services providing support to victims of sexual violence to identify and remove barriers, including dedicated, specialist health facilities for women in prostitution or seeking to exit, and trauma informed mental health and wellbeing supports, to recover and rebuild new lives beyond the sex trade.

In relation to Action 2.6.3, Ireland's legislative approach to addressing prostitution as a form of gender-based violence, the Equality Model, must include adequate fully resourced exit routes for women in prostitution, otherwise they will not be successful in building safer lives for themselves. Enacting a law which criminalises the purchase of sex will not by itself be sufficient to support those who wish to exit. It is urgent that the recommendations arising from the Review of Part 4 of the Criminal Law (Sexual Offences) Act 2017 are published immediately. Additionally, the Human Trafficking Action Plan are urgently needed to ensure women in prostitution and victims of trafficking have access to safety, support and exit routes. A full suite of wraparound supports for women wishing to exit prostitution to enable them to exit safely and sustainably must be ensured and the recommendations arising. Recommendations arising from the forthcoming research on exiting pathways carried out by SERP in partnership with Ruhama should be considered for the effective implementation of supports for women wishing to exit prostitution.

While Ireland has introduced many reforms, much remains to be done in this area, including robust identification of victims through the new identification process, once implemented, and resourcing of civil society and other agencies to fulfil the roles required to support its functioning; the development of and investment in further shelter accommodation models which ensure that all survivors of trafficking are accommodated separately from the inappropriate Direct Provision System; the development of improved integration supports for survivors, such as improved access to mental health support, employment opportunities and educational opportunities; and the guarantee that they will not be prosecuted for any criminal offences they were forced to commit while under the control of traffickers; and improve detection and support of child victims of trafficking, currently invisible within Irish responses<sup>75</sup>. Finally, enshrining of clear pathways to immigration status for survivors who need it are key, given that the majority of women exploited in prostitution in Ireland are migrant women<sup>76</sup>.

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<sup>74</sup> Breslin, R., Latham, L. and O'Connor, M. (2021) *Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Health Service Executive Women's Health Service*. SERP

<sup>75</sup> Immigrant Council of Ireland (2023) *Immigrant Council statement to mark for EU Anti-Trafficking Day*. Available at <https://www.immigrantcouncil.ie/news/immigrant-council-statement-mark-eu-anti-trafficking-day?s=09>

<sup>76</sup> See O'Connor, M. and Breslin, R. (2020) *Shifting the Burden of Criminality: An analysis of the Irish sex trade in the context of prostitution law reform*. SERP. Available at: [https://www.ucd.ie/geary/static/serp/Shifting\\_the\\_Burden\\_Report.pdf](https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf) (Accessed: 4 October 2023); Breslin, R., Latham, L. and O'Connor, M. (2021) *Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Health Service Executive Women's Health Service*. SERP

# Prosecution



The goal of this pillar is to ensure that the Justice systems implement the law and provide the consistent enforcement and judicial proceedings necessary to vindicate the rights of the victim/survivor.

## Skills and understanding

**Objective 3.1 Ensure that all professionals and 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 understanding of DSGBV to equip them with the necessary expertise they require.**

### Progress in the implementation of the Strategy:

Action 3.1.1 of the Strategy's Implementation Plan focuses on developing and delivering DSGBV education, training and awareness raising initiatives for all in the criminal justice system who come into contact with victims of DSGBV. In May 2023, the Department of Justice update on the implementation of the Third National Strategy has shown progress in training during the first year of the Strategy. The Probation service delivered training to its staff on human trafficking awareness, the victim perspective in probation practice and young adults, and mental health and post-traumatic stress. The Office of the Director of Public Prosecutions delivered a pilot trauma-informed training to give the prosecutor the skills to better communicate and support a victim to give their best evidence, and prosecutors in the District Court have received training in how to question a vulnerable victim. Moreover, the Justice Plan 2023 includes the review of the training committed to *Supporting a Victim's Journey* for staff and professionals at all levels dealing with victims of DSGBV, to include a trauma-informed perspective<sup>77</sup>. These are very positive steps to equip with the skills and analysis of DSGBV to all in the criminal justice system who come into contact with victims of DSGBV.

From recent data, there is evidence of increased reporting and investigations by law-enforcement agencies on violence against women. The number of domestic violence files sent by gardaí to the Director of Public Prosecutions rose by more than one-third in 2022, according to the DPP's latest report<sup>78</sup>. According to AGS, a 9% increase of domestic abuse reports were received in 2022, including coercive control incidents recorded with a steady increase in numbers, where 90% of Garda members have completed coercive control specific training<sup>79</sup>. This trend in reporting coercive control offences has been increasing since 2019, according to the report published by AGS (2022) on DSGBV, where most incidents were reported in 2021<sup>80</sup>. Unfortunately, it is not possible to thoroughly assess if this is a positive trend in relation to increased reporting and investigations by law-enforcement agencies, or

<sup>77</sup> Department of Justice (2023) *JUSTICE PLAN 2023*. Available at: <https://www.gov.ie/en/publication/0bf45-justice-plan-2023/> (Accessed: 4 October 2023).

<sup>78</sup> Carolan, M. (2022) 'DPP reports increase of more than one-third in domestic violence case files', *The Irish Times*, 21 November. Available at: <https://www.irishtimes.com/crime-law/courts/2022/11/21/dpp-reports-increase-of-more-than-one-third-in-domestic-violence-case-files/> (Accessed: 4 October 2023).

<sup>79</sup> An Garda Síochána (2022) *An Garda Síochána Continues To See An Increase In Domestic, Sexual And Gender Based Violence Incidents - 9th December 2022*, An Garda Síochána. Available at: <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/press-releases/2022/december/an-garda-siochana-continues-to-see-an-increase-in-domestic-sexual-and-gender-based-violence-incidents-9th-december-2022.html> (Accessed: 4 October 2023).

<sup>80</sup> An Garda Síochána (2022) *DOMESTIC, SEXUAL AND GENDER BASED VIOLENCE A Report on Crime Levels and Garda Operational Responses*. An Garda Síochána. Available at: <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/news-media/an-garda-siochana-domestic-sexual-and-gender-based-violence-report-sept-22.pdf> (Accessed: 4 October 2023).

an increase in incidents on violence against women. In order to appropriately assess this, robust data with appropriate baselines should be available.

The Egan, N. & O'Malley-Dunlop, E. (2023) *Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence* could evidence positive change on the part of trained Gardaí in the Protective Services Unit and how that has enhanced many victims' experiences considerably in the criminal process<sup>81</sup>. The report also highlighted the positive impact of trauma-informed training provided to all staff at Dolphin House in Dublin, as it helped to reduce significantly the stress levels of victims<sup>82</sup>.

Moreover, in 2022 the Garda Human Trafficking Investigation and Coordination Unit participated in a range of trainings covering several topics associated with human trafficking from relevant organisations including Immigrant Council of Ireland on anti-trafficking and gender-based violence to frontline personnel, and *MECPATHS* on child trafficking. In 2022, *Ruhama* delivered training on human trafficking, sexual exploitation and the sex trade to over 900 participants from a broad range of organisations, including a training for An Garda Síochána (in partnership with the Organised Prostitution Investigation Unit) detailing ways in which those affected by sexual exploitation can be assisted by the Police force. During 2022, frontline practitioners of *Tusla the Child and Family Agency* attended training on Child Trafficking focused on awareness raising and the recognition of indicators of trafficking among the youngest population.

### Remaining challenges

It is important to highlight that information and data on training is limited. Not only in terms of training delivered (the organisations that delivered it, the targeted government officials and the contents), but more importantly, there is little evidence due to the lack of robust systems, to assess or evaluate if the newly acquired skills are adequately applied, the effectiveness of the implementation of these skills and its impact in the response to victims. All training to frontline professionals should be accredited with robust monitoring frameworks. There are still concerns regarding the implementation and monitoring that all persons involved in the chain of intervention, from a first responder to a judge determining the final issue, have an understanding of the dynamics underlying DSGBV and of its traumatic impact, this is to sensitise professionals to the many causes, manifestations, and consequences of all forms of violence and to changing the outlooks and the conduct of these professionals regarding the victims. Training must be ongoing and systemic, with robust monitoring frameworks, including SMART indicators to assess the implementation of the acquired skills, and the regularity of training, and it should involve victims/survivors to include their experiences with all relevant professionals.

The lack of understanding on the part of the professionals with whom victims and survivors of DSGBV come into contact is still one of the largest identified cause of attrition, which impacts upon victims to such an extent that it can make them seek to disengage from all of the legal processes in which they have become involved<sup>83</sup>. It is particularly concerning that many professionals failed to understand the insidious nature of the coercive control that often underlies domestic and sexual violence<sup>84</sup>. In the Study on Familicide & Domestic and Family Violence Death Reviews published in 2023, a specialist from the office of the DPP

<sup>81</sup> Egan, N. and O'Malley Dunlop, E. (2023) A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

<sup>82</sup> Egan, N. and O'Malley Dunlop, E. (2023) Ibid

<sup>83</sup> Egan, N. and O'Malley Dunlop, E. (2023) Ibid

<sup>84</sup> Egan, N. and O'Malley Dunlop, E. (2023) Ibid

indicated that prosecutions for the offence of coercive control increased since 2019, but the numbers still remain low<sup>85</sup>.

For an example of good educational practice see Heaven Horizons' level 6 course on domestic abuse and coercive control<sup>86</sup>, which provides understanding of theories, concepts, myths and dynamics in relation to domestic abuse and coercive control, how to respond appropriately to victims and an approach that's underpinned by interagency collaboration.

Moreover, the State must further acknowledge and recognise intersectional specificities of coercive control in diverse social locations and cultural backgrounds, as 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. *Akidwa* reported that there is only one free specialised migrant women's health clinic offering an FGM support service, and support services are not provided with systematic, cultural and gender-sensitive training to address this type of DSGBV, and overall there is a lack of inter-agency response to FGM<sup>87</sup>.

Finally, in 2022, Ireland identified 39 victims of trafficking, less than the 44 identified in 2021<sup>88</sup>, and IHREC (2023) continued to observe disparities between training of frontline service providers resulting in inconsistencies and differing outcomes, despite the strong commitment among professionals, bodies and agencies to increase the training efforts to better meet the needs of the people they work with<sup>89</sup>.

## Family Law Courts

### Goal 3.2 Reform the operation of the Family Law Courts to ensure victims/survivors are better protected

#### Progress in the implementation of the Strategy:

Action 3.2.1. Research on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence was launched in May 2023<sup>90</sup>. The purpose of this research was to review how the three legal processes work or not in a collaborative manner, and to identify points of intersection of the three processes in question from a victim-focussed way, in order to better protect victims. Recommendations focus on, but are not limited, to review and reform of the *In camera* rule to ensure transparency and consistency in decision-making (ensuring women's safety, privacy and anonymity); to address the experiences encountered by victims that have a cross-sector attritional effect; and to promote collaborative practices across the three legal processes. This research also highlights the victim's experience in the court process, which in many cases causes secondary traumatisation<sup>91</sup>.

85 Butler, M. (2023) *A Study on Familicide & Domestic and Family Violence Death Reviews*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/259211/8390d71a-7a42-4b49-b508-21316d6e2b35.pdf#page=null> (Accessed: 1 August 2023).

86 *Heaven Horizons* (no date) *Reflecting on and Responding to Domestic Abuse and Coercive Control*. Available at: <https://havenhorizons.com/reflecting-and-responding-to-domestic-abuse-and-coercive-control/> (Accessed: 14 November 2023).

87 Irish Observatory on Violence against Women (2022) *National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIOS.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIOS.pdf) (Accessed: 22 August 2023).

88 Ireland Failing To Combat Human Trafficking, Report Claims | BreakingNews.ie (2023) BreakingNews.ie. Available at: <https://www.breakingnews.ie/ireland/ireland-failing-to-combat-human-trafficking-claims-report-1490101.html> (Accessed: 4 October 2023).

89 Irish Human Rights and Equality Commission (2023) *Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*. IHREC. Available at: [https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023\\_FA\\_web-Final.pdf](https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023_FA_web-Final.pdf) (Accessed: 4 October 2023).

90 Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available

91 Egan, N. & O'Malley-Dunlop, E. (2023) *ibid*



Action 3.2.5 of the Implementation Plan focuses on the Progress and implementation of the Family Court Bill 2022<sup>92</sup>. This Bill introduces positive changes, including the establishment of a dedicated Family Court, separate location or times for family law cases, relaxation of the in-camera rule to allow for research and non-identifying reporting and possibility of being accompanied in court. The establishment of a dedicated Family Court presents an excellent opportunity to ensure that domestic violence is taken into account in family law and that victims are protected, in terms of both safe outcomes and safe processes, as well as to make the court more efficient and user-friendly. Action 3.2.4 focused on publishing of the Family Justice Strategy<sup>93</sup>, which is also welcomed, especially its focus on the voice of the child. Both Actions, in terms of reforming the operation of the family law courts to ensure victims/survivors are better protected, present a number of challenges explored below.

In relation to Action 3.2.7 of the Implementation Plan, the examination of the role of expert reports in the family law process is very welcome.

### Remaining challenges

Recommendations arising from Action 3.2.1 for the three legal processes to be more victim-focussed and better protect victims of domestic and sexual violence require urgent implementation. Some of the key recommendations focused on the changes required with regards the negative impact on victims of delay in the various court processes, identified as one of those factors with a cross-process attritional effect<sup>94</sup>. The Study on Familicide & Domestic and Family Violence Death Reviews noted that there are high attrition rates in domestic violence cases, related to the lack of progress on completion of criminal cases<sup>95</sup>. High attrition rates for survivors of DSGBV and court delays remain a big concern. While there are many acknowledged causes of delay within the court systems, one to which reference is increasingly made is the shortage of judges and the need to dramatically increase the number of judges in the court system. The efficient and prompt conduct of court hearings in relation to domestic and sexual violence may also be encouraged by the consistent use of case management and other related procedures<sup>96</sup>. Government commitment to appoint an initial tranche of 24 new judges in 2023 with, subject to the implementation of certain reforms and efficiencies, a further 20 to be appointed in 2024<sup>97</sup> is welcomed, as well as the planned placement of specialist judges in the family-law court system<sup>98</sup>.

Moreover, the figures from the Courts Service supplied by the Department of Justice Q3 2022 show that domestic violence victims are having to wait up to four months for the

92 Government of Ireland (2022) *Family Courts Bill*. Government of Ireland. Available at: <https://data.oireachtas.ie/ie/oireachtas/bill/2022/113/eng/initiated/b11322s.pdf> (Accessed: 4 October 2023).

93 Department of Justice (2022b) *Family Justice Strategy 2022-2025*. Government of Ireland. Available at: <https://www.gov.ie/en/collection/4790f-family-justice-strategy/> (Accessed: 4 October 2023).

94 Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

95 Butler, M. (2023) *A Study on Familicide & Domestic and Family Violence Death Reviews*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/259211/8390d71a-7a42-4b49-b508-21316d6e2b35.pdf#page=null> (Accessed: 1 August 2023).

96 Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

97 *Significant Increase In Judicial Resources To Improve Access To Justice Announced By Minister Harris* (2023). Available at: <https://www.gov.ie/en/press-release/af8f8-significant-increase-in-judicial-resources-to-improve-access-to-justice-announced-by-minister-harris/> (Accessed: 4 October 2023).

98 Phelan, C. (2023) *Domestic Violence Victims Waiting Up To Four Months For Courts To Hear Safety Applications*, *Irish Examiner*. Available at: <https://www.irishexaminer.com/news/arid-41071751.html> (Accessed: 4 October 2023).

courts to hear their safety applications<sup>99</sup>. Delays to victims seeking protection from the courts are unacceptable, and compound trauma for survivors. Safe Ireland pointed out that interim barring or protection orders can be sought quickly; the waiting issue arises when women apply for a permanent order, with a knock-on effect on services such as refuges and inhibit women from moving on with their lives<sup>100</sup>.

With regards Action 3.2.4 and 3.2.5, what is so far missing in the overall reform project is the understanding that domestic violence victims are a key vulnerable group accessing Justice and that they access Family Courts not only in relation to domestic violence orders but also in relation to other matters such as custody, access and maintenance. It is still a concern that the experiences and needs of domestic violence victims/survivors, including children, are not sufficiently considered and addressed. The Family Courts Bill and the Family Justice Strategy do not include a clear understanding and recognition of domestic abuse and the impact on the Family Law proceedings, and there aren't clear provisions or actions to support families attending the Family Courts where there is allegation of domestic violence<sup>101</sup>. Women's Aid Submission to the Family Courts Bill 2022 states that women accessing their support services regularly tell them that custody and access arrangements are made which are not safe for children and their mothers and which enable the abuse to continue post separation. The women report that proceedings are biased against them and that many professionals, including judges and child report experts, do not understand the issues faced by women separating from an abuser nor the impact of domestic abuse, including coercive control, on children<sup>102</sup>. There is a procontact assumption, which could make custody and access orders dangerous and/or detrimental to the safety and the well-being of children and their mothers. The Observatory reinforces that victims of domestic violence must never be required to make contact with the non-custodial parent. 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. Article 31 of the Istanbul Convention provides for the obligation of the judicial authorities to account for potential incidents of violence in issuing contact orders and 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<sup>103</sup>. Moreover, when there is domestic abuse, including coercive control, the Observatory argues that a mediation process should never be mandatory, in line with Article 48 of the Convention, so it is not used as an opportunity to exert further violence on women.

In addition, the Observatory continues to have great concern about the use of 'Parental Alienation' in Family Courts and its impact on women, often not being believed in courts, or preventing them from reporting abuse, applying for protection orders or insisting on safer access arrangements. The Department of Justice published the results of a consultation on the topic in 2023<sup>104</sup>, as a result of a recommendation in the Oireachtas Report on Reform of the Family Law system 2019. Its conclusion highlighting the 'potential impact [the use of Parental Alienation] has on limiting the voice of children and victims of DSGBV

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99 Phelan, C. (2023) *Domestic Violence Victims Waiting Up To Four Months For Courts To Hear Safety Applications*, *Irish Examiner*. Available at: <https://www.irishexaminer.com/news/arid-41071751.html> (Accessed: 4 October 2023).

100 Phelan, C. (2023) *Ibid*

101 Women's Aid (2022b) *Submission to the Family Courts Bill*. Women's Aid. Available at: [https://www.womensaid.ie/app/uploads/2023/07/submission\\_to\\_the\\_family\\_courts\\_bill\\_dec\\_22.pdf](https://www.womensaid.ie/app/uploads/2023/07/submission_to_the_family_courts_bill_dec_22.pdf) (Accessed: 4 October 2023).

102 Women's Aid (2022d) *Women's Aid Submission to the Family Courts Bill*. Available at: [https://www.womensaid.ie/app/uploads/2023/07/submission\\_to\\_the\\_family\\_courts\\_bill\\_dec\\_22.pdf](https://www.womensaid.ie/app/uploads/2023/07/submission_to_the_family_courts_bill_dec_22.pdf) (Accessed: 4 October 2023).

103 Council of Europe (2011b) *Explanatory Report to the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence*. COE.

104 Department of Justice (2023b) *Parental Alienation - A Review of Understandings, Assessment and Interventions*. Government of Ireland. Available at: <https://www.gov.ie/ga/foilsuichan/20df3-parental-alienation-research-report-and-policy-paper/> (Accessed: 4 October 2023).



in family justice proceedings' is welcomed<sup>105</sup>. The survey conducted by Survivors Informing Services and Institutions (SISI) group with 54 mothers survivors of domestic abuse going through custody disputes in the Family Courts shows that more than half said abuse was disregarded, or not believed, and 75% had Parental Alienation allegations made against them<sup>106</sup>. In this context, the child's voice is often not heard in these proceedings or heard 'selectively'. SISI team also found that when custody is transferred on the basis of 'parental alienation' findings, the contact with the mother may be removed indefinitely. The use of the so-called principle of "parental alienation syndrome" must be banned and relevant professionals must be informed of the absence of scientific grounds for it.

Finally, the Family Courts Bill and the Family Justice Strategy refers to changes in the in Camera Rule, which is very positive. It is acknowledged in the Family Justice Strategy that 'the limits of the in camera rule will be explored, and the necessary changes identified to provide a system where court decisions and judgements are accessible to those who need them, while still protecting the

privacy of all those involved in family court proceedings. By taking the actions outlined below, overall transparency in the system will be improved.'<sup>107</sup> Amendment of the in camera rule require urgent action to permit victims to discuss, subject to appropriate safeguards, the content and outcome of court proceedings with support personnel and those providing therapeutic supports; as well as to facilitate qualitative and quantitative research by permitting, subject to appropriate safeguards, authorised persons to discuss the proceedings with parties<sup>108</sup>. Recommendations arising from the research on Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence must be considered and implemented.

With regards Action 3.2.7, SISI's Survey shows that the use of the 'parental alienation concept' also results in the lack of objectivity and a bias on the part of some of the expert assessors engaged in the private family law processes<sup>109</sup>. The lack of regulation and training for child experts remains a huge problem in the Irish Family Law system. While court appointed experts may belong to professional associations, these professions are currently not regulated, the titles are unprotected<sup>110</sup>, and there is no panel of S32 and S47 reporters, nor any data on how many such reports are made annually<sup>111</sup>. Women's Aid Direct Services Team believe that these processes are not fit for purpose and are causing real harm to children and women, as assessors are naming parental alienation when there is domestic violence/coercive control that they do not identify, do not appear to have appropriate training in, or understanding of, and there is no mechanism in place to make a report or

<sup>105</sup> Department of Justice (2023b) Ibid

<sup>106</sup> Holland, K. (2022) *Domestic Abuse Claims By Women In Family Courts Often Dismissed As 'irrelevant', The Irish Times*. Available at: <https://www.irishtimes.com/ireland/social-affairs/2022/10/31/domestic-abuse-claims-by-women-in-family-courts-often-dismissed-as-irrelevant/> (Accessed: 4 October 2023).

<sup>107</sup> Department of Justice (2022b) *Family Justice Strategy 2022-2025*. Government of Ireland. Available at: <https://www.gov.ie/en/collection/4790f-family-justice-strategy/> (Accessed: 4 October 2023).

<sup>108</sup> Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

<sup>109</sup> Holland, K. (2022) *Domestic Abuse Claims By Women In Family Courts Often Dismissed As 'irrelevant', The Irish Times*. Available at: <https://www.irishtimes.com/ireland/social-affairs/2022/10/31/domestic-abuse-claims-by-women-in-family-courts-often-dismissed-as-irrelevant/> (Accessed: 4 October 2023).

<sup>110</sup> Women's Aid (2022c) *Women's Aid Input to the Special Rapporteur VAWG'S Report on Violence Against Women and Children in Custody Cases*. Available at: [https://www.womensaid.ie/app/uploads/2023/07/womens\\_aid\\_input\\_to\\_the\\_special\\_rapporteur\\_vawgs\\_report\\_on\\_violence\\_against\\_women\\_and\\_children\\_in\\_custody\\_cases\\_december\\_2022.pdf](https://www.womensaid.ie/app/uploads/2023/07/womens_aid_input_to_the_special_rapporteur_vawgs_report_on_violence_against_women_and_children_in_custody_cases_december_2022.pdf) (Accessed: 4 October 2023).

<sup>111</sup> Holland, K. (2022b) *'Parental Alienation': Child Abuse, Or A Pseudoscientific Tool To Silence Domestic Violence Victims?, The Irish Times*. Available at: <https://www.irishtimes.com/ireland/social-affairs/2022/11/05/parental-alienation-child-abuse-or-a-pseudoscientific-tool-to-silence-domestic-violence-victims/> (Accessed: 4 October 2023).

complaint around their practice<sup>112</sup>. The Observatory is very concerned about Court' experts and psychologists assessing children under Section 32 and 47 of the Children Act 1989, who are not systematically trained to recognise signs of DSGBV and have issued reports recommending child access for the abusive partner.

## Demand for Prostitution

### 3.4 Reduce demand for prostitution

#### Progress in the implementation of the Strategy:

Action 3.4.2 focuses on the progress on recommendations arising from the Review of Part 4 of the Criminal Law (Sexual Offences) Act 2017. The Criminal Law (Sexual Offences) Act 2017<sup>113</sup> 'is a wide-ranging piece of legislation on sexual offences which includes an offence in Part 4 criminalising any person who purchases or attempts to purchase sexual activity from another person'<sup>114</sup>. A High-Level Working Group, formed in 2017 to support the implementation of the Act (Part 4), published an interim report<sup>115</sup>, where concerns were highlighted regarding the insufficient resources being provided to specialist service providers, the need for comprehensive exit supports for women, and the right to advocacy and representation, particularly for trafficked and undocumented migrant women, and it encouraged close inter-agency cooperation in particular between frontline services and An Garda Síochána<sup>116</sup>.

Action 3.4.1 links this Strategy and the Human Trafficking Action Plan. For this Action to be properly implemented, the overdue Third Action Plan to Prevent and Combat Human Trafficking needs to be in operation. The Third Action Plan is crucial in ensuring a whole of government response where all State bodies and agencies work collaboratively. The commitment to establish links between the Third National Strategy and the Human Trafficking Action Plan is key to strengthening the policy response to victims of human trafficking with regards to its gender-specific aspects<sup>117</sup>. The commitment in the Third National Action Plan (NAP) to review the criminal justice approach to trafficking by law enforcement after two years following the implementation of the new NRM is also very positive, with victims and their experiences at the centre of the review of the criminal justice approach to trafficking<sup>118</sup>. The drafting of a new anti-trafficking NAP, the launch of the Third National Strategy - which recognises human trafficking as a form of gender-based violence

112 Women's Aid (2022c) *Women's Aid Input to the Special Rapporteur VAWG'S Report on Violence Against Women and Children in Custody Cases*. Available at: [https://www.womensaid.ie/app/uploads/2023/07/womens\\_aid\\_input\\_to\\_the\\_special\\_rapporteur\\_vawgs\\_report\\_on\\_violence\\_against\\_women\\_and\\_children\\_in\\_custody\\_cases\\_december\\_2022.pdf](https://www.womensaid.ie/app/uploads/2023/07/womens_aid_input_to_the_special_rapporteur_vawgs_report_on_violence_against_women_and_children_in_custody_cases_december_2022.pdf) (Accessed: 4 October 2023).

113 The 2017 law is intended to act as a deterrent to potential buyers, prevent sexual exploitation of vulnerable people, reduce the scale of prostitution and trafficking, increase penalties to those who profit from exploitation through brothel keeping and organising, and act as a declarative and normative law which makes the buying of any person for sexual gratification unacceptable. The legislation also strengthens the national legal framework on trafficking in human beings with regard to online grooming of children for sexual exploitation and by strengthening the provisions penalising the use of sexual services from trafficked victims.

114 O'Connor, M. and Breslin, R. (2020) *Shifting the Burden of Criminality: An analysis of the Irish sex trade in the context of prostitution law reform*. SERP. Available at: [https://www.ucd.ie/geary/static/serp/Shifting\\_the\\_Burden\\_Report.pdf](https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf) (Accessed: 4 October 2023).

115 Shannon, G. (2020) *The Implementation of the Criminal Law (Sexual Offences) Act 2017, Part IV – An Interim Review*. Immigrant Council of Ireland. Available at: <https://immigrantcouncil.ie/sites/default/files/2020-01/2020HILWGInterimReportSOA2017ByGeoffreyShannon.pdf> (Accessed: 4 October 2023).

116 O'Connor, M. and Breslin, R. (2020) *Shifting the Burden of Criminality Shifting the burden of criminality: An analysis of the Irish sex trade in the context of prostitution law reform*. SERP. Available at: [https://www.ucd.ie/geary/static/serp/Shifting\\_the\\_Burden\\_Report.pdf](https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf) (Accessed: 4 October 2023).

117 Reilly, N. (2023) *From commitments to actions: responding to migrant women's experiences of DSGBV*. University of Galway/Akidwa. Available at: [https://www.universityofgalway.ie/media/collegeofartsocialsciencescelticstudies/schools/socpol/2023-From-commitments-to-actions-responding-to-migrant-womens-experiences-of-DSGBV-\(23-Jul\).pdf](https://www.universityofgalway.ie/media/collegeofartsocialsciencescelticstudies/schools/socpol/2023-From-commitments-to-actions-responding-to-migrant-womens-experiences-of-DSGBV-(23-Jul).pdf) (Accessed: 9 August 2023).

118 Irish Human Rights and Equality Commission (2023) *Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*. IHREC. Available at: [https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023\\_FA\\_web-Final.pdf](https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023_FA_web-Final.pdf) (Accessed: 4 October 2023).

- and the long-awaited publication of the General Scheme Criminal Justice (Sexual Offences and Trafficking) Bill establishing a new National Referral Mechanism (NRM) are welcome. The operation of the NRM and the system of identification of victims of human trafficking will significantly enhance the investigation, prosecution, and prevention of human trafficking. The combined action will greatly improve the State's overall anti-trafficking response.

Another positive development is the Garda National Protective Services Bureau increasing specialisation and coordination around human trafficking<sup>119</sup>. The intelligence-led operations were carried out across divisions, nationally, both urban and rural, to target the demand for prostitution and to enforce the legislation that criminalises the purchase of sexual services<sup>120</sup>.

### Remaining Challenges

Positive trends can be evidenced in relation to this in the OSCE (2021) research, where prevention measures aimed at reducing demand show the effective impact, by comparing Ireland and New Zealand (countries with similar populations)<sup>121</sup>. This research shows that the amount of people in prostitution in Ireland is five to eight times lower due to the introduction of the Nordic/Equality model in the country<sup>122</sup>. However, with regards to Action 3.4.2, the review was due to be completed at the end of 2022 but has been delayed, and in 2023 the lead consultant stepped back from the project<sup>123</sup>. The Observatory urges the completion of the planned review of this law, as it is urgently needed to ensure women in prostitution and victims of trafficking have access to safety, support and exit routes and to fulfil the Irish states' commitment to reducing to reduce the demand and overall levels of sexual violence and exploitation of women and girls. It must also include recommendations outlined in the O'Malley report and extend these to include victim-survivors of the sex trade (such as the provision of free legal advice; training for the judiciary and legal profession, and the anonymity provisions being extended to include all victim-survivors of the sex trade).

The three strands of the Equality Model are 1) criminalise the buyer to tackle demand, 2) decriminalise the seller in recognition of their vulnerability and 3) provide exit routes out. It is important to highlight that actions against pimps and profiteers are vital too, as is public awareness and education. Criminalising of buyers in order to tackle demand and therefore shrink the size of the trade is one of the really core components of the model.

Action 3.4.1. Although it has been announced that the NAP will be published shortly, this action must be implemented urgently to ensure a whole of government response where all State bodies and agencies work collaboratively. Moreover, the Plan must include key performance indicators to measure outcomes, including clear targets across the NAP and the Third National Strategy (this issue is further addressed in Goal 4.5). Despite the positive implemented actions with regards human trafficking, in its latest evaluation report on Ireland in September 2022, GRETA noted that the number of investigations into human trafficking has been decreasing over the years and the number of prosecutions and

<sup>119</sup> Irish Human Rights and Equality Commission (2022b) Trafficking In Human Beings In Ireland: Evaluation of the Implementation of the EU Anti-Trafficking Directive. IHREC. Available at: <https://www.ihrec.ie/documents/trafficking-in-human-beings-in-ireland/> (Accessed: 4 October 2023).

<sup>120</sup> Irish Human Rights and Equality Commission (2022b) Ibid

<sup>121</sup> Noichl, M. (2023) *REPORT On The Regulation Of Prostitution In The EU: Its Cross-border Implications And Impact On Gender Equality And Women's Rights | A9-0240/2023 | European Parliament*, © European Union, 2023 - Source: European Parliament. Available at: [https://www.europarl.europa.eu/doceo/document/A-9-2023-0240\\_EN.html](https://www.europarl.europa.eu/doceo/document/A-9-2023-0240_EN.html) (Accessed: 4 October 2023).

<sup>122</sup> Ibid

<sup>123</sup> Murphy, A. (2023) *Review Of Prostitution Laws Best Way To Criminalise Sex-for-rent Demands, Says Helen McEntee*, Irish Examiner. Available at: <https://www.irishexaminer.com/news/arid-41227702.html> (Accessed: 4 October 2023).

convictions is very low<sup>124</sup>. In contrast, in 2022 Ruhama engaged with 147 victims of human trafficking for sexual exploitation (45 new), an increase of 68% on 2021<sup>125</sup>. Significantly, in 2022, there were 5 reported cases of trafficking of child victims, and this is a notable development, as no children were reported in either 2020 or 2021<sup>126</sup>. Trafficking of children for the purposes of sexual exploitation is prevalent and represents a concerning development<sup>127</sup>. In SERP's Study on the Sexual Exploitation of Children and Young People in Ireland in 2023, it is stressed that representatives from the GNPSB believed that there was much confusion among the Gardaí, Tusla and the Director of Public Prosecutions around child trafficking and its connection to sexual exploitation<sup>128</sup>. They reported that they were receiving a low number of referrals of child trafficking from Tusla and were concerned that the experiences of children in care who are being moved for sexual exploitation are not being reported by Tusla as incidents of child trafficking as well as incidents of sexual exploitation when, they may in fact, be both<sup>129</sup>. Therefore, awareness raising, training about the risks and indicators of sexual exploitation of children, and the reporting and recording of suspicious and concerning activity are believed by both agencies to be steps towards the better protection of children and young people from sexual exploitation in the future.<sup>130</sup>

## Policing and prosecution

### 3.5 Strengthen the policing and prosecution of domestic, sexual and gender-based violence

The Observatory commends a number of very positive developments related to the criminalisation and sanctioning of all forms of DSGBV in the past year. The Criminal Justice (Miscellaneous Provisions) Act 2023<sup>131</sup> (providing for offences relating to non-fatal strangulation, non-fatal suffocation, harassment and stalking) and the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023<sup>132</sup> (including the issues of knowledge or belief of consent, the integration of the O'Malley report<sup>133</sup> recommendations) are significant State actions on progressing the rights of victims of sexual offences. The Criminal Justice (Miscellaneous Provisions) Act 2023 will specifically outlaw stalking and non-fatal strangulation, it increases the potential length of sentences for assault causing harm, and overall it sets an important marker that these forms of abuse constitute serious crimes and will not be tolerated<sup>134</sup>. Whilst these provisions of the Act were commenced and

124 GRETA (2022) *GRETA Publishes Its Third Report On Ireland, Action Against Trafficking In Human Beings*. Available at: <https://www.coe.int/en/web/anti-human-trafficking/-/greta-publishes-its-third-report-on-ireland> (Accessed: 4 October 2023).

125 Ruhama (2023) *RUHAMA ANNUAL REPORT 2022*. Ruhama. Available at: <https://www.ruhama.ie/wp-content/uploads/Ruhama-Annual-Report-2022-LR.pdf> (Accessed: 24 October 2023).

126 IHREC (2023) *Ireland Remains At Tier 2 In Important 2023 Trafficking In Persons Report*. Available at: <https://www.ihrec.ie/ireland-remains-at-tier-2-in-important-2023-trafficking-in-persons-report/> (Accessed: 4 October 2023).

127 IHREC (2023) *Ibid*

128 Canning, M., Breslin, R. and Keenan, M. (2023) *Protecting Against Predators: A Scoping Study on the Sexual Exploitation of Children and Young People in Ireland*. SERP. Available at: <https://serp.ie/wp-content/uploads/2023/06/Protecting-Against-Predators-FULL.pdf> (Accessed: 8 August 2023).

129 Canning, M., Breslin, R. and Keenan, M. (2023) *Ibid*

130 Canning, M., Breslin, R. and Keenan, M. (2023) *Ibid*

131 Government of Ireland (2023) *Criminal Justice (Miscellaneous Provisions) Act 2023*. Government of Ireland. Available at: <https://data.oireachtas.ie/ie/oireachtas/act/2023/24/eng/enacted/a2423.pdf> (Accessed: 4 October 2023).

132 *Criminal Law (Sexual Offences and Human Trafficking) Bill 2023 (2023)*. Government of Ireland. Available at: <https://data.oireachtas.ie/ie/oireachtas/bill/2023/62/eng/initiated/b6223d.pdf> (Accessed: 4 October 2023).

133 O'Malley, T. (2020a) *Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences*. Department of Justice. Available at: <https://www.gov.ie/en/publication/0964e-review-of-protections-for-vulnerable-witnesses-in-the-investigation-and-prosecution-of-sexual-offences-omalley/> (Accessed: 4 October 2023).

134 *DRCC Hails Significant State Action To Progress Rights Of Sexual Violence Victims | Dublin Rape Crisis Centre (2023)* Dublin Rape Crisis Centre. Available at: <https://www.drcc.ie/news-resources/drcc-hails-significant-state-action-to-progress-rights-of-se/> (Accessed: 4 October 2023).



came into force on 1 November 2023<sup>135</sup>, further important provisions of the Act introducing new civil orders against certain conduct (akin to stalking and set out in Part 5) have not yet commenced.<sup>136</sup> Moreover, the proposed changes in trials in the Criminal Law (Sexual Offences and Human Trafficking) Bill include removing some anomalies about the meaning of consent, it strengthens the capacity to identify victims of human trafficking and it provides anonymity and some limited extension of legal aid to victims of sexual offences in court which should make it easier for victims of sexual crime to come forward and be supported in accessing justice<sup>137</sup>. Finally, the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022<sup>138</sup> includes new, aggravated forms of certain existing criminal offences, where those offences are motivated by prejudice against a protected characteristic.

### Progress in the implementation of the Strategy:

Action 3.5.1 provides for ensuring every Garda Division has a fully staffed and equipped DPSU with trained staff. AGS's National Protective Services Bureau (GNPSB) serves to advise and guide Gardaí in investigating DSGBV, and 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<sup>139</sup>. In 2022, the Observatory welcomed the full rollout of DPSUs by AGS and the use of domestic abuse coordinators. The Observatory also welcomes the GNPSB training programme for the DPSU to all members nationwide in collaboration with the Garda College in 2022-2023. It is important to note that DPSUs only deal with 'high risk cases' and they are under considerable pressure to fulfil their duties.

Action 3.5.3 focuses on AGS being trained around prosecutions of domestic abuse orders, in particular barring orders. The Domestic Abuse Intervention Policy Unit has provided modules of online training relating to Domestic Abuse. It is also welcome that DPSU are operating in every Garda division nationwide, and all Detective Inspectors and Inspectors assigned to the GNPSB and to each DPSU have been provided with training to Senior Investigating Officer level<sup>140</sup>. These clear efforts in training are a very positive development and from recently conducted research<sup>141</sup>, it is evident that there is positive change on the part of trained Gardaí in the Protective Services Unit and how that has enhanced many victims' experiences considerably in the criminal process. It also shows that experience can still be markedly different to that encountered at the hands of Gardaí without such training. However, in order to properly assess the effectiveness of these trainings and the adequate application of the newly acquired skills on survivors, indicators to assess implementation of training through specific qualitative criteria, designed in collaboration with specialist services, must be put in place.

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<sup>135</sup> <https://www.irishexaminer.com/news/arid-41260117.html>

<sup>136</sup> See Irish Statute Book at [https://www.irishstatutebook.ie/eli/isbc/2023\\_24.html](https://www.irishstatutebook.ie/eli/isbc/2023_24.html).

<sup>137</sup> *DRCC Hails Significant State Action To Progress Rights Of Sexual Violence Victims | Dublin Rape Crisis Centre (2023)* Dublin Rape Crisis Centre. Available at: <https://www.drcc.ie/news-resources/drcc-hails-significant-state-action-to-progress-rights-of-se/> (Accessed: 4 October 2023).

<sup>138</sup> Department of Justice (2022a) *Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022*. Government of Ireland. Available at: [https://data.oireachtas.ie/ie/oireachtas/bill/2022/105/eng/ver\\_b/b105b22d.pdf](https://data.oireachtas.ie/ie/oireachtas/bill/2022/105/eng/ver_b/b105b22d.pdf) (Accessed: 4 October 2023).

<sup>139</sup> Irish Observatory on Violence against Women (2022) *National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIO.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIO.pdf) (Accessed: 22 August 2023).

<sup>140</sup> Department of Justice (2022). Report submitted by Ireland pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report)

<sup>141</sup> Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Childcare Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).



Action 3.5.4 had a significant milestone with the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023, in terms of eliminating barriers to accessing justice within the criminal justice process for victims/survivors of sexual offences. A reform on the legislation was urgently needed, including the abolition of the so called ‘honest belief’ defence as well as compensation. The Bill strengthens the law on consent, knowledge and belief in rape cases by providing that the accused’s defence that he believed the complainant was consenting has to be objectively reasonable. It also provides that character references presented at sentencing hearings be given under oath, so those giving the reference may be called before the court for cross-examination; guarantee anonymity of victims in all sexual offence trials; provide some limited additional legal aid support for victims who are being questioned on other sexual experience; transfer responsibility for investigating all sexual offences committed in Ireland by Defence Force personnel to An Garda Síochána and to the regular criminal courts rather than military courts<sup>142</sup>. However, it is disappointing to see that there is still no provision to ensure that the victim has access to legal advice from the outset and as they need it during the investigation and trial process, which was recognised as a necessary part of supporting victims in their journey through the justice system and its absence denies victims the right to be fully informed and equipped to deal with the system<sup>143</sup>. Progress on much needed reform of the Criminal Injuries Compensation Scheme is awaited, pending publication by the Law Reform Commission of its Final Report on Compensation Victims of Crime.<sup>144</sup> Under the present administrative scheme, the redress rights of survivors of sexual violence are not adequately met.

Action 3.5.6. It is very positive that the independent Study on Familicide and Domestic and Family Violence Death Reviews, commissioned by the Department of Justice, consulted with a wide range of stakeholders including bereaved families and civil society organisations was published in 2023. The report includes details of the review of domestic violence deaths and familicide (2000-2019) and it shows that the most common risk factor for domestic violence death and familicide is a previous history of domestic abuse followed by actual or pending separation<sup>145</sup>. It contains wide ranging recommendations which, if effectively implemented can help Ireland prevent future cases of familicide and domestic violence death. This report importantly gives clear guidance on key steps that need to be taken to improve the supports for families and communities bereaved in such circumstances and to increase the public’s understanding of domestic abuse including coercive control and the links with homicide<sup>146</sup>. Rapid implementation of legislative change and mechanisms for the co-ordination and monitoring of the recommendations will be critical to facilitate real and meaningful structures to help families who suffered from violent incidents.

As mentioned above, Part 5 of the Criminal Justice (Miscellaneous Provisions) Act 2023 has not yet been commenced. Part 5 provides for the granting of civil orders against ‘relevant conduct’ defined as conduct that would reasonably be considered like to cause the applicant to fear that violence will be used against them or conduct which causes serious alarm or distress that as a substantial adverse impact on the applicant’s usual day-

<sup>142</sup> DRCC Hails Significant State Action To Progress Rights Of Sexual Violence Victims | Dublin Rape Crisis Centre (2023) Dublin Rape Crisis Centre. Available at: <https://www.drcc.ie/news-resources/drcc-hails-significant-state-action-to-progress-rights-of-se/> (Accessed: 4 October 2023).

<sup>143</sup> DRCC (2023) *ibid*

<sup>144</sup> See Law Reform Commission Consultation Paper Series: Compensating Victims of Crime, February 2022. Available at: <https://publications.lawreform.ie/Portal/External/en-GB/RecordView/Index/62377> (Accessed: 10 November 2023).

<sup>145</sup> Women’s Aid Welcomes Landmark Report On Domestic Violence Deaths And Familicide In Ireland - Women’s Aid (2023) Women’s Aid. Available at: <https://www.womensaid.ie/get-informed/news-events/media-releases/womens-aid-welcomes-landmark-report-on-domestic-violence-deaths-and-familicide-in-ireland/#:~:text=The%20report%20includes%20details%20of,male%20current%20or%20former%20partners> (Accessed: 4 October 2023).

<sup>146</sup> Women’s Aid (2023) *ibid*

to-day activities.<sup>147</sup> This is a key tool intended to enable the justice system to better protect and meet the needs of persons subjected to stalking conduct. We urge that these legal provisions be urgently commenced to enable victim-survivors greater protections in line with Action 3.5.7 (and action 3.5.3).

Action 3.5.9. In relation to progress on the self-initiated inspection into the effectiveness and efficiency of the Garda Síochána's response to domestic abuse, AGS Inspectorate is undertaking the inspection, and evidence has been gathered through engagement with the AGS, state bodies, relevant stakeholders and international policing organisations. Furthermore, the Victims' survey is now complete.

Action 3.5.10 focuses on the examination of Garda Síochána policy/practice relating to DSGBV, with a view to improving service levels for victims and improve the effectiveness of Garda investigations, and thereby improve confidence in policing. A series of recommendations, some of which deal with DSGBV, have been published to raise awareness of service issues and shared with other stakeholders. Statutory reports issued by GSOC are now being collated in a central repository and will be reviewed to identify any systemic issues relating to DSGBV. In order to improve GSOC's ability to provide better services to victims, and to also identify service improvements in AGS, a Protective Services Unit will be set up, and it is expected to have trained specialists in interviewing within AGS.

The Observatory also welcomes the AGS (2022) report on DSGBV published in September 2022<sup>148</sup>. In this report, data collection was improved by AGS, including the recording of the relationship between the Victim and the Offender on the recorded incidents of domestic abuse, introduced on PULSE in 2021. The report examines relevant crime types and their associated victim and offender demographics, the relationship between these and other factors, such as, the location (residential or non-residential) where incidents occur. The data demonstrates that the reporting of DSGBV has increased in recent years and that the number of recorded sexual offences in Ireland has been trending upwards<sup>149</sup>.

## Remaining Challenges

A number of concerns have been identified as potential barriers for the effective implementation in policing, prosecuting and its adjudication in the courts. AGS's policies on DSGBV have significantly improved in the years, yet cultural issues in policing involving problematic views of DV and abuse remain an issue, creating an 'inconsistent' response to domestic violence. 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. In order to effectively discharge its obligations under Article 50 of the Istanbul Convention, the state must ensure that victim/survivors are offered a consistent, caring, professional and quality response when reporting DSGBV.

The Observatory highlighted in the Shadow Report to Grevio that despite the existence of laws punishing all forms of DSGBV under the Istanbul Convention its implementation shows consistently low prosecution rates, low conviction rates as well as high attrition rates concerning DSGBV, which contribute to a lack of faith in the role of the criminal and civil justice system as an avenue for protection and redress<sup>150</sup>. In December 2022 the *IHREC*

<sup>147</sup> Section 27(2), Criminal Justice (Miscellaneous Provisions) Act 2023. Available at <https://www.irishstatutebook.ie/eli/2023/act/24/enacted/en/pdf>.

<sup>148</sup> An Garda Síochána (2022) DOMESTIC, SEXUAL AND GENDER BASED VIOLENCE. Available at <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/news-media/an-garda-siochana-domestic-sexual-and-gender-based-violence-report-sept-22.pdf>

<sup>149</sup> An Garda Síochána (2022) Ibid

<sup>150</sup> Irish Observatory on Violence against Women (2022) *National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIO.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIO.pdf) (Accessed: 22 August 2023).

submission to Greio expressed concerns about a number of areas of DSGBV where criminal provisions exist but are not adequately utilised in practice<sup>151</sup>.

DSGBV offences continue to be systematically under-reported, which contributes to deficits in the data on the prevalence of violence against particular groups<sup>152</sup>. The available evidence does indicate that such under-reporting is prevalent among women and girls from structurally vulnerable groups, including disabled people, particularly disabled mothers, migrants, and women in prostitution<sup>153</sup>. In line with this, the recently published CSO Survey shows low levels of trust to report violence to the Gardaí. Figures show that overall, 5% of those who experienced sexual violence as an adult and disclosed to others, did report to the police<sup>154</sup>. Low levels of trust and confidence in law enforcement agencies can deter victims and survivors from reporting DSGBV even in the most serious of cases, and this is a particular concern with regards to Travellers and Roma in Ireland, due to the manner in which members of AGS respond to allegations of domestic violence disclosed by Travellers. As noted in the Irish Traveller and Roma women (2022) report, relationships between AGS and these communities are often characterised by mistrust and conflict due to under-policing (not providing sufficient support and protection), over-policing and the excessive use of force against Travellers and Roma, due to racial stereotypes and prejudices<sup>155</sup>. These negative experiences have led to a reluctance on the part of many Travellers to report such abuse at all<sup>156</sup>. Research shows that some Gardaí minimised allegations, disbelieved the victim and/or to leave the parties to sort the matter out amongst themselves, with a negative impact in reporting abuse<sup>157</sup>. Moreover, Pavee Point Traveller and Roma Centre has stressed the importance of having in place an ethnic identifier in the PULSE system to monitor policing responses as they relate to domestic violence and minority ethnic women, including Traveller and Roma women. The Observatory calls for the immediate introduction to enable data collection, and to implement actions accordingly to address AGS's discriminatory practices. For migrant women, the dependent migrant status continues to be a major obstacle to women reporting DSGBV, in case it will adversely affect their immigration status or cause them to be deported or to lose their children<sup>158</sup>. While the Victims of Domestic Violence Immigration Guidelines allows non-EEA persons, whose status depends on someone who is abusing them, to apply for permission to stay in Ireland

151 Irish Human Rights and Equality Commission (2022) *Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence*. IHREC. Available at: <https://www.ihrec.ie/documents/ireland-and-the-council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence/> (Accessed: 22 August 2023).

152 Irish Human Rights and Equality Commission (2022a) *Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence*. IHREC. Available at: <https://www.ihrec.ie/documents/ireland-and-the-council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence/> (Accessed: 22 August 2023).

153 Irish Human Rights and Equality Commission (2022a) Ibid

154 Central Statistics Office (2023) *Sexual Violence Survey - Disclosure of Experiences Key Findings*, CSO. Available at: <https://www.cso.ie/en/releasesandpublications/ep/p-svsde/sexualviolencesurvey2022disclosureofexperiences/keyfindings/> (Accessed: 5 October 2023).

155 Pavee Point Traveller and Roma Centre, Galway Traveller Movement, Wicklow Travellers' Group (2022) *Alternative Report to GREIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence IRELAND Irish Traveller and Roma Women- Joint Alternative Report*. Available at: <https://rm.coe.int/alternative-report-to-greio-ireland-irish-travellers-and-roma-1908202/1680a81393> (Accessed: 14 August 2023).

156 Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

157 Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

158 Reilly, N. (2023) *From commitments to actions: responding to migrant women's experiences of DSGBV*. University of Galway/Akidwa. Available at: [https://www.universityofgalway.ie/media/collegeofartsocialsciencescelticstudies/schools/socpol/2023-From-commitments-to-actions-responding-to-migrant-womens-experiences-of-DSGBV-\(23-Jul\).pdf](https://www.universityofgalway.ie/media/collegeofartsocialsciencescelticstudies/schools/socpol/2023-From-commitments-to-actions-responding-to-migrant-womens-experiences-of-DSGBV-(23-Jul).pdf) (Accessed: 9 August 2023).

in their own right, the application process is unduly complicated, involves lengthy delays, it does not cover 'undocumented women', and when independent status is granted under the Guidelines it is normally at a level that does not permit economic independence (e.g., Stamp 3) and entails payment of a substantial registration fee that is unaffordable for many<sup>159</sup>. Moreover, in relation to prosecution of FGM, although FGM has been prohibited through specific criminal legislation since 2012, only one conviction has taken place until 2022<sup>160</sup>.

Women's Aid Submission on AGS's Response to Domestic Abuse (2022) provides examples of An Garda's inconsistent response to domestic violence, including 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<sup>161</sup>. Egan, & O'Malley-Dunlop. (2023) also show the reluctance on the part of members of AGS in certain parts of the country to prosecute offences under Section 33 of the Domestic Violence Act 2018 for breach of Orders granted under that Act, as in certain areas the Gardaí would be unlikely to prosecute for such offences<sup>162</sup>. Such practices instil in perpetrators a sense of immunity from consequence for their violence and can undermine the will of victims to pursue the protective orders available pursuant to the Domestic Violence Act 2018 in the first place. This is a cause of great concern and shows the need for AGS ongoing training and stronger monitoring and supervision of policy awareness and implementation, especially with regards knowledge of dynamics of DSGBV, especially coercive control, including on anti-racism and anti discrimination.

The Observatory continues to be concerned that between 2019 and 2021 thousands of emergency calls were cancelled by AGS, hundreds of which were emergency calls relating to DSGBV. The independent review of these cancellations noted that it is not possible to determine whether serious harm occurred in incidents where callers or potential victims were not identified, therefore that issues have not been completely resolved. There is the potential that protection orders were not put in place; crimes were not reported or investigated; and some offenders were not brought to justice<sup>163</sup>. We call on AGS to take on board the recommendations from the Policing Authority on this matter, in relation to effective supervision and quality assurance for Computer Aided Dispatch. The Garda response is critical for women and children experiencing domestic violence and abuse, as women who receive a negative response are less likely to call on the Gardaí again should they need to, or to stay engaged with the Criminal Justice System.

The results of 3.5.9 and 10 must be urgently published and implemented to improve AGS ability to support victims and improve the effectiveness of Garda investigations with regards systemic issues relating to DSGBV, and thereby the confidence in policing.

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<sup>159</sup> Reilly, N. (2023) Ibid

<sup>160</sup> Akidwa (2022) *AkiDwA statement to the Joint Oireachtas Committee on Gender Equality Recommendations 37-41 of the Citizens' Assembly on Gender Equality*. Akidwa. Available at: [https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint\\_committee\\_on\\_gender\\_equality/submissions/2022/2022-04-07\\_opening-statement-dr-salome-mbugua-ceo-akidwa\\_en.pdf](https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_gender_equality/submissions/2022/2022-04-07_opening-statement-dr-salome-mbugua-ceo-akidwa_en.pdf) (Accessed: 4 October 2023).

<sup>161</sup> Women's Aid (2022b) *Submission to An Garda Síochána Inspectorate on An Garda Síochána's Response to Domestic Abuse*. Women's Aid. Available at: [https://www.womensaid.ie/app/uploads/2023/07/womens\\_aid\\_garda\\_inspectorate\\_submission\\_january\\_2022.pdf](https://www.womensaid.ie/app/uploads/2023/07/womens_aid_garda_inspectorate_submission_january_2022.pdf) (Accessed: 5 October 2023).

<sup>162</sup> Egan, N. and O'Malley Dunlop, E. (2023) *A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and Sexual Violence*. Department of Justice and the National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DoJ\\_DSV\\_Justice\\_Report.pdf](https://www.nwci.ie/images/uploads/NWC_DoJ_DSV_Justice_Report.pdf) (Accessed: 15 September 2023).

<sup>163</sup> Irish Human Rights and Equality Commission (2022a) *Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence*. IHREC. Available at: <https://www.ihrec.ie/documents/ireland-and-the-council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence/> (Accessed: 22 August 2023).

# Policy Co-ordination



The goal of this pillar is set out as: Situated/coordinated in the Department of Justice (as per the Audit), the State offers a comprehensive, co-ordinated, authoritative, monitored and evaluated set of responses to DSGBV which will be informed by engagement with both key stakeholders and service users operating and interconnected at national level and regional/local level, with independent oversight.

## Oversight and implementation

**Goal 4.1 Create strong oversight and Implementation structures to deliver on the Strategy, with regional coordinator structures to oversee delivery of services on the ground.**

### Progress in the implementation of the Strategy:

The Observatory welcomes the statutory agency, Action 4.1.1 of the Implementation Plan, to implement and monitor measures combating DSGBV, moving away from a fragmented approach. The establishment of an Agency to coordinate, deliver and monitor under the aegis of the Department of Justice is an important step towards addressing DSGBV. From the co-design workshops on the establishment of the new Agency held in February and March 2023 by the Department of Justice, it is clear that the local structures should co-ordinate and deliver 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<sup>164</sup>. High levels of collaboration are envisaged as key, with clear structures and processes to enable Civil Society Organisations involvement in policy co-ordination at national as well as at regional/local level<sup>165</sup>. The Agency will need to play a role in the design and delivery of these mechanisms, as well as in motivating policy level collaboration with other state bodies.

Action 4.1.2 aims to ensure strong oversight and coordination at central Government level. The meetings held with Ministers McEntee and Simon Harris, where briefings and updates were provided are welcomed. The Observatory welcomes the two co-design workshops on the establishment of a new Agency held in February and March 2023, to explore the functions of the Agency in greater detail and to share perspectives on how it should operate. However, so far the oversight and coordination arrangements have been confined to an inter-departmental, closed group without systematic and robust records of progress made. Furthermore, civil society or stakeholders other than government had little or no capacity to monitor the progress of the plan. The lack of indicators to monitor this progress is a key concern, further explored on Goals 4.3 and 4.5.

Action 4.1.4 outlines the importance of resourcing the participation of civil society and the specialist and community-based support organisations in support of the ongoing implementation of the Strategy. The core of this Action is planned to be implemented once the Agency is up and running. The implementation for Actions 4.1.6 and 4.1.7 has been delayed and information on progress was limited.

<sup>164</sup> McInerney, C. (2023) *Report on DSGBV Agency Co-design Process*. University of Limerick. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/262642/cd015a3f-67e6-4a68-9284-b651d25518de.pdf#page=null> (Accessed: 14 September 2023).

<sup>165</sup> McInerney, C. (2023) Ibid



## Remaining Challenges

It remains unclear in the Strategy and the accompanying implementation Plan how the co-design process will be delivered by all of the implementing Departments and agencies. The Functions of the Agency as described in the Bill<sup>166</sup> with regards to the engagement and consultation with the DSGBV sector and other relevant stakeholders is disappointingly vague and non-committal in a scheme arising from the Third National Strategy, even though this strategy recognised the crucial role that service providers in the voluntary sector play<sup>167</sup>. The vague phrases on the Bill give no assurance to the public or to the Observatory that co-design is to continue or to be a feature of co-delivery of the Strategy or the State's obligations under the Istanbul Convention<sup>168</sup>. The Observatory stresses that this must be expanded to provide a formal, regular and funded conversation with those who provide supports and services to victim/survivors of DSGBV and those who work to combat that harm in the first place.

Moreover, with regards to the membership of the Board of the Agency (the governing authority of) it must be ensured that members have experience in the key functions of the Agency and relevant expertise in DSGBV. The representation of the minority organisations must be ensured in this space, for example by providing nested gender quotas on the composition of the Agency's Board, to ensure adequate representation of women and ethnic minorities in the higher levels of governance<sup>169</sup>. This measure would better ensure equality of opportunity for representatives of some of the groups most vulnerable to DSGBV to have voice and input. Finally, 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 of the strategy.

Funding processes remain another area of concern, particularly the adequate and guaranteed level of funding for all specialist support services. Access to public funding should be based on criteria in line with the standards of the Istanbul Convention, including the valorisation of extensive victim-centred expertise in the area of violence against women. A key message during the co-design workshops delivered by the Department of Justice was to strengthen the State commitment to introduce standardised multi-annual funding structures, in order to fulfil the multiple actions allocated to NGOs in the implementation plan of the Strategy (including service provision, partnership with the Department, monitoring and advisory activities)<sup>170</sup>. Moving to a multi annual funding framework was a priority objective for many organisations<sup>171</sup>. Furthermore, despite the Observatory's important work, it does not benefit from formal recognition, and is not resourced through multi-annual funding. '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.'<sup>172</sup>

<sup>166</sup> Government of Ireland (2023b) *Draft General Scheme of a DSGBV Agency Bill*. Government of Ireland. Available at: <https://www.gov.ie/en/publication/245e7-draft-general-scheme-of-a-dsgbv-agency-bill/> (Accessed: 5 October 2023).

<sup>167</sup> Dublin Rape Crisis Centre (2023) *DRCC Submission to Oireachtas Justice Committee on Agency Bill*. DRCC. Available at: <https://www.drcc.ie/news-resources/resources/drcc-submission-to-oireachtas-justice-committee-on-agency-bi/> (Accessed: 5 October 2023).

<sup>168</sup> Dublin Rape Crisis Centre (2023) *Ibid*

<sup>169</sup> Akidwa (2023) *Opening statement by AkiDwa to Justice Committee on the subject of the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill*. Akidwa. Available at: [https://akidwa.ie/wp-content/uploads/2023/04/AkiDwa\\_OpeningStatement\\_DraftGeneralSchemeDSGBVAgency\\_April2023.pdf](https://akidwa.ie/wp-content/uploads/2023/04/AkiDwa_OpeningStatement_DraftGeneralSchemeDSGBVAgency_April2023.pdf) (Accessed: 5 October 2023).

<sup>170</sup> McInerney, C. (2023) *Report on DSGBV Agency Co-design Process*. University of Limerick. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/262642/cd015a3f-67e6-4a68-9284-b651d25518de.pdf#page=null> (Accessed: 14 September 2023).

<sup>171</sup> McInerney, C. (2023) *Ibid*

<sup>172</sup> Irish Observatory on Violence against Women (2022) *National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIO.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIO.pdf) (Accessed: 22 August 2023).

### 4.3 Develop enhanced coordinator of Data collection strategies

#### Progress in the implementation of the Strategy:

Actions 3.4.1 and 3.4.3 in the implementation Plan are planned to take place once the new DSGBV Agency is up and running. Therefore, it is key to focus on the functions of the Agency as outlined in the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill.

The Observatory welcomes the State's commitment to creating a statutory DSGBV agency, and its role in partnership with the Central Statistics Office in improving inter-agency coordination of data collection strategies. The Bill outlines the research and data collection functions of the Agency.

The Observatory also welcomes the development of the Sexual Violence Survey by the Department of Justice in partnership with the Central Statistics Office. This survey was campaigned for by many of the violence against women civil society organisations. The great care and thought invested by the Central Statistics Office in producing an insightful and comprehensive picture of the extent and the impact of sexual violence on the Irish population is acknowledged<sup>173</sup>. We note the plans for further exploratory, qualitative research with minority groups. It will be key that the Survey will record the data of structurally vulnerable groups, many of whom are at greater risk of DSGBV. Additional gaps in the data and evidence-base are the recording of Female Genital Mutilation, with limited data available, as well as documenting forms of DSGBV experienced by disabled women.

We also welcome the State's progress towards an Equality Data Strategy. The National Equality Data Strategy is being developed by the Central Statistics Office and the Department of Children, Equality, Disability, Integration and Youth and will put in place a strategic approach to improving the collection, use and dissemination of equality data. We strongly support the intersectional approach of the strategy, which will improve the capturing of multiple/compound experiences and their impact on equality<sup>174</sup>.

In 2023, the Department of Justice published the Justice Plan, Goal 5, strategic objective 2, reflecting an intention to accelerate innovation and digital transformation by integrating digital messaging systems across the justice system. This will enable greater sharing of information and increased cooperation, including a Criminal Justice Operational Hub to improve cross-sectoral data analytics (a measure contained within the Department of Justice's Data and Research Strategy 2018/2020, which has not yet come to fruition). These plans must be urgently implemented.

#### Remaining Challenges

In relation to the DSGBV Agency Bill, the data collection function seems limited to statistical information relevant to the planning of services for victims, which is essential, but it is vital to also include the prevalence of various forms of DSGBV<sup>175</sup>. Data is also lacking from various systems that interact with victims such as the justice and the health systems. Within its functions it should contain an obligation to collect, collate, analyse and interrogate data

<sup>173</sup> New Data Underscores Urgency Of Tackling Epidemic Of Sexual Violence In Ireland | Dublin Rape Crisis Centre (2023) Dublin Rape Crisis Centre. Available at: <https://www.drcc.ie/news-resources/news/new-data-underscores-urgency-of-tackling-epidemic-of-sexual/> (Accessed: 5 October 2023).

<sup>174</sup> Women's Aid (2023b) *Women's Aid submission to the National Equality Data Strategy 2023-2027*. Women's Aid. Available at: <https://www.womensaid.ie/app/uploads/2023/07/Womens-Aid-submission-to-the-National-Equality-Data-Strategy-2023-2027-May-2023.pdf> (Accessed: 5 October 2023).

<sup>175</sup> Women's Aid (2023a) *Women's Aid Submission to the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill*. Women's Aid. Available at: <https://www.womensaid.ie/app/uploads/2023/07/Womens-Aid-Submission-to-the-General-Scheme-of-the-Domestic-Sexual-and-Gender-Based-Violence-Agency-Bill-March-2023.pdf> (Accessed: 5 October 2023).

from the public service agencies that collect data relevant to the functions of the Agency<sup>176</sup>. For example, the recent OECD<sup>177</sup> report shows despairing references to lack of joined up data. Despite the progress made in the Justice sector data collection synergies, it is often hard – even impossible to track the victim's journey from start to completion. This is beyond what the Agency can do, therefore organisations collecting data for their internal purposes must be coordinated to support the government and the victims with the information that they need. The Agency should therefore oversee, promote and support data collection from relevant government agencies and ensure regular prevalence surveys are carried out, as per Article 11 of the Istanbul Convention, 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. The State must urgently implement a 'gold standard' of data collection by all national agencies including An Garda Síochána, the Courts Service, the Irish Prison Service, the Probation Service, the Legal Aid Board, the Criminal Injuries Compensation Tribunal, Sexual Assault Treatment Units, HEIs and Tusla. And data sets must be disaggregated by age, sex, gender, ethnicity, migration status of both victim-survivors and perpetrators, in line with the Convention's standards and through the implementation of rigorous data collection methods and engage with specialist services provides in the design of disaggregated collection methods and scope as well as in the process of collection itself.

Overall, systematic and robust data collection remains rare<sup>178</sup> and it is creating a deeply concerning gap in policymaking on prevention and response. As it was already mentioned, many victims of crime do not engage with the criminal justice system and sexual and domestic violence offences are systematically under-reported<sup>179</sup>. Such under-reporting contributes to deficits in the data available on the prevalence of violence against particular groups. It is essential that the agency engages with specialist service providers working with minority and minoritised women to ensure that the scope of the data collected reflects the reality of the intersecting experiences of violence in an active and meaningful way. The state must collaborate with specialist services to fund the collection of high-quality, complete, accurate, disaggregated, and comparable data.

Finally, the state continues to rely heavily on services providers including Women's Aid, Safe Ireland, Dublin Rape Crisis Centre, the Immigrant Council of Ireland, RCNI, Pavee Point, Akidwa, Ruhama, 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 size of the DSGBV problem in Ireland<sup>180</sup>.

<sup>176</sup> Dublin Rape Crisis Centre (2023) *DRCC Submission to Oireachtas Justice Committee on Agency Bill*. DRCC. Available at: <https://www.drcc.ie/news-resources/resources/drcc-submission-to-oireachtas-justice-committee-on-agency-bi/> (Accessed: 5 October 2023).

<sup>177</sup> OECD (2023) *Modernising Staffing and Court Management Practices in Ireland TOWARDS A MORE RESPONSIVE AND RESILIENT JUSTICE SYSTEM*. Available at: <https://www.oecd.org/publications/modernising-staffing-and-court-management-practices-in-ireland-8a5c52d0-en.htm> (Accessed: 4 October 2023).

<sup>178</sup> Irish Human Rights and Equality Commission (2022a) *Ireland and the Council of Europe Convention on preventing and combating violence against women and domestic violence*. IHREC. Available at: <https://www.ihrec.ie/documents/ireland-and-the-council-of-europe-convention-on-preventing-and-combating-violence-against-women-and-domestic-violence/> (Accessed: 22 August 2023).

<sup>179</sup> Irish Human Rights and Equality Commission (2022a) *Ibid*

<sup>180</sup> Irish Observatory on Violence against Women (2022) *National Observatory on Violence against Women and Girls Shadow Report to GREVIO in respect of Ireland*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/IOVAW\\_GREVIO.pdf](https://www.nwci.ie/images/uploads/IOVAW_GREVIO.pdf) (Accessed: 22 August 2023).

## Equality and inclusion strategies

### 4.5 Make clear connections and agree targets with other equality and inclusion strategies and related legislation (that focus on socially excluded groups)

#### Progress in the implementation of the Strategy:

Actions planned to implement this goal are scheduled after the Agency is in place, such as Action 4.5.1 of the Implementation Plan focusing on making clear connections and coordinating targets with other relevant strategies. It is key that these connections are established, including the National Strategy for Women and Girls 2017- 2021, the National Action Plan to Prevent and Combat Human Trafficking and the National Traveller and Roma Inclusion Strategy. We welcome actions related to the social inclusion of Traveller and Roma women and DSGBV in Ireland's first National Traveller and Roma Inclusion Strategy 2017-2021 (NTRIS), as well as the inclusion of Traveller and Roma women in the National Strategy for Women and Girls 2017-2020 (NSWG), but we regret that the NTRIS and the NSWG didn't demonstrate strong progress in addressing DSGBV and wider rights issues faced by Traveller and Roma women<sup>181</sup>. Currently, it is difficult to measure the extent to which people from Traveller, Roma and other minority ethnic backgrounds experience differential access and outcomes in relation to DSGBV due to lack of ethnic data collection which would allow for ethnic equality monitoring<sup>182</sup>. The State must ensure that Equality Strategies have a robust implementation and monitoring plan with clear targets, indicators, outcomes, timeframes and budget lines related to addressing violence against Traveller & Roma women.

Action 4.5.2 focuses on actions to prevent prostitution and combat trafficking for sexual exploitation and address them in an integrated manner. For this action to be properly implemented, the overdue Third Action Plan to Prevent and Combat Human Trafficking would need to be in operation. The Third Action Plan is crucial in ensuring a whole of government response where all State bodies and agencies work collaboratively. The commitment to establish links between the Third National Strategy and the Human Trafficking Action Plan is key to strengthening the policy response to victims of human trafficking with regard to its gender-specific aspects<sup>183</sup>.

#### Remaining Challenges:

The Strategy is detailed in proposing comprehensive and co-ordinated policies, involving civil society organisations and a large number of government departments and agencies. Importantly, 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. Notwithstanding the fact that the Strategy asserts throughout a declaration of intent to be a holistic response to violence against women, some actions fall short. We have previously emphasised the need for linkages and coordination across State policies and plans and we welcomed the commitment in the Third National Strategy to make clear connections and agree targets with other relevant strategies. However, the lack of key performance indicators for the Strategy is concerning, and it makes it particularly difficult to establish links with other strategies. Therefore, actions and targets addressing

<sup>181</sup> Pavee Point Traveller and Roma Centre, Galway Traveller Movement, Wicklow Travellers' Group (2022) *Alternative Report to GREVIO on the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence IRELAND Irish Traveller and Roma Women- Joint Alternative Report*. Available at: <https://rm.coe.int/alternative-report-to-grevio-ireland-irish-travellers-and-roma-1908202/1680a81393> (Accessed: 14 August 2023).

<sup>182</sup> Pavee Point Traveller and Roma Centre et al (2022) *Ibid*.

<sup>183</sup> Reilly, N. (2023) *From commitments to actions: responding to migrant women's experiences of DSGBV*. University of Galway/Akidwa. Available at: [https://www.universityofgalway.ie/media/collegeofartsocialsciencescelticstudies/schools/socpol/2023-From-commitments-to-actions-responding-to-migrant-womens-experiences-of-DSGBV-\(23-Jul\).pdf](https://www.universityofgalway.ie/media/collegeofartsocialsciencescelticstudies/schools/socpol/2023-From-commitments-to-actions-responding-to-migrant-womens-experiences-of-DSGBV-(23-Jul).pdf) (Accessed: 9 August 2023).

DSGBV should be mainstreamed across all relevant national policy frameworks, including sectoral strategies focused on structurally vulnerable groups.

In 2022, the Department of Children, Equality, Disability, Integration and Youth commissioned an independent evaluation of the processes used by government to implement three national equality strategies: the Migrant Integration Strategy (MIS), the National Strategy for Women and Girls (NSWG), and the National Traveller and Roma Inclusion Strategy (NTRIS). Learnings from this evaluation are key to avoid repeating mistakes on the implementation of the Third National Strategy. For example, the MIS and NTRIS did not adequately address the diversity of experiences within the populations they targeted<sup>184</sup>. Moreover, the identification, development, and use of indicators of progress for the MIS, NSWG and NTRIS was unsatisfactory, making it impossible to assess the extent to which the strategies were implemented as intended, as indicator sets were not identified or developed before strategies were launched<sup>185</sup>. The development of indicators, including their baseline values and targets, were often neglected while national strategies are being developed, leaving the strategy as a vague document that did not properly guide implementers on what they should actually achieve, and leaving the wider audience without a clear measurable and traceable definition of the ambitions of the government<sup>186</sup>.

In line with the above learnings, the National Action Plan must include key performance indicators to measure results. The 2023 Trafficking In Persons Report also called on the State to update and adopt a NAP that includes a clear timeline for implementation, responsible ministries, and resources for the implementation of the US State Department Trafficking in Persons Report<sup>187</sup>. Indicators and clear targets across the NAP and the TNS must be implemented urgently.

## Victims/Survivors voices

### 4.7 Recognise the voice of the Victims/Survivors (adults and children and young people) and provide an opportunity for their voices to be heard at different levels

#### Progress in the implementation of the Strategy:

Action 4.7.1 commits to devise a mechanism (with associated supports) to ensure the Strategy will be informed and influenced by victims' and survivors needs and rights. The need for survivor-centred structures, interventions and supports have already been addressed in the Prevention, Protection and Prosecution Pillars. This objective focuses on the Agency's role in developing the appropriate mechanisms to incorporate the voice of the victim/survivor. Therefore, it is important to note that the new Agency Bill is not clear with regards the importance of the role of survivors in this collaboration, consultation and particularly in the Agency's composition of the Board, key to ensure that the experience and expertise of DSGBV survivors is incorporated<sup>188</sup>. The Department of Justice must ensure a victim-survivor participation, including at Board level of the new statutory Agency and adequately fund this collaboration between organisations 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.

<sup>184</sup>Kavanagh, L., Sweeney, L., Farahani, Z., Radomska, A. & Bailey, I. (2023). *Realising the promise of equality policy: An evaluation of the processes of implementation of three national equality strategies*. Dublin: Centre for Effective Services. Available at: <https://www.gov.ie/en/press-release/d7cbd-minister-ogorman-welcomes-publication-of-evaluation-study-of-processes-implementing-equality-strategies/> (Accessed: 5 October 2023).

<sup>185</sup>Kavanagh, L., Sweeney, L., Farahani, Z., Radomska, A. & Bailey, I. (2023). Ibid

<sup>186</sup>Kavanagh, L., Sweeney, L., Farahani, Z., Radomska, A. & Bailey, I. (2023). Ibid

<sup>187</sup>Irish Human Rights and Equality Commission (2023) *Trafficking in Human Beings in Ireland Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*. IHREC. Available at: [https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023\\_FA\\_web-Final.pdf](https://www.ihrec.ie/app/uploads/2023/09/Trafficking-in-Human-Beings-in-Ireland-2023_FA_web-Final.pdf) (Accessed: 4 October 2023).

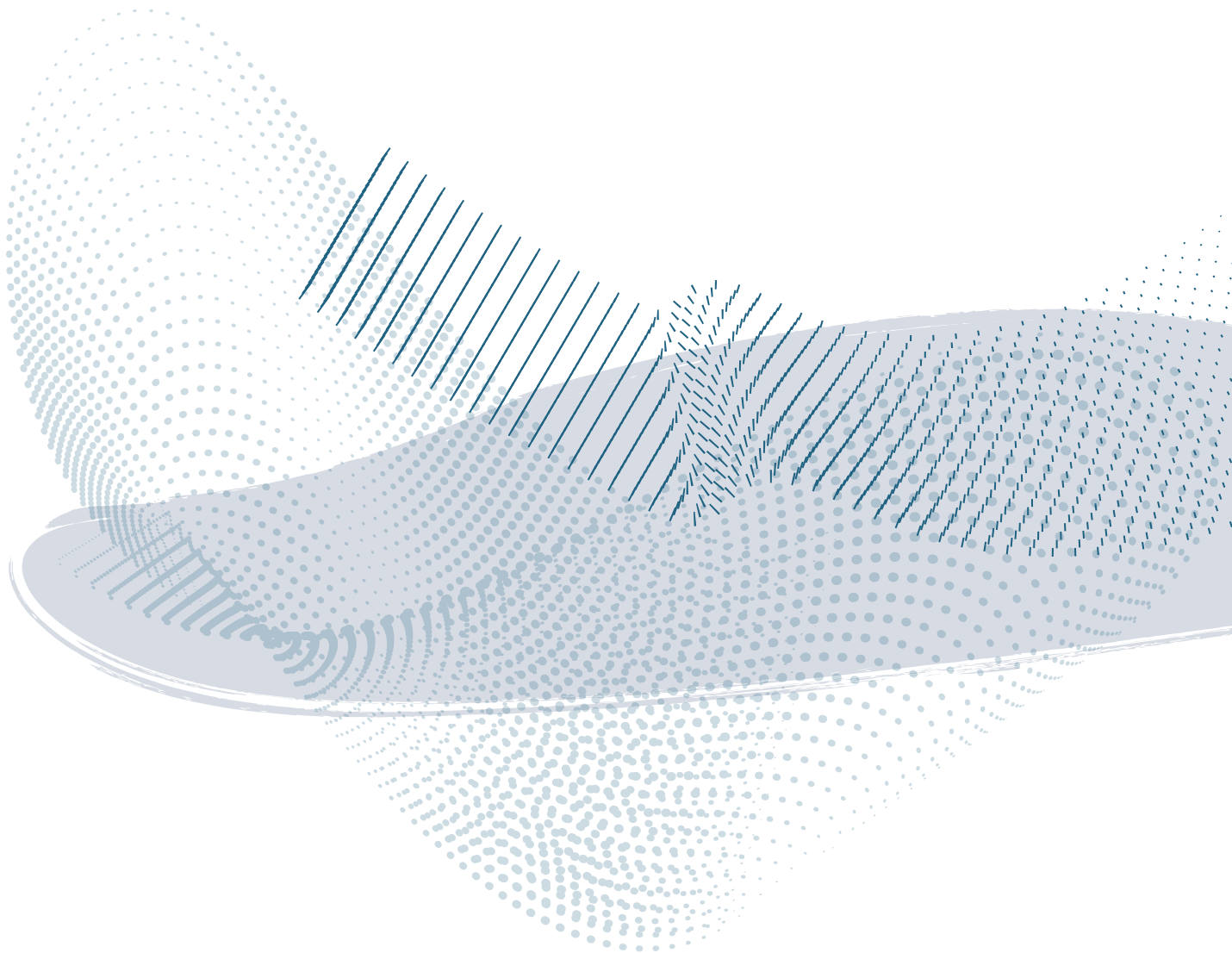
<sup>188</sup>National Women's Council (2023) *NWC Submission on the Draft General Scheme of a DSGBV Agency Bill*. National Women's Council. Available at: [https://www.nwci.ie/images/uploads/NWC\\_DSGBVAgency\\_Submission2023.pdf](https://www.nwci.ie/images/uploads/NWC_DSGBVAgency_Submission2023.pdf) (Accessed: 5 October 2023).



### Remaining Challenges:

The Observatory welcomed the Strategy's ambition to embed a victim/survivor-centred approach, placing the needs and priorities of victims/survivors of DSGBV at the forefront of responses<sup>189</sup>, an overarching priority across the 4 Pillars. The Observatory has already expressed concerns regarding the lack of inclusion of women victim-survivors' views throughout policy and legal consultation processes in relation to DSGBV, especially organisations working with minority and minoritized communities to reflect Ireland's diversity and women's intersecting identities. It is important to note that victim-survivors of DSGBV are not a homogenous group. They have many different identities and experiences among them, women from a migrant background, ethnic minority women, LGBTQI+, women seeking international protection and Traveller women. To ensure this, the Department of Justice should outline a mechanism that would enable a victim-survivor-centred implementation and monitoring of the Strategy, integrated and actioned throughout the establishment of the Agency across all Pillars.

In addition, in order to ensure a victim/survivor approach, the Agency must work collaboratively with Civil Society Organisations and the DSGBV services sector to ensure that the best possible services are in place to meet their needs, particularly of marginalised groups.



<sup>189</sup> Department of Justice (2022d) *Third National Strategy on Domestic, Sexual & Gender-Based Violence Implementation Plan*. Government of Ireland. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/228481/69e48889-49ea-49d6-8143-982f6cc28bac.pdf#page=null> (Accessed: 2 August 2023).

# Conclusion

While there has been significant positive developments and progress in the implementation of the Strategy across the 16 Objectives prioritised in this report, which the Observatory has clearly acknowledged, there are considerable challenges that remain to be addressed in terms of vindicating the rights of all women and girls to live free from violence and exploitation.

**Implementation of remaining gaps:** It is vital to complete the implementation of the current Plan and adequately fund this. Particular attention must be given to the remaining gaps, challenges and limitations explored throughout this report across the 16 prioritised objectives, that require urgent action to address them. This includes stronger collaboration across the relevant government departments and bodies to fulfil these gaps, a stronger co-design collaboration with civil society organisations to implement the Strategy, and to put in place robust monitoring mechanisms and data collection strategies to effectively assess the extent to which the strategy was implemented as intended (involving all the relevant bodies).

**Clear implementation plan:** This Implementation Plan only establishes actions until the end of 2023. It is crucial to have in place an Implementation Plan for the full lifetime of the Third National Strategy on DSGBV (2022-2026). The Observatory also looks forward to the establishment of the new Agency on Domestic, Sexual and Gender-Based Violence dedicated to tackling and reducing DSGBV and supporting victims and survivors. It is of critical importance that the Agency is appropriately funded to carry out, not only its own functions, but to administer the required resources to vital frontline services. Importantly, commitments under the Strategy by all responsible Departments need to be costed and made transparent so that the Strategy can be realised in full.

