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NWC Submission on the Third National Strategy on Domestic, Sexual and Gender- Based Violence

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Introduction

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

We welcome the opportunity to make a submission on the Third National Strategy (TNS) on Domestic, Sexual and Gender-Based Violence (DSGBV). We also welcome the alignment of the TNS with the obligations set forth in the Council of Europe Convention on preventing and combating violence against women and domestic violence.¹ We recommend that the TNS ensure alignment with other relevant obligations of the state, UN treaties and EU Directives and European Parliament Resolutions in particular the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), United Nations Security Council Resolution (UNSCR) 1325, UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the 2014 European parliament resolution on sexual exploitation and prostitution and its impact on gender equality (2013/2103(INI)) (the Honeyball resolution).

As per the Istanbul Convention, it is the State's responsibility to take specific measures to reduce barriers to ensure women can fully realise their social, cultural, political and economic rights to live a life free from violence.

We have been working collectively with NWC member organisation to strengthen our policy and advocacy work on health, care, violence against women and girls, economic independence, participation and leadership. We would like to acknowledge their contributions and insights in informing our submission. In particular, we are grateful for the contributions of: the Irish Observatory on Violence Against Women and Girls (the

¹ Hereafter referred to as the Istanbul Convention or the Convention, used interchangeably.

Observatory);² to the Disabled Women’s Group; the Beyond Exploitation Campaign, and; to the National Advisory Committee on ending sexual harassment and violence in higher education (the NAC) who have all contributed to this submission.

Overview of Submission

Given the centrality of the Convention in combatting and addressing violence against women and girls (VAWG) and domestic violence this submission is structured around the four pillars of the Convention. It is of course recognised that the obligations flowing from the Convention are part of broader national and international fundamental human rights obligations to which Ireland is bound³.

The creation of the TNS has come at an important juncture in reform of DSGBV. Most significantly, the publication of the O’Malley Review, the subsequent implementation plan by the Department of Justice, and the government audit of DSGBV have all occurred during the final phases of the Second National Strategy. These are important developments which should shape and influence the TNS. NWC has expressed concern in relation to some substantive aspects of the O’Malley Review, for example in relation to separate legal representation and the admissibility of counselling notes. However, we endorse in principal the recommendations contained in O’Malley and would support their inclusion into the TNS.

² Aoibhneas Domestic Abuse Service, Akidwa, Action Aid Ireland, Cairde, Chrysalis Community Drug Programme, Dublin Rape Crisis Centre, Galway Rape Crisis Centre, Longford Women’s Link, Love & Care for People, Immigrant Council of Ireland, Irish Consortium on Gender Based Violence, National Collective of Community Based Women’s Networks (NCCWN), National Women’s Council (NWC), Oxfam Ireland, Pavee Point Traveller and Roma Centre, Ruhama, Sexual Violence Centre Cork, Sonas Domestic Violence Charity, Sisi, Women’s Aid, YWCA Ireland

³ Bunreacht na hÉireann (1937); Convention for the Protection of Human Rights and Fundamental Freedoms (1950) and its Protocols, the European Social Charter (revised in 1996), the Council of Europe Convention on Action against Trafficking in Human Beings (2005) and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007); Committee of Ministers to member States of the Council of Europe: Recommendation Rec(2002)5 on the protection of women against violence, Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building, and other relevant recommendations;; International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations Convention on the Elimination of All Forms of Discrimination Against Women (“CEDAW”, 1979) and its Optional Protocol (1999) as well as General Recommendation No. 19 of the CEDAW Committee on violence against women, the United Nations Convention on the Rights of the Child (1989) and its Optional Protocols (2000) and the United Nations Convention on the Rights of Persons with Disabilities (2006); The case law of the European Court of Human Rights which sets important standards in the field of violence against women

NWC recommends that the recognition of victim-survivors of sexual offences be extended to all victim-survivors of DSGBV as it would go some way in ensuring that they receive the same necessary protections and supports that are needed to ensure their rights are upheld.

Advocating for law reform and legislative change in the area of DSGBV is a core piece of the work of NWC. Given that this submission focuses squarely on the Third National DSGBV Strategy and its implementation we have limited the inclusion of specific legislative reforms so as to ensure that this submission reflects the necessary focus on measurable objectives and outcomes that will be achieved during the duration of the strategy.

The Scale of Violence Against Women and Girls in Ireland

Gender based violence is rooted in power imbalances and gender inequality. It has long been recognised that gender is the single biggest risk factor for becoming a victim of DSGBV. Other significant risk factors include age, disability, sexual orientation, and being part of an ethnic minority.

Women with disabilities are particularly vulnerable to DSGBV yet these groups are least likely to see the perpetrator brought to justice. Women with disabilities are four times more likely to experience sexual violence and face forced sterilisation or abortion; many of them depend on the perpetrator for their daily care or even survival⁴.

Women experiencing income poverty are especially more vulnerable to domestic violence as poverty limits choices and resources preventing them from escaping from violent environments. As such, they are unable to afford alternative accommodation or support themselves independently⁵. Relatedly, it is recognised that violence against women is the

⁴ The Fundamental Rights Agency in an EU-wide survey found that 34% of women with a health problem or disability have experienced physical or sexual partner violence, compared with 19% of women who do not have a health problem or disability, Fundamental Rights Agency, 'Violence against women: an EU-wide survey', 2014, available < https://fra.europa.eu/sites/default/files/fra_uploads/fra-2014-vaw-survey-main-results-apr14_en.pdf>

⁵ Ilze Slabbert, Domestic Violence and Poverty: Some Women's Experiences, Research on Social Work Practice 1-8, 2016 < <https://www.researchgate.net/profile/Ilze->

leading cause of female homelessness⁶ while the gender-specific dimensions of such are often ignored or misunderstood⁷.

Young women are twice as likely to be subjected to sexual harassment and violence than older women. They are also twice as likely to have experienced sexual harassment than their male counterparts (21% and 12% respectively). This data from a Red C poll is only part of the picture. The Sexual Experiences Survey (2020) (in higher & further education) revealed that 29% of females, 10% of males, and 28% of non-binary students reported non- consensual penetration by incapacitation, force, or threat of force. Shockingly, 40% of females with a disability reported non- consensual penetration⁸. The Women's Aid report 'One in Five Young Women Suffer Intimate Relationship Abuse in Ireland' on intimate relationship abuse of young people (aged 18-25) found that 3 in 5 young people have either personally experienced or know someone 25 or younger who has experienced abuse by a current or former partner. 1 in 5 young women experience some form of abuse from a current or former partner with 51% under the age of 18 when the abuse started. 1 in 2 abused young women experienced abuse online including taking, sharing and threatening to share intimate images without their consent.

Girls and young women are more likely to experience DSGBV. However, when addressing male violence, older women are often marginalised and violence against them is considered as elder abuse, this gender-blind perspective leads to a lack of adequate understanding, support and services.

[Slabbert/publication/306002724 Domestic Violence and Poverty Some Womens Experiences/links/5c495b53458515a4c73c5837/Domestic-Violence-and-Poverty-Some-Womens-Experiences.pdf](https://www.slabbert.com/publication/306002724-Domestic-Violence-and-Poverty-Some-Womens-Experiences/links/5c495b53458515a4c73c5837/Domestic-Violence-and-Poverty-Some-Womens-Experiences.pdf) >; Michael L. Benson & Greer Litton Fox, When Violence Hits Home: How Economics and Neighborhood Play a Role 1-3 (2004), available <<http://www.ojp.usdoj.gov/nij/pubs-sum/205004.htm>>

⁶ European Federation of National Organisation working with the Homeless,

⁷ SAFE Ireland, No Place to Call Home, 2016, available <<https://www.safeireland.ie/wp-content/uploads/Final-Homeless-Report-.pdf> >

⁸ Active Consent* & USI, Sexual Experiences Survey: Sexual Violence and Harassment Experiences in a National Survey of Higher Education Institutions, 2020 available <<https://www.isha.ie/speck/properties/asset/asset.cfm?type=Document&id=8EF5AD0E-2237-4953-A68C0DAF77C889EC&property=document&filename=Sexual-Experiences-Survey-2020.pdf&revision=tip&mimetype=application%2Fpdf&app=isha&disposition=inline>>

Third-country national women face additional legislative barriers to accessing protection such as the denial of access to shelters or the fact that their legal status is attached to their (potentially violent) spouse or employer; the situation is even worse for undocumented women who can face deportation when reporting male violence. Girls and women with a migrant background may also experience particular forms of violence, such as forced marriage, female genital and sexual mutilation, and crimes so-called 'in the name of honour'. As recent research has shown the exploitative commercial sex trade is made of largely vulnerable, often young, migrant women, the intersection of sexual exploitation and violence with migrant status must be of particular focus in the plan.⁹

Lesbian and bisexual women face targeted sexual harassment and abuse and may often receive an inappropriate response from authorities. Transgender women are particularly vulnerable to violence, especially in the public space and in street prostitution.

The Impact of Covid-19 on DSGBV

Although data is only beginning to emerge on the impact that Covid-19 has had on increasing prevalence of DSGBV it is clear that Covid-19 has exacerbated all forms of gender-based and most acutely domestic violence (DV). The most recent Women's Aid Report 2021 found that the number of people who contacted the domestic violence support service was up by 43% when compared to 2019. 95 % of those contacting the service were female and 5% were male. 92 % of perpetrators of violence were male.¹⁰ As with all forms of DSGBV, this figure starkly reflects the gendered nature of domestic violence. There was a 90% increase in calls facilitated through a language other than English compared to 2019. The report also notes that there were almost 6,000 disclosures of child abuse last year - up 24% on 2019, the majority of which was emotional abuse. There were 318 reports of physical abuse and 50 reports of abuse against children. During 2020 WA received 515 disclosures of women being

⁹ Shifting the Burden of Criminality, The Sexual Exploitation Research Programme, UCD, Dr Monica O'Connor and Ruth Breslin, An analysis of the Irish sex trade in the context of prostitution law reform

¹⁰ 58% of callers were abused by a current male intimate partner. 23% were abused by an ex-male intimate partner. An additional 11% of women were abused by another male who was not a partner or an ex

abused when facilitating a child access visit and 114 reports of children being abused during a child access visit.

This rise in increased help seeking for domestic violence is also born out in increased reports to An Garda Síochána (AGS). In 2020 Gardaí received approximately 43,000 calls to respond to Domestic Abuse Incidents, a 16% increase on 2019. In excess of 4000 Criminal Charges preferred for breaches of Domestic Abuse Court Orders was up 25% on 2019. In excess of 7600 Criminal charges in total for crimes involving an element of domestic abuse, up 24% on 2019. In excess of 4300 Domestic Abuse Court Orders notified to AGS in 2020. There were 3 convictions recorded in 2020 for Coercive Control.

The narrative around victim-survivors of DSGBV can be very one-dimensional and an intersectional approach is required. 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. As such, the TNS needs to be intersectional and trauma-informed reflecting the diverse needs and experiences of all women and girls who are subjected to DSGBV. This understanding needs to be embraced, integrated and actioned throughout every action flowing from the strategy.

Oversight, Accountability and Action

A significant weakness of the First and Second National DSGBV Strategies has been the lack of sufficient and coordinated oversight, accountability and action. NWC, the Observatory and a number of advocacy and frontline services have continuously highlighted this as an area that *must* be addressed so as to ensure that the TNS can fully meet the objectives set forth within.

Governance of the Strategy

A number of possible solutions to the issues surrounding the lack of sufficient oversight, accountability and action include, although are not limited to the need for:

- **A dedicated Minister for Women and Equality and/or Minister for DSGBV**
- **A Minister of State for Women and/or a Minister of State for DSGBV**
- **A Victims' Commissioner**
- **A National Rapporteur on DSGBV**

The Citizens' Assembly on Gender Equality Report recommended that 'All Government action to prevent and counter domestic, sexual and gender-based violence should be *coordinated* by a Cabinet Minister with direct responsibility for implementation of a national strategy'¹¹.

The success of the TNS rests on how it is implemented. The establishment of the senior positions/posts, in part or in full, would signal a significant shift in the understanding of the social, personal, and public health crisis that is DSGBV. Instituting a ministerial office or position(s) dedicated to women's equality and DSGBV with overall responsibility for implementing the TNS is essential for the success of the Strategy.

The establishment of a full Cabinet Minister (or equivalent) would recognise the scale, attention and resources that women's equality needs if we are to truly address endemic gendered issues such as DSGBV. and NWC would advocate for an agency and a dedicated Minister/Minister of State.

NWC recommends the following principles should guide the that the oversight and implementation of the TNS:

- 1. A whole of Government approach**
- 2. Driven and coordinated and by a person/team in a senior position**
- 3. Permanence of responsibility and office/agency**

¹¹ Emphasis added, 2021, at para 37, available < <http://citizensassembly.ie/en/about-the-citizens-assembly/report-of-the-citizens-assembly-on-gender-equality.pdf>>

Addressing the implementation structure/mechanism will go some way in addressing the perennial issue of a lack of coordination an insufficient whole of government approach that has limited the first two national strategies.

Coordinated Action and Reporting

The process through which actions were recorded and assessed in the first and second strategies lacked the required detail and oftentimes provided no detail at all. It is hoped that the reporting mechanism through which state bodies and agencies report on the TNS is revised and does not repeat the weaknesses of the previous reporting process. As outlined in greater detail on page 30, it is also crucial that frontline NGOs and civil society organisations, both individually and collectively, are resourced and supported in participating in the reporting process through structures such as the Irish Observatory on Violence Against Women and Girls.

An example of good reporting mechanism could be how the higher level institutions report to the HEA on the implementation of the National Framework to End Sexual Harassment in Higher Education. Upon request from the Minister each Higher Education Institution (HEI) must provide an Action Plan detailing the specific actions they are undertaking. Each HEI must also provide the HEA with a detailed Progress Report annually.

Whilst this model would need to be adapted, the basic concept that each governmental department or agency is required to draft their own Action Plan on the TNS would ensure that there is departmental buy-in and ownership of their role in addressing DSGBV. The requirement to furnish an annual or biannual Progress Report to the coordinating body/agency would ensure oversight and accountability of the Strategy as a whole. Every governmental department would be required to have an Action Plan, as with the HEI sector, there would need to be a coordinating person, team, unit or department responsible for this work. The human resources required in each department would depend on the degree to

which that department has responsibility for DSGBV. Notably, there is no one department that does not have a responsibility for an aspect of the challenge of DSGBV.

Equality and Non-Discrimination

In accordance with Article 4 of the Istanbul Convention the TNS should explicitly condemn all forms of discrimination against women, and include all necessary measures to prevent it, e.g. by establishing and embedding gender equality systems and practices across and within all state bodies, institutions, and agencies through abolishing laws and *practices* which discriminate against women.

The TNS must positively protect and advance equality, diversity and human rights for women. This can be achieved through a National Strategy that is bold and fearless in highlighting what needs to be achieved throughout the lifetime of the Strategy.

Actions and outcomes of the Strategy must be drafted in such a way as to ensure that they are firmly rooted in the fundamental rights and equality paradigm. It should actively promote and effectively implement policies of equality between women and men and the empowerment of women.

Whilst the Convention does not address trafficking, sexual exploitation or prostitution, CEDAW and the 2014 European Parliament resolution explicitly name these as putting women and girls at special risk of violence and abuse and request states to enact preventive measures¹².

Migrant and Ethnic Minority Women

Migrant, Traveller, Roma, undocumented, refugee, women with irregular migration status and women who live in Direct Provision (DP) face particular structural, language and cultural

¹² CEDAW Paragraph 24, G

challenges and barriers in accessing supports and justice when they have been subjected to DSGBV.

The First and Second National Strategies failed to capture the barriers that migrant women face nor the specific forms of violence that they are subjected to including FGM, honour-based violence, sexual exploitation, forced marriage, trafficking and sexual exploitation. There was also limited recognition of this within the subsequent Action plans that followed. The TNS is an opportunity to rectify this and should specifically address violence against migrant women with measurable outcomes and objectives.

The particular challenges and barriers that migrant women face have been identified by Akidwa and Pavee Point are summarised as follows¹³:

- Language and communication
- Difficult to find the right service to use and not aware what DSGBV services can offer
- Shame and stigma and fear of being rejected by own community
- Fear of racism or prejudice
- Immigration status issues
- Cultural or religious issues
- Literacy challenges
- Mistrust of legal services and the Gardai
- Poverty

Women from every ethnic, cultural and social background can, and do experience violence. However, although all women who are abused will have similar experiences and encounter similar problems, these problems are further compounded by the marginalisation of Traveller and women from minority communities. Discrimination, the impact of poverty, social isolation and disadvantage are structural inequalities faced by Traveller and other minority

¹³ Akidwa, Ethnic Minority Community Development Pilot Project 2018-2020, available < <https://www.translatorsassociation.ie/wp-content/uploads/2021/02/Offaly-Domestic-Violence-Support-Services-project-report-2018-2020.pdf> >

ethnic women, which compounds their difficulties in seeking help, support, protection and long-term options when dealing with a violent relationship. Women living in rural communities can be even more vulnerable because of increased levels of social isolation¹⁴.

Disabled Women

A systematic review of evidence by the WHO shows that children and adults with disabilities are more likely to experience violence than their non-disabled peers and those with intellectual disabilities are most at risk¹⁵. Disabled women are not visible in the wider response to violence against women. Disaggregated data on disabled women does not always exist, but the following statistics highlight disabled women's increased vulnerability to violence.

The Fundamental Rights Agency in an EU-wide survey in 2014, found that 34% of women with a health problem or disability have experienced physical or sexual partner violence, compared with 19% of women who do not have a health problem or disability.¹⁶ As noted above, recent research from NUI Galway Sexual Experiences Survey 2020 found 40% of disabled female students reported experiencing rape (compared with 27% of non-disabled students)¹⁷.

If we are to fully address violence against disabled women, then we must incorporate the understanding of ableism into the TNS on DSGBV.

The TNS needs to examine and tackle the ableism that is endemic within State institutions, education programmes, structures, policies and procedures¹⁸. This must be coupled with targeted responses to remove the specific barriers that disabled women face.

¹⁴ http://www.paveepoint.ie/wp-content/uploads/2009/07/VAW_POSITION_2011_Final-1.pdf

¹⁵ Hughes K., Bellis M., Jones L, Wood S, Bates G, Eckley L, McCoy E, Mikton C, Shakespeare T, Officer A. (2012). 'Prevalence and risk of violence against adults. Prevalence and risk of violence against children with disabilities: a systematic review and metaanalysis of observational studies.' *The Lancet*. 379(9826):1621-9. Retrieved from: [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(11\)61851-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(11)61851-5/fulltext)

¹⁶ Fundamental Rights Agency, 'Violence against women: an EU-wide survey', 2014.

¹⁷ <https://www.nuigalway.ie/media/smartconsent/Sexual-Experiences-Survey-2020.pdf>

¹⁸ Ableism is the discrimination or prejudice against people with disabilities. Ableism can take the form of ideas and assumptions, stereotypes, attitudes and practices, physical barriers in the environment, or larger scale oppression. It is oftentimes unintentional, and most people are completely unaware of the impact of their words or actions.

The particular challenges and barriers that disabled women face include but are not limited to:

- Systemic ableism
- Lack of universally accessible State and specialist support services such as refuges
- Information and awareness campaigns that are inaccessible to disabled women and women with impairments
- Lack of training and understanding of violence against disabled women
- Failure to fully implement the Convention on the Rights of Persons with Disabilities¹⁹

Prostitution and commercial sexual exploitation

Prostitution is one of the many forms of violence against women where women's rights are pervasively violated and it is the view of NWC that prostitution is a violence against women and girls and incompatible with equality for women. The introduction of the equality model legislation, the Criminal Law (Sexual Offences) Act 2017 articulated the states recognition that prostitution is an inherently exploitative practice. The TNS should formally recognise that the Irish sex trade mirrors the international sex trade and the overwhelming majority of those selling sexual access are women and girls who experience the intersection of multiple, systemic oppressions and vulnerabilities including racism, insecure migration status, addiction, housing insecurity and income poverty. As recognised by CEDAW, the European Parliament and the Organization for Security and Co-operation in Europe²⁰ the sex trade is an industry based on exploitation, coercion and violence. The TNS should clearly articulate the next steps in implementing this Equality Model including but not limited to:

- Recognition that prostitution and commercial sexual exploitation are forms of gender based violence

¹⁹ NWC Disabled Women's Group Consultation

²⁰ [Applying gender-sensitive approaches in combating trafficking in human beings](#). OSCE, 2021

- Establishment of **state funded exit pathways** out of the sex trade and how these should be provided for in statute.
- Fully resourced services and supports for those who are in, or who wish to leave, prostitution. The pathways should include:
 - regularisation of immigration status;
 - access to housing and social protection;
 - education and training programmes;
 - access to free healthcare including mental health supports, and;
 - access to justice.

Institutional Violence Against Women

The release of the Commission of Investigation into Mother and Baby Homes report highlighted again just how inherently abusive institutional settings can be. As we continue to reckon fully with our institutional past, we must ensure that redress schemes are open to all women and that their particular experiences and voices are heard in all ongoing processes. Institutionalisation has deprived women of their human rights and fundamental freedoms. As such, the TNS must include a specific focus on institutional violence against women in both its past iteration such as Mother and Baby Homes and its modern day form which include Direct Provision Centres, congregated homes for disabled people and prisons²¹. It is essential that the institutional violence is not excluded from the TNS.

Disabled women who live in congregated settings or other institutions who suffer domestic violence are excluded from the domestic violence legislation as their home is formed on a contractual basis. Despite a number of high-profile cases exposing significant cruel, inhumane and degrading treatment of disabled people within institutional settings, abuse remains a significant issue for women²². The response has been wholly inadequate with very low

²¹ Please see NWC Submission to the Department of Justice on the Criminal Justice Sectoral Strategy [The Department on the](#)

²² Eilis Regan, Resident in Disability Centre not protected from abuse (2020)
<https://www.independent.ie/irish-news/health/resident-in-a-disability-centre-not-protected-from-89-abusive-incidents-watchdog-38888917.html>

conviction rates for offenders²³ and often results in a further diminution of a person's autonomy and agency. Conversely, institutionalisation and Wardship have been used as a response to domestic or sexual abuse of disabled women. This is completely contrary to the human rights and fundamental freedoms of disabled women, the response deprives the victim-survivor in these instances of care in the community, of liberty, equality before the law, and of access to justice²⁴.

A recent report into disability and Irish prisons raised specific concerns related to treatment of disabled prisoners. One specific issue was deprivation of communication, where inmates with a disability had no meaningful access to communication or with their family. Secondly issues were raised in relation to access and reasonable accommodations, which created a situation of de facto solitary confinement²⁵.

Women living in Direct Provision face increased risk to DSGBV. This has a profound effect on them and their families. Families living in close quarters, lack of personal independence, lack of effective access to employment and social opportunities strain mental health and heighten tensions within families and put women and children at risk. Women are afraid to report violence which happens to them because of how it might affect their application, or how it would affect how they are perceived socially. Their reputations are wrapped up in more cultural norms and barriers than the indigenous Irish population and domestic violence responses are not always catered to these complex dynamics and cultures²⁶.

²³ There are significant barriers to prosecutions if it is another resident in a congregated setting who is a perpetrator. Even where these cases are reported, states often do not pursue them, be it concerns about a lack of mens rea or a concern if the accused would be fit to stand trial see Information for List of Issues With regard to the examination of Ireland's Third Report under the UN Convention Against Torture Centre for Disability Law and Policy. 69th Session of the Committee Against Torture April-May 2020 (January 2020)

²⁴ https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_IC_S_IRL_41349_E.pdf -

²⁵ Irish Penal Reform Trust, People with Disabilities in Prison (2020)

https://www.iprt.ie/site/assets/files/6611/people_with_disabilities_in_prison.pdf

²⁶ Akidwa, Position Paper on Domestic Violence August 2020

The TNS must be inclusive of *all* women. Embedding the principle of non-discrimination is a necessary way of ensuring that the Strategy is truly intersectional reflecting the unique experiences and barriers that women face to ensure that no woman is left behind.

- **The TNS should work to ensure that every government and state budget, strategy and policy are gender, ethnicity and disability proofed**

Prevention

The Convention focuses strongly on prevention, whilst the Convention also covers prevention against domestic and sexual violence of men and boys it is most prominently the prevention of VAWG that is the clear focus. Preventing VAWG has the ability to save lives and for all women and girls to live free from violence.

Awareness-raising, and Education

In line with the Convention, the TNS should require the State to promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes. It should be made clear within the Strategy that this needs to be in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations. The role of women's organisations should be emphasised and specifically included.

Campaigns should aim to increase awareness and understanding among the general public of the different manifestations of all forms of DSGBV, their consequences on children and the need to prevent such violence.

Furthermore, The Strategy should require the State to take all the necessary steps to include teaching material on issues such as equality between women and men, non-stereotyped

gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, gender-based violence against women, the right to personal integrity and to mutually respectful, non-coercive sexual relationships.. This should be adapted to the evolving capacity of learners, in formal curricula and at all levels of education. This applies to informal educational facilities, as well as in sports, cultural and leisure facilities and the media. Whilst this is the minimum requirement set down in the Convention, in line with the principle of non-discrimination we would also add that all education, teaching and awareness raising campaigns should include intersectional analysis including but not limited to: DSGBV of Disabled, Traveller, Roma, Black, and ethnic minority women; racism, ableism and classism as they relate to DSGBV.

There was a distinct absence in the Second National Strategy of any reference to the work that is being undertaken in higher education to combat sexual harassment and violence. The only reference related to the Ending Sexual Harassment in Higher Education ESHTTE project that was led by NWC. Therefore, the TNS should incorporate all work now being undertaken by higher and further education sector.

In regard to ‘consent education’, NWC would like to emphasise that although this is an important element of DSGBV education it but one aspect, albeit an important one. Consent as the primary framing or focus fails to capture the inherent complexities of DSGBV. Education, training and awareness all need to be framed in terms of equality and fundamental human rights and should not be reduced to solely focus on consent.

NWC members have highlighted the central importance of education as a means of preventing DSGBV. The shared views on what should be included in the TNS can be summarised as follows:

- **Compulsory, school²⁷ based education on DSGBV needs to start much earlier. Comprehensive, age-appropriate sexual health education that addresses gender stereotypes, healthy and unhealthy relationships, domestic and intimate partner**

²⁷ And all educational settings including Youth Reach, probation services such as Dochas, FETAC, special education schools and settings etc.

abuse, pornography, sexual exploitation, prostitution and DSGBV of Disabled, Migrant, and ethnic minority women

- **All education programmes should be age and stage appropriate and tailored to meet the needs of the target group**
- **There should be an overarching policy that ensures that there is continuity and consistency across and within the entire education system from pre-school to tertiary, further or higher education**
- **Every state agency and institution should have a sexual violence and harassment policy and procedure that is child centred, trauma and victim-survivor centred. This includes but is not limited to all secondary, higher and further education institutions**
- **In line with best practice, specialist DSGBV organisations and NGOs who provide DSGBV training and education should be resourced and supported to continue and expand this work given their expertise in the area**
- **Structures such as the National Advisory Committee should be expanded and supported to continue to support the rollout of the National Framework to End Sexual Harassment and Violence in higher education. This model should be extended to education institutions of all levels**
- **Frontline and advocacy organisations should be supported to run webinars and other information sharing activities to highlight the various types and impacts of DSGBV**
- **Awareness raising opportunities, such as the 16 Days of Action to End VAWG should be promoted and championed by the State and state agencies**
- **Given the increased risk of DSGBV that disabled women face there needs to be a national, targeted awareness raising campaign that specifically addresses violence against disabled women and girls**
- **The DSGBV experiences of disabled, Traveller and migrant women should be integrated into all local, regional and national campaigns and public messaging highlighting the specific and unique forms of violence that particular cohorts of women are subjected to**

- **All education, training and awareness raising campaigns need to be fully accessible to all women. For example: plain language versions, colour contrast, large font, digitally available, screen-reader accessible, ISL interpreted, etc.**
- **Awareness campaigns with ethnic minority groups and faith Communities to raise awareness of signs of domestic violence and the rights and responsibilities regarding these issues in Ireland need to be rolled out nationally**
- **Improve supports to increase capacity building and engagement with stakeholders who work with ethnic minority and disabled women’s groups to encourage them to seek out community champions that can help to address barriers**
- **Develop a training road map and tool kit (disability awareness, cultural diversity and sensitivity) for all front-line services that encounter and work with ethnic minority communities and disabled women – examples; DP centres, housing, social work, family resource centres, teachers, GPs, support workers, personal assistance etc**
- **Resource implementation of the Action Plan to end Direct Provision**
- **Diversity in volunteers and staff in DSGBV services to include the ethnic minority community and disabled women**
- **Training and awareness for frontline DSGBV services around culturally harmful practices such as FGM, honour based violence and forced marriage**

Training of professionals

In line with the Convention the Action Plan should provide or strengthen appropriate training for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of the Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation. NWC and its members would emphasise the need for the TNS to include measurable indicators for accredited training for professionals on DSGBV. Furthermore, underscoring the importance of the Victims of Crime Act 2017 and the O’Malley Review recommendations in respect of training of professionals. Additionally, the TNS should also include:

- **A complete reform of the criminal justice and family law system in how DSGBV cases are handled**
- **All training should ensure multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of DSGBV**
- **The Judicial Council should be supported and resourced to ensure that DSGBV training of the judiciary is ongoing, compulsory, consistent and to a high standard**
- **There should be a requirement that all first responders and frontline workers receive specialised DSGBV and disability training. Including, but not limited to, the National Ambulance Service, Social Workers, Gardai, DPP, Lawyers, Judges and court personnel**
- **The systematic barriers that are faced by all women, but particularly so for disabled and minority women must be eradicated through compulsory tiered education and training of Gardai and frontline workers. Practical skills such as ISL should form part of basic compulsory training for the Gardai**
- **Deaf women must have prompt access to a trained and accredited ISL interpreter, that is trauma informed when reporting any form of DSGBV**
- **Provision of adequate resources of trained and accredited language translators and interpreters for frontline services**
- **Training for frontline service providers on how to work with interpreters whether that is language interpreters or ISL**
- **In addressing the language barriers, information material must be made available on DV support services' and other websites in the most widely used languages**
- **Adequate search engine profiling of DSGBV services online, in the most common languages, for all frontline support services.**

Preventive intervention and treatment programmes

NWC works to ensure that the safety of, support for and the human rights of victim-survivors are of primary concern and, where appropriate, these programmes are set up and implemented in close co-ordination with specialist support services for victim-survivors. To

ensure that perpetrator programmes do not re-victimise victim-survivors of DSGBV, NWC and its members would like the TNS to include:

- **Measurable reforms of the family and criminal justice systems to ensure that victim-survivors of DSGBV are identified; the establishment of Family Contact Centres to ensure the safety of the non-abusing parent; and, the establishment of a statutory maintenance agency (or equivalent) to safeguard against the weaponization of financial resources**

Participation of the private sector and the media

The role of private sector industries such as big-tech play in facilitating and exacerbating DSGBV cannot be understated. While there is evidence that some companies are beginning to explore ways that women and girls can be better protected from DSGBV in the digital space this is still very underdeveloped. The scale of digitally enabled abuse of women and girls needs to be specifically addressed in the TNS.

- **Once the Digital Safety Commissioner is established the office should play an active and visible role in implementing the TNS through the creation of their own specific Action Plan on DSGBV**
- **Guidelines on reporting of VAWG must be developed by the Press Ombudsman in consultation with NGOs that work to prevent VAWG, and in conjunction with relevant trade unions. Mechanisms for reviewing the impact of these guidelines should form part of the TNS**

Protection and Support

NWC campaigns for gender specific supports to ensure that all women are protected from all forms of DSGBV. These supports are necessary to ensure that women are protected from further violence and are given the opportunity to recover from the violence they have endured.

O'Malley Review Implementation of Supports

The O'Malley Review outlines a number of supports that are needed to ensure that the rights of victim-survivors of sex crimes are protected. These include, although are not limited to: court familiarisation services; free legal advice to victims of sexual offences; personal support during criminal proceedings; access to trained intermediaries; access to information²⁸; a consistent standard of service for victims²⁹; same level of service and quality in the provision of special measures;³⁰ separate legal representation in respect of previous sexual history applications³¹. Whilst the review considers these supports in the context of sexual offences, we would strongly advocate that these be extended to all victim-survivors of all forms of DSGBV in a wraparound manner that ensure the needs of all women are met. Examples of such may be an expanded and adapted version of the BarnaHus model³² to adult and child victim-survivors of all forms of DSGV.

Financial Abuse

The obligation on the applicant for One-Parent Family Payment (OFP) or Jobseekers Transitional payment (JST) to make “efforts to seek maintenance” places the applicant in the undesirable position of pursuing the non-custodial parent for and effectively usurping the role

²⁸ Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020Pg. 97

²⁹ Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020, at 2.45

³⁰ Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020, at 2.48

³¹ Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020, At 6.10, Criminal Law (Rape) Act 1981, s.4A inserted by the Sex Offenders Act 2001, s. 34.

³² <https://www.gov.ie/en/press-release/7ea4b1-barnahus-onehouse-galway-model-to-ease-trauma-for-children-who-have-/>

of the state to enforce a legal obligation. Failure to provide proof of ‘efforts to seek maintenance’ can lead to payments being suspended, cancelled or not awarded. While the Department of Social Protection accepts verbal assertion of these constraints in principle there is no agreed definition of domestic violence for these purposes. Training for Intreo staff should be delivered as a priority in order to properly deal with these issues.

The criminal offence of coercive control is emotional and psychological abuse in intimate relationships that causes fear of violence or distress that has a substantial adverse impact on a person's day-to-day life. Financial abuse, for example, whereby the abusing partner uses access to money to exert psychological pressure or control of their partner. This can also be weaponised by an abusive partner through non-payment or partial payment of child maintenance. This is a recognised form of coercive control and domestic violence.

Where a marriage or partnership has ended as a result of domestic violence, forcing parents back into an adversarial context to ensure maintenance poses the risk of re-traumatising the survivor. While in cases of domestic violence, or where there is such a risk from a former partner, no effort or attempt to seek maintenance is expected to be made³³, the onus is on the survivor to assert this. The survivor may be reluctant to reveal the existence or extent of abuse, or be fearful of retribution for revealing that abuse occurred. In the case of coercive control, the survivor may not recognise the nature or extent of the abuse. Drawn out and repeat court appearances can be weaponized by the abuser to torment the survivor through non-appearances and delays or to use processing time to liquidate available assets to cause financial hardship³⁴. Cosc³⁵ recognises that the withholding of child maintenance is a form of financial abuse that is located on the continuum of coercive control. Moreover, in cases of coercive control and domestic violence, efforts by the custodial parent to seek child maintenance can exacerbate hostilities between the parties. The TNS must name, advocate and support the development of a Statutory Maintenance Agency as a key support

³³ ‘Operational Guidelines: Liability to Maintain a Family’, available at <https://www.gov.ie/en/publication/7e1920-operational-guidelines- liability-to-maintain-a-family/>. This guidance does not provide any definition of domestic violence.

³⁴ The option to seek a court order preventing the liquidation of assets is only available to ex-spouses.

³⁵ Cosc – The National Office for the Prevention of Domestic, Sexual and Gender-based Violence endeavours to ensure the delivery of a co-ordinated ‘whole of Government’ response to domestic, sexual and gender-based violence. at <http://www.justice.ie/en/JELR/Pages/Cosc>

Refuge, Housing and Accommodation

The lack of refuge spaces and suitable housing has been highlighted as a particular concern for NWC and its members. Refuges offer safety and counselling to women victims of domestic violence, and they are a cornerstone in the support offered to women victims of domestic violence. However, the current refuge provision is unable to meet the diverse support needs that women subjected to DSGBV require, including emergency accommodation, long-term psychological treatment, refuge spaces/services that can accommodate women in active addiction.

The TNS must go beyond the minimum provision of refuge space requirement (1 per 10,000 of the population) and go further to ensure that refuges are accessible to all women whether they are a disabled woman, a migrant woman, or a woman living in a rural community. This is but the first step in ensuring that victim-survivors of DSGBV have safe accommodation. All future housing policies must, as a matter of public policy, prioritise victims of DSGBV in housing allocation. Where this is not possible approaches such as the extension of HAP to DV victim-survivors should be continued and expanded to all victim-survivors of DSGBV.

Domestic Homicide Reviews

The TNS must include provision for multi-agency reviews of domestic homicides every time such a crime occurs. Domestic Homicide Reviews (DHR) can provide families with answers but vitally for the protection of women in the future they would assist in developing best practice responses in relation to domestic violence including risk assessment and risk management³⁶. Lessons must be learnt to ensure we can best protect victims of domestic violence³⁷.

The TNS should include:

³⁶ See Sinn Fein Policy Paper, 'Why we need Multi agency domestic Homicide Reviews'. (April 2019)

³⁷ See NWC Publication, 'Response to Study on Familicide and Domestic Homicide Reviews', 2019 https://www.nwci.ie/images/uploads/NWCI_Response_to_Study_on_DHRs_%28July_2019%29.pdf

- **Wraparound support services for victim-survivors of DSGBV. This should include legal advice, psychological counselling, financial assistance, housing, education, training and assistance in finding employment, access to health care and social services, court familiarisation and accompaniment services. Such services need to be adequately resourced, and those working with victim-survivors should receive specialist accredited training**
- **DHR must be placed on a statutory footing and included within the TNS**
- **Frontline support and advocacy services should be resourced to both provide and advocate for supports for victim-survivors**
- **Increased multi-annual funding to frontline support and advocacy services needs to be assured to ensure they can provide victim-survivors with the support they are entitled to**
- **Refuge spaces need to be available nationally. Refuges should meet the specific needs of the women they serve such as Traveller women, disabled women, migrant women, women exiting prostitution, women with dependency issues - such services should provide onsite specific supports**
- **All victim-survivors of DSGBV should receive the same level and standard of support and accommodations irrespective of their status or location**
- **Victims of domestic violence must never be required to make contact with the non-custodial parent at any stage in order to seek maintenance. To ensure that this is operationalised a Statutory Maintenance Agency, or equivalent should be established to ensure that victim-survivors do not have to secure maintenance payments which are owed to them and their children.**

Prosecution

Family and Criminal Justice Law Reform

NWC and its members believe that effective access to justice must be at the forefront of our justice system and, as such, should be an integral part of the TNS. Excellent laws without an effective ability to invoke them are rendered meaningless. In that respect NWC recommends that the Strategy should include actions on Strengthening Access to Justice for Women Victims of DSGBV. This would assist in recognising the specific barriers that women face when attempting to access the courts. Through being aware of how gender creates different roles for women and men, and by taking account of unequal power relations between women and men, the justice system will be better able to address different vulnerabilities experienced by different groups of women.

This is of immediate and particular importance in light of the proposed development of a specialist division of family courts and judges³⁸ which has the potential to remedy many of the problems currently faced by our over stressed and overburdened courts system. Family law and violence against women are fundamentally connected. For those women attempting to leave violent relationships matters such as maintenance,³⁹ access,⁴⁰ and separation, are fraught with difficulty and danger.

The Establishment of a Court Welfare System

The legal system itself is often used by perpetrators to repeatedly re-victimise and as a method of exercising coercive control through delaying tactics, disruptions in proceedings,

³⁸ Family Courts Bill 2020

³⁹ See NWC 2017 Submission to the Law Reform Commission to Examine legal infrastructures designed to secure maintenance payments

⁴⁰ See NWC 2017 Recommendations for Legislative Amendments: Domestic Violence Bill 2017 which provides a detailed discussion about access arrangements which give the abuser a reason to contact and see their former partner thereby facilitating an opportunity for further assault, harassment, intimidation and abuse. https://www.nwci.ie/index.php/learn/publication/recommendations_for_legislative_amendments_domestic_violence_bill_2017

harassment before and after court proceedings. Court facilities that are victim-witness centred and trauma-informed would recognise that the hearing itself is re-traumatising with women having to face their perpetrators. Structural accommodations and facilities would include but are not limited to: separate entrances for victim-witnesses; separate waiting areas for victim-witnesses; quiet, private spaces for victim-witnesses; access to supports at courts. These should be provided throughout the country irrespective of location or jurisdiction of the court.

Co-locating ancillary supports and services, including a legal aid and integrated court welfare service, would promote engagement with the services by court users. An information hub on the available services would help users of the family law system to understand the court processes and legal framework and to constructively engage with their options. Such a hub would support the obligation for the Courts Service to provide victims of domestic violence with information on, and contact details for, support services for victims.

A Court Welfare System could provide specialist supports in all private family law matters that involve victims of domestic and intimate partner abuse. A high-quality Court Welfare Service should comprise the management and resourcing of necessary court assessments in relation to children and parents; a range of ancillary support services including counselling, mediation and mentoring. A system for the statutory assessment and management of child maintenance payments would replace the need for parents to seek payments through an adversarial and costly court process. It would reduce the scope for further abuse where the abuser uses court processes as a way to delay maintenance payments and utilise processing time to liquidate assets to cause financial hardship. An integrated Statutory Maintenance Agency would reduce conflict and abuse between parents, and spouses and ex-spouses, about ongoing financial obligation while encouraging shared financial responsibility.

A network of Child Contact Centres would offer the courts options when it assesses that perpetrators of abuse should not be unsupervised with the children. For vulnerable court users this needs to be a safe space for child access visits with professionally trained staff to ensure that child access visits are no longer an opportunity to continue to intimidate their former partners or that are a trigger for abuse. These centres should be staffed with trained

professionals to facilitate and provide a safe space, with trained professionals in coercive control and security for access arrangements⁴¹.

The NWC and its members would recommend that the TNS include:

- **The establishment of a Court Welfare System**
- **An overarching commitment to recognising children of domestic abuse as victim-survivors in their own right**
- **The Family Justice Oversight Group and all relevant stakeholders should work to ensure that the Family Law court, the Criminal Court and Child Protection, work in tandem and not against each other**
- **The safety and well-being of victim-survivors of DSGBV, including child victims should be the guiding principle in all family, criminal and child protection proceedings**

Article 50 of the Istanbul Convention requires that agencies engage promptly and appropriately in the prevention and protection against all forms of VAWG. Since the onset of Covid-19 restriction An Garda Síochána (AGS) had committed to treating all instances of domestic violence as a priority and had publicly focused on the enforcement of court orders and the prosecution of offenders⁴². However, in June 2021 NWC, ICCL, FLAC and SiSi had to call for an independent review of cancelled emergency calls and the failure of AGS to appropriately respond to emergency calls since the start of 2019.⁴³

The NWC and its members would recommend that the TNS include:

⁴¹ See NWC submission to the Family Justice Oversight Committee Consultation – Phase 1, available at https://www.nwci.ie/images/uploads/NWCI_FJOG_Consultation_Phase1_26022021.pdf

⁴² <https://www.garda.ie/en/about-us/our-departments/office-of-corporate-communications/news-media/operation-faoiseamh-phase-3---an-garda-siochana-continues-to-support-victims-of-domestic-abuse.html>

⁴³ https://www.nwci.ie/learn/article/joint_statement_on_unanswered_calls_by_an_garda_siochana

- the implementation of the findings of an independent review of the failure of An Garda Síochána to appropriately respond to emergency calls since the start of 2019 **A review of Operation Faoiseamh and its policing response to DV.**
- **Risk Assessments must be rolled out systematically and the specific needs and experiences of disabled women, migrant women, Traveller and Roma women must inform all Risk Assessments**
- **Protection, Safety and Barring Orders must be made accessible to all and must be proactively enforced**

Legal Aid

While legal aid is technically available to victims of domestic violence, the requirement to pay financial contributions hampers the accessibility of justice. In 2013, the situation was exacerbated as the minimum contribution for legal services provided by the Legal Aid Board increased from €50 to €130 – a rise of 160%. This is not a once off payment as victims of domestic violence may need to make recurring applications for legal aid and a financial contribution is required for each. Moreover, some women are not eligible for legal aid because of assets held in joint names over which they have no control or financial abuse is part of overall domestic violence, victims may not have the access to means to independently engage and pay for legal advisors.

In a separate but related issue, in recognition of the importance of access to legal advice for victims of sexual crimes, the O'Malley Review recommends amending the current law to include the provision of free legal advice to victims of all sexual offences that is not contingent on there being a prosecution. The Review recommends that individual information and advice be 'tailored to the circumstances of their particular case'.

It is the view of NWC that the recommendation that free legal advice be made available for victims of sex crimes should be extended to include all victim-survivors of DSGBV, including intimate partner abuse, sexual harassment, stalking, victims of prostitution, online digital abuse, FGM and forced marriage etc. The provision of free legal advice acknowledges the gendered nature and gendered constraints that are experienced by victims of all gender-

based violent crimes in accessing legal advice. To fulfil a commitment to access to justice by all victims, the requirement for victims of domestic violence to make financial contributions for civil legal aid services where safety, protection or barring orders are sought must be ended.

Frequently Legal Aid representatives are the first encounter that individuals have with the legal system, or of framing their experience in legal concepts or protections. As a gateway to the legal system, legal aid practitioners can direct users to the range of services and supports that are available to individuals, including mediation.

When legal aid practitioners are the first point of contact, they may be uniquely in a position to recognise domestic violence, including coercive control, that has not been directly disclosed by the individual, and help them to connect with the supports that are available to them. It is vital that legal aid practitioners are adequately trained to recognise and understand the impact of domestic abuse on the victim and how it might shape their interactions at every stage of engagement with the family justice system.

The NWC and its members would recommend that the TNS include:

- **A proactive approach to case management in family law cases**
- **End the requirement for victim-survivors of domestic violence to make financial contributions for civil legal aid services where safety, protection and barring orders are being sought**
- **Train legal aid practitioners in the dynamics of domestic abuse and how it informs every stage of proceedings, including abuse of legal processes through repeat applications and delays to target the victim and the heightened risk for abuse of child access arrangements**

Integrated Policies and Data Collection

Neither the first nor the second National Strategy were allocated the financial and human resources for the full implementation of *integrated* policies, measures and programmes to prevent and combat all forms of DSGBV. Above we recommended that this can be overcome by the creation of a new governance structure across the whole of government for DSGBV. In line with the obligations set forth in Article 9 of the Convention, it is also essential that non-governmental and civil society organisations are resourced and strengthened through increased, multi-annual funding to provide specialist frontline support services, advocacy and policy responses to all forms of DSGBV.

The Observatory on Violence Against Women and Girls

Just as we have highlighted the need for reform of the overall coordination and governance of DSGBV across governmental departments, state agencies and institutions we recognise that there is also severe dearth of support for coordinated structures within the DSGBV NGO and Civil Society sector. The Irish Observatory on Violence Against Women and Girls is a unique structure in Ireland that brings together representatives from across the spectrum of specialist support services addressing all forms of violence against women and girls.⁴⁴

The National Observatory on Violence Against Women and Girls was established in 2002 and is convened by NWC. 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 an important space for organisations to work for improved policies and service provision for prevention and support of women victims of male violence against women. It raises visibility of the phenomenon of male violence against women, monitors government commitments at national and international level and provides relevant data. The

⁴⁴ Aoibhneas, Akidwa, Action Aid Ireland, Cairde, Dublin Rape Crisis Centre, Galway Rape Crisis Centre, Longford Women's Link, Love & Care for People, Immigrant Council of Ireland, Irish Consortium on Gender Based Violence, National Collective of Community Based Women's Networks (NCCWN), National Women's Council (NWC), Oxfam Ireland, Pavee Point Traveller and Roma Centre, Ruhama, Sexual Violence Centre Cork, Sonas Domestic Violence Charity, Sisi, Women's Aid, YWCA Ireland, Chrysalis Community Drugs Project

Observatory links into the European Women's Lobby (EWL) European Observatory on Violence against Women.

The Observatory does not received funding to support this work. Despite this the Observatory has worked tirelessly to combat DSGBV through joint campaigns, advocacy and projects. The Observatory was also extremely active in campaigning and lobbying for the ratification of the Istanbul Convention.

Given the crucial role that the Observatory plays in bringing together the full spectrum of organisations working to end all forms of violence against women we believe that the Observatory must be recognised in the TNS and must play an important role in monitoring the implementation of the Istanbul Convention. While we recognise that the Irish Human Rights and Equality Commission will be responsible for the independent reporting to GREVIO, it is our view that the Observatory should be resourced to report to build the capacity of member organisations to equip them to report to GREVIO as individual organisations and collectively as members of the Observatory. This will be the only mechanism through which NGO's and civil society with specific expertise in DSGBV can truly independently report.

The National Advisory Committee

NWC receives non-mainstreamed funding from the Department of Further and Higher Education, Research, Innovation and Science to convene the National Advisory Committee (NAC) which supports the implementation of the *Safe Respectful, Supportive and Positive: Ending Sexual Violence and Harassment in Higher Education Institutes Framework (SRSP)*, Ireland's first national strategy to tackle DSGBV in third level education.

Currently the National Advisory Committee (NAC) is comprised of representatives from 32 organisations; Higher Education Institutions, Student representative bodies (USI and Student Unions), specialised sexual violence NGOs, An Garda Síochána (National Protective Services Bureau), Sectoral representatives (THEA, IUA, HEA, NETBI), Department Representatives (DFHERSI, HEA, DOJ), other relevant stakeholders (Irish Women Lawyers Association, Head of Athena Swan Ireland). In 2021 the Minister for FHESI requested NWC to expand this work to include the experiences of sexual harassment and violence by staff and to include the Further education sector. The NAC is the only independent space for the Higher & Further Education

to develop and reflect on its work to create zero-tolerance campuses and institutional frameworks.

The NWC and its members would recommend that the TNS include:

- **Formal recognition of & multi-annual funding for the Observatory on Violence Against Women and Girls as the only collective structure that addresses all forms of VAWG**
- **Recognition and support for the Observatory in reporting to GREVIO**
- **Support for greater participation and collaborative approach for frontline specialist support services to ensure they can contribute to policy and advocacy work**
- **Additional resources to build an inclusive approach to VAWG across the NGO and Civil Society sector**
- **Formal recognition of & multi-annual funding for the National Advisory Committee as the only independent collective structure for the third level sector**

Data collection and research

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

In accordance with the Convention, NWC member organisations have highlighted the central importance of data gathering as a means of preventing, tracking, and targeting responses to DSGBV.

The collective views on what should be included in the TNS can be summarised as follows:

- **The establishment of a coordinated, disaggregated data collection system that is publicly accessible**
- **The introduction of a DSGBV Data Gathering Strategy for all state Bodies and institutions**
- **The introduction of an identifier so that cases/experiences of DSGBV can be tracked**
- **Increased funding for research into the root causes and effects of VAWG**
- **The introduction of population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of the Convention**

Migration and Asylum

The TNS should include specific actions, be they legislative or other measures, to ensure the development of embedded gender-sensitive reception procedures and support services for asylum-seekers. These should include gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection. Whilst recognising that this is the minimum requirement within the Istanbul Convention, we would ask that the TNS go further and address the unacceptable conditions that all residence of Direct Provision face but with a particular focus on the needs of victim-survivors of DSGBV and their children.

As has been outlined above, migrant women, undocumented women and women living in direct provision are at increased risk of DSGBV. The immigration and asylum system have been highlighted as particular barriers to women who are subjected to DSGBV.

Migrant women can, and are, subjected to all forms of DSGBV but they also face additional forms of violence that must be recognised and actioned in the TNS. For example, immigration status being used as a tool to isolate and spread fear about deportation in a bid to isolate their partners. Some minority communities bring with them a highly conservative culture, where male violence might be used as a tool to control women and girls. In these highly patriarchal communities 'shame and honour' is used to reject women who do not conform⁴⁵ often making it difficult to recognise or articulate the abuse they face.

Immigration status remains a significant barrier for migrant women who are subjected to DSGBV. It is especially so for anyone who is on a stamp 3 or stamp 4 dependent visa. Often, in a domestic abuse situation, the perpetrator, who holds the visa which the victim is dependent on, will not assist the victim in renewing the visa. This will render the victim undocumented⁴⁶.

The Habitual Residency Condition (HRC) has also been highlighted as a significant barrier to victim-survivors of DSGBV. Oftentimes so insurmountable that women are forced to return to violent and abusive relationships because they are unable to access social supports.

Non-refoulement

The Convention requires that Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law and that Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

⁴⁵ Hannana Siddiqui, Counting the cost: BME women and gender-based violence in the UK (2018), 24 Progressive Review 4 <https://onlinelibrary.wiley.com/doi/full/10.1111/newe.12076>

⁴⁶ Akidwa, Ethnic Minority Community Development Pilot Project 2018-2020

The NWC and its members would recommend that the TNS include specific provisions to ensure:

- **Victims of DSGBV need to have their Independent Residency application processed with urgency**
- **All barriers for migrants who are victims of domestic violence to access services that are meant to protect them need to be removed⁴⁷**
- **Examine and implement ways in which exemptions to the HRC where domestic violence has been identified can be universally implemented**
- **Reports from bona fide services including domestic and sexual violence support services should satisfy evidence of DSGBV⁴⁸**
- **Victims-survivors of DSGBV need to be identified quickly and should never be returned to their home state where they will be at risk of danger**

For any queries and further information please contact:

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⁴⁷ Akidwa, Ethnic Minority Community Development Pilot Project 2018-2020

⁴⁸ Safe Ireland, Report on the impact of the Habitual Residence Condition on women seeking protection and safety for themselves and their children from a domestic violence perpetrator, (2013) available <https://www.safeireland.ie/wp-content/uploads/SI-Impact-Habitual-Residency-Condition-Sept2013.pdf>