



GREVIO

Baseline Evaluation Report Ireland

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)

IRELAND

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Ireland. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of country legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Lastly, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Ireland, GREVIO received written contributions from Pavee Point, the Dublin Rape Crisis Centre, Survivors of Symphysiotomy, Intersex Ireland, the National Observatory on Violence against Women and Girls, Rape Crisis Network Ireland, Safe Ireland, the Irish Human Rights and Equality Commission, Disabled Women Ireland and Haven Horizons.

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Ireland. Where available, significant legislative and policy developments up until 26 October 2023 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures taken by the Irish authorities to implement the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the “Istanbul Convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human rights body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained throughout the various steps of the first (baseline) evaluation procedure, set out in Article 68 of the convention. This includes written reports (a state report submitted by the Irish authorities and information submitted by Rape Crisis Network Ireland, Safe Ireland, the Pavee Point Traveller and Roma Centre, the Dublin Rape Crisis Centre, Survivors of Symphysiotomy, Intersex Ireland, the National Observatory on Violence against Women and Girls, the Irish Human Rights and Equality Commission, Disabled Women Ireland and Haven Horizons) and information gathered and discussions held over a five-day evaluation visit to Ireland in early February 2023. A list of the bodies and entities with which GREVIO held exchanges can be found in Appendix II.

The report highlights numerous positive legal and policy measures that have been taken by the Irish authorities prior to and following Ireland’s ratification of the convention, which demonstrate their firm resolve to prevent and combat domestic violence and violence against women. Some of the most important legislative developments include the adoption of the Criminal Justice Female Genital Mutilation Act 2012, introducing the offence of female genital mutilation; the Domestic Violence Act in 2018, criminalising coercive control and forced marriage, and aiming to align more closely the civil remedies available to victims with the standards of the convention; and the Criminal Law Sexual Offences Act 2017, adopting a definition of rape based on the lack of consent. At the policy level, a significant measure taken by the authorities was the adoption of the third National Strategy on Domestic, Sexual and Gender-Based Violence and its implementation plan, which draw direct inspiration from the Istanbul Convention and address its four strategic pillars: prevention of violence against women, protection of victims, prosecution of perpetrators, and co-ordinated policies. The strategy’s marked intersectional approach and its drafting in close co-operation with civil society are commended and identified as a promising practice.

In addition to the above, other important measures described in this report that are indicative of the Irish authorities’ firm commitment to tackling violence against women include: the setting up of divisional protective units in the Garda Síochána (the police), which specialise in the investigation of serious forms of domestic violence and sexual violence; the adoption by the police of a risk-evaluation tool to evaluate the risk to domestic violence victims; and the funding by the state of two national telephone helplines, operated by women’s rights groups and providing support and counselling to rape and domestic violence victims, in a wide range of languages.

At the same time, GREVIO has observed a number of issues where urgent improvement is needed in order to improve compliance with the Istanbul Convention. The report highlights how policies, protocols and support services have, to date, primarily focused on domestic violence, sexual violence/rape and sexual harassment in the workplace, overlooking or not addressing sufficiently other equally serious forms of violence against women. In the area of data collection, GREVIO has found that Ireland is significantly lagging behind and that data collected by state agencies, departments and specialist support services are insufficient, disjointed and do not provide an overall picture of the incidence of domestic violence and other forms of violence against women. Nor are there data collected by relevant institutions on the support and protection provided to victims. It appears that data systems do not go beyond the internal recording needs of the organisations concerned and that they are inconsistent and use non-harmonised definitions of the various forms of violence against women, resulting in the non-comparability of data sets.

In the area of protection and support for victims, GREVIO's evaluation finds that there is no co-ordinated, multi-agency response mechanism for most forms of violence against women, including for domestic violence, FGM, stalking, sexual harassment and forced marriage. This is aggravated by a lack of sharing of data on perpetrators and victims by the relevant stakeholders due to data-protection concerns. The report equally pinpoints the practice and the legal obligation for therapists and support services to disclose in court their therapy and counselling notes (taken during sessions with a victim), upon the request of the defence or the prosecutor, when these pertain to allegations of rape and sexual violence, as a disincentive for victims to come forward and seek the help they need. This obligation hampers the core work of women's rights organisations because, by providing greatly needed psychological support to victims, these organisations may – paradoxically and unintentionally – contribute elements that can be used in court by the defence to discredit victims. Moreover, the report underlines that one third of the national territory lacks specialist shelters for victims of domestic violence, putting under great strain the existing shelters, which are often at full capacity. While shelter staff do their utmost to find alternative accommodation for victims, the latter may find themselves with no option but to remain at home with the perpetrator.

As regards legal developments, while welcoming the requirement under the law for courts to take into account incidents of domestic violence in the determination of both custody and visitation rights, including where a child is a witness of violence, GREVIO has found serious shortcomings with the practical implementation of these provisions. Family courts often fail to take these circumstances into account, including in cases in which the perpetrator has been convicted for acts of violence against the victim and/or her children. Moreover, when taking decisions on custody and visitation, family courts generally do not consult criminal courts on whether criminal proceedings are pending against the perpetrator or were brought in the past. More generally, GREVIO observed insufficient training of judges on domestic violence and lack of such training for experts used in courts to determine issues affecting the best interests of the child, as well as the problematic use of the concept of "parental alienation syndrome" by such experts and other parties to the proceedings, with a view to minimising or ignoring the violence perpetrated. Equally concerning is the reported practice of equating the inability to protect children from domestic violence to lack of parental ability, putting the non-violent parent at risk of having her child taken away. As regards the requirement of the convention to ensure safe visitation, the report highlights that the authorities do not provide safe premises where this can take place, nor the relevant personnel, leading to victims having to supervise visits themselves, at their risk and peril. In the area of criminal law, GREVIO identified a number of shortcomings, including the need to ensure a clearer legal framework on sexual violence/rape, aligned to the standard set by the convention.

In the areas of investigation, prosecution and procedural law, the report points to instances of victim-blaming attitudes and the trivialisation of violence by police officers working outside divisional protective units, and GREVIO calls for sustained training on a gendered understanding of violence against women. Delays or unresponsiveness by the police to domestic violence and sexual violence complaints have equally been reported. Moreover, GREVIO expresses concern about worrying judicial and sentencing practices, which indicate that acts of violence against women are seen as offences of lower social danger. Such practices include the frequent application of lenient sentences and the tendency to rely on suspended or conditional sentences.

In addition to the above and while welcoming the efforts made to implement the Istanbul Convention, GREVIO has identified a number of issues that require sustained action by the authorities to comply fully with the convention's provisions. These relate to the need to:

- introduce statutory definitions of domestic violence and violence against women, and/or to harmonise the existing legal definitions, across all areas of law;
- identify and quantify the number of victims of institutional abuse committed in Magdalene Laundries, Mother and Baby Homes and County Homes, national schools, and through the procedure of symphysiotomy, while avoiding unreasonable requirements and time frames;

provide victims with the necessary support services and enshrine their rights in law; and facilitate and enable their access to justice;

- use all available means to promote participation in perpetrator programmes, through mandatory and voluntary referral and by integrating the programmes into the criminal justice system as a tool for reducing recidivism, in addition to sentencing and/or protective measures;
- ensure that comprehensive and binding protocols are in place for healthcare staff to identify, treat and further refer victims of domestic violence, FGM and sexual violence/rape, and that the relevant training is provided to staff;
- reinforce the capacity and availability of mental health services for women victims of gender-based violence;
- increase the number of Sexual Assault Treatment Units and Rape Crisis Centres to meet the standard of the convention, while ensuring more frequent specialist training on sexual violence for nurses and a wider range of services provided in these units and centres, including legal advice, through adequate funding;
- ensure that vulnerability screening is routinely undertaken at the earliest possible moment for all international protection applicants, including for Ukrainian women who have received temporary protection, with a view to identifying experiences of violence against women and meeting victims' accommodation needs.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate to, among other things, the need to: fund studies that address violence against women experiencing intersectional discrimination; continue to support and strengthen the national telephone helplines, while tapping into and supporting through funding the specific expertise of local helplines; develop clear pathways for victims from shelters to longer-term accommodation; ensure that migrant women victims of domestic violence who move out of a direct provision centre to a shelter do not lose their right to receive payments associated with their status; and ensure that all the aggravating circumstances set out in Article 46 of the convention are taken into consideration by judges in the determination of a sentence, in relation to all offences provided for in the convention.

Introduction

Ireland ratified the Istanbul Convention on 8 March 2019. In accordance with Article 78, paragraph 2, of the convention, Ireland reserves the right not to apply the provisions under Article 30, paragraph 2, and Article 44, paragraph 3. This reservation is valid for a period of five years from the day of the entry into force of the convention in respect of Ireland and may be renewed.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Ireland by letter and transmission of its questionnaire on 16 February 2022. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Irish authorities subsequently submitted their state report on 15 September 2022 – the deadline set by GREVIO. Following a preliminary examination of the Irish state report, GREVIO carried out an evaluation visit to Ireland, which took place from 30 January to 3 February 2023. The delegation was composed of:

- Aleid Van den Brink, Member of GREVIO
- Päivi Maarit Hirvelä, Member of GREVIO
- Maria Moodie, Barrister, United Kingdom
- Francesca Montagna, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation was welcomed by high-level public figures, including from the Department of Justice, the Department of Children, Equality, Disability, Integration and Youth, the Department of Social Protection, the Child and Family Agency, the Housing Agency, the Department of Enterprise, Trade and Employment, the Department of Health, the Health Service Executive, the International Protection Accommodation Services (IPAS), the Domestic Residence Permission Unit and the International Protection Office, the Central Statistics Office, the Garda Síochána, the Garda Síochána Ombudsman Commission, the Courts Service, the Office of the Director of Public Prosecutions, the Legal Aid Board, the Probation Service, the Broadcasting Authority, the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media, the Department of Education, the National Council for Curriculum and Assessment, the Irish Human Rights and Equality Commission, and the Ombudsman for Children.

In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Deaglán Ó Briain, Principal of the Criminal Justice, Community Safety Policy of the Department of Justice, who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the

co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Irish authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Irish authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

2. GREVIO welcomes the positive momentum generated in Ireland immediately before and after the ratification of the Istanbul Convention in 2019. Much needed legislation, policies and other important measures were adopted by the government with a view to aligning its legal and policy framework to the Istanbul Convention. Some of the most important legislative developments include the adoption of: the Criminal Justice Female Genital Mutilation Act 2012 (the FGM Act) in 2012, introducing the offence of Female Genital Mutilation; the Domestic Violence Act (“the DV Act”) in 2018, criminalising coercive control and forced marriage, and aiming to align more closely the civil remedies available to victims with the standards of the convention; and the Criminal Law Sexual Offences Act 2017, adopting a definition of rape based on lack of consent. At the policy level, GREVIO welcomes the passing of the third National Strategy on Domestic, Sexual and Gender-Based Violence (“the third DSGBV Strategy”) and its implementation plan, which markedly draw inspiration from the convention and address its four strategic pillars: prevention, protection, prosecution and co-ordinated policies. In addition to the above, other relevant important measures which are indicative of the Irish authorities’ firm commitment to tackling violence against women include: the setting up of divisional protective units (DPUs) in the Garda Síochána (the police), who specialise in the investigation of serious forms of domestic violence and sexual violence; the funding by the state of two national telephone helplines operated by women’s rights groups providing support and counselling to rape and domestic violence victims in a wide range of languages; and the adoption by the police of a risk-evaluation tool to evaluate the risk of domestic violence victims.

3. The above-mentioned measures demonstrate how, with strong political will, robust foundations for a society based on zero tolerance towards violence against women can be built swiftly and decisively. These far-reaching measures, however, have taken place against the backdrop of unique circumstances and a historical context characterised by the legacies of abuse perpetrated in institutions such as the Magdalene Laundries,² the Mother and Baby Homes/County Homes,³ national schools/children’s institutions or in hospitals, and through the practice of

2. “These were laundry enterprises which operated since the 18th century under the management of religious orders of the Catholic Church and with state funding and oversight between the 1930s and 1996, when the last laundry closed. These women were allegedly subjected to a range of human rights abuses, including arbitrary deprivation of liberty, inhuman and degrading treatment and forced labour. It is estimated that over 10 000 women and girls were detained or resided in Magdalene Laundries”. See the report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Ireland from 22 to 25 November 2016, pp. 32-37.

3. “Mother and baby homes” were operated by religious orders with state funding for unmarried mothers to give birth, from the 1920s to the 1990s, at a time when bearing a child outside marriage carried significant social stigma. Some of the allegations of past abuses against women and children in these homes include high child mortality rates, illegal adoption practices, vaccine trials conducted on children without consent, separation of the mother and the child to place the latter in industrial schools or orphanages, denial of medical care, and physical, psychological and sexual violence.

symphysiotomy,⁴ and by the strong role played by the Catholic Church in the area of education. As will be developed in Chapter II of this report, GREVIO observes that the latter has a bearing on the teaching of some of the topics addressed under Article 14 of the convention and, therefore, on the needed changing of mentalities. Both circumstances, though different in nature, need to be factored in and addressed in order to find a holistic response and a coherent path to gender equality and a society free of violence against women. Attention must be paid, in particular, to bridging the gap between forward thinking, progressive laws and policies and reality on the ground, through sustained implementation and monitoring of those laws and policies.

4. As regards, in particular, the legacies of institutional abuse, GREVIO does not intend to address them in detail in this baseline evaluation report, including because of the principle of non-retroactivity.⁵ Nonetheless, it notes that women and girls were placed in institutions and/or were subjected to psychological, physical and sexual violence because they were unmarried and pregnant, including as a result of rape, and/or did not conform to the social norms of the time.⁶ The acts committed in these institutions were, therefore, gender-based, a form of discrimination against women and, as such, acts of violence against women. The same can be said about the practice of symphysiotomy, the aim of which consisted in permanently maximising a woman's reproductive capacity without her informed consent, regardless of the pain, suffering and long-lasting health consequences it caused. Because the terrible legacies of such institutional abuse are endured to this day by thousands of victims, GREVIO cannot but examine some of these aspects, which require, in its view, decisive and comprehensive measures to be taken in the area of co-ordinated policies, support services, and investigation and prosecution.⁷

B. Scope of application of the convention and definitions (Articles 2 and 3)

5. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” offered in paragraph *d* of Article 3 seeks to ensure more clarity regarding the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

6. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim's gender is the primary motive. It is violence that is perpetrated against a woman that is both the cause and consequence of unequal power relations based on perceived differences between women and men that lead to women's subordinate status in the public and private spheres.

4. Symphysiotomy, is a childbirth operation which severs one of the main pelvic joints and unhinges the pelvis and has long-lasting health consequence, including in some cases, life-long pain, disability and psychological trauma. It has been described by the UN Special Rapporteur on violence against women, its causes and consequences, as a human rights violation and a form of violence against women that could amount to torture. Reports clarify that this operation was not practised elsewhere in Europe at the time and that it was carried out in Ireland in clinics and hospitals, in the absence of the woman's informed consent and without a clinical need, its aim being to permanently maximise a woman's reproductive capacity. See the NGO submission of Survivors of Symphysiotomy, August 2022, pp. 2-3.

5. Indeed, the criminal acts referred to took place prior to the entry into force of the convention in Ireland.

6. See the report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to Ireland from 22 to 25 November 2016, pp. 32-37.

7. See in this respect the analysis in Chapter 2, Comprehensive and co-ordinated policies, Chapter, 4, Specialist support services and Chapter 6, General obligations, immediate response, prevention and protection.

In accordance with the definition given in Article 3, paragraph *b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

7. While Ireland has passed legislation criminalising several forms of violence against women⁸ and the third DSGBV Strategy explicitly refers to several forms of such violence, GREVIO considers that policies, protocols and support services have, to date, primarily focused on domestic violence, sexual violence/rape and sexual harassment, albeit limited to the workplace. By way of example, female genital mutilation (FGM) is referred to explicitly only in one of the planned actions of the implementation plan of the third DSGBV Strategy, in relation to support services, and does not expressly feature in the other pillars of the third DSGBV Strategy, including in relation to training, awareness raising, education, etc. In this connection, GREVIO's attention has been drawn by women's rights groups to the exponential increase in 2022 of the number of arrivals of migrant women from countries in which FGM is practised and in the number of FGM victims coming forward to seek help, which GREVIO considers would warrant the taking of comprehensive preventive, protective and policy measures in this area.⁹ Moreover, entirely absent from the third DSGBV Strategy are references and specific measures in relation to equally devastating forms of violence against women such as forced marriage, forced abortion and forced sterilisation. While the authorities have informed GREVIO that the latter forms of violence are not highly, if at all, prevalent in Ireland, reports from human rights bodies indicate that some instances of these forms of violence have been detected, thus requiring the taking of a more comprehensive approach.¹⁰ For example, despite lack of data and comprehensive research in this area, women's rights organisations have drawn GREVIO's attention to the situation of women with disabilities in care institutions who are under guardianship/wardship. GREVIO has been informed of cases in which decisions are made on reproductive rights, including forced sterilisation, under the wardship system without due consideration of the woman's free and informed consent and without an oversight system.¹¹ Moreover, reports indicate that cases of forced marriage are not an isolated and rare problem as several cases have been detected.¹² Finally, more must be done to address sexual harassment outside of the workplace, in light of concerning reports highlighting the pervasiveness of this conduct in different spheres of life, including in the military.¹³ GREVIO recalls that the convention requires parties to adopt a holistic approach to violence against women, and to take measures in the area of prevention, protection, prosecution and co-ordinated policies with respect to all forms of violence against women, regardless of their prevalence.

8. As regards the alignment of the definitions used in national legislation and policies with those provided under Article 3 of the convention, GREVIO notes that the concept of violence against women is not defined by law, nor in the second and third DSGBV Strategies. In the third DSGBV Strategy, the term gender-based violence is preferred to the term violence against women and it is defined as "violence that is directed against a woman because she is a woman or that affects women disproportionately, and as a form of discrimination". GREVIO notes, in this respect, that this definition corresponds to the definition of gender-based violence against women provided under the convention. The third DSGBV Strategy then refers to several forms of violence against women, with

8. See Chapter V, Criminal law.

9. It is estimated that 5 790 women and girls currently residing in Ireland have undergone FGM. See the NGO submission from the Irish Observatory on Violence against Women, p. 63.

10. See the shadow report from the Irish Human Rights and Equality Commission, December 2022, p. 31.

11. Information obtained during the evaluation visit.

12. See Chapter V, Forced marriage.

13. See Chapter V, Sexual harassment and Chapter VI, General obligations, immediate response, prevention and protection.

the exception of forced marriage, forced abortion and forced sterilisation. GREVIO notes that a definition of violence against women, framed as gender-based violence against women that results in, or is likely to result in, physical, sexual, psychological or economic harm or suffering, would be required to comply with Article 3 of the convention. Such definition would enable the Irish legal system to capture in a comprehensive manner all types of violence against women, including new forms of violence that may emerge in the future.

9. When it comes to the concept of domestic violence, GREVIO has been informed by the authorities that they have chosen not to provide a statutory definition, to ensure an interpretation that is as broad as possible. GREVIO notes with concern that the absence of a definition can lead, at the implementation level, to conflicting and confusing interpretations. Indeed, GREVIO notes that, currently, a number of somewhat conflicting definitions and interpretations of what constitutes domestic violence are in place. More specifically, the 1964 Guardianship of Infants Act defines “household violence” under its section 31(7), considering it as one of the factors that are relevant when determining the best interests of the child in the context of proceedings relating to custody of or access to a child.¹⁴ This definition does not encompass or consider acts of psychological violence or economic violence. Moreover, unlike the Istanbul Convention, such a definition does not clarify that former or current partners do not need to have shared the same residence, a clarification that may be beneficial and that is missing in Irish legislation. Furthermore, GREVIO was informed of an agreed definition of “domestic abuse” between the Gardai and the Prosecutors’ Office, understood as “the physical, sexual, financial, emotional or psychological abuse of one person against another one who is a family member or is or has been an intimate partner, regardless of gender or sexuality”. The inconsistency across different state institutions in the use of terms and the meaning given to them has been confirmed by civil society. They have highlighted that this state of affairs creates confusion and a fragmented approach, including in relation to data-collection efforts and the monitoring of the convention’s implementation.¹⁵ Moreover, GREVIO would like to underline that lack of clarity on the notions of violence against women and domestic violence can create legal uncertainty for practitioners and victims alike, and impact on victims’ access to justice.

10. Notwithstanding the inconsistencies in terminology and the lack of a definition of violence against women noted above, GREVIO notes positively that the third DSGBV Strategy has a gendered approach, framing violence against women as a form of discrimination against women, grounded on historically unequal power relations between women and men. Moreover, it acknowledges that domestic violence affects women disproportionately and is a women’s rights issue, placing an emphasis on delivering an enhanced understanding of the root causes of violence against women. GREVIO notes, however, that this approach has yet to translate into a fully gendered understanding of violence against women by professionals from key institutions, including court experts employed in the area of custody and visitation, judges, staff at TUSLA (the Child and Family Agency) and local police officers. Such limited understanding is leading, for example, to the frequent granting of joint custody and visitation rights to a violent parent, despite a child’s witnessing or experiencing domestic violence first hand. Finally, GREVIO considers that the obligation provided under the law for professionals/support services to disclose confidential counselling notes in the context of criminal proceedings can also be seen as not reflecting a gendered understanding of violence against women.¹⁶

11. GREVIO urges the Irish authorities to ensure that domestic legislation, policies and programmes comprehensively address all forms of violence against women with due regard to their gendered nature, including sexual harassment outside the workplace, stalking, forced marriage, forced abortion, forced sterilisation in care institutions for women with disabilities and female genital mutilation (FGM).

14. It defines it “as including behaviour by a parent or guardian or a household member causing or attempting to cause physical harm to the child or another child, parent or household member, and includes sexual abuse or causing a child or a parent or other household member to fear for his or her safety or that of another household member”.

15. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 17.

16. See in this respect Chapter IV, General obligations.

12. **With a view to ensuring greater legal certainty and enhancing the implementation of the Istanbul Convention in Ireland, GREVIO strongly encourages the Irish authorities to introduce statutory definitions of domestic violence and violence against women, and/or harmonise the existing legal definitions across all areas of law, in line with Article 3 of the convention.**

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

13. The convention recognises that women's inequality with men is a root cause of violence against women. Article 4, paragraph 2, of the convention affirms the principle of substantive equality between women and men and requires parties to not only condemn all forms of discrimination against women but to enshrine the principle of equality in law, ensure its practical realisation and prohibit discrimination by law, and abolish any discriminatory legislation and practices.¹⁷ In order to effectively address violence against women, comprehensive policies and measures to achieve *de jure* and *de facto* equality of women need to be in place alongside and in co-ordination with policies to prevent and combat violence against women and domestic violence.

14. Ireland has enacted laws and set up bodies aimed at securing equality between men and women, including, *inter alia*: the Equal Status Acts 2000-2018, which prohibit discrimination in the provision of goods and services, accommodation and education;¹⁸ the Employment and Equality Act, which aims to ensure equal work opportunities, including equal pay; and the Irish Human Rights and Equality Commission Act 2014, which, *inter alia*, gives statutory and public service bodies the positive obligation to eliminate all forms of discrimination in their activities. GREVIO notes that the above-mentioned acts are currently under review to determine whether additional grounds and/or an open-ended list of grounds should be introduced to better acknowledge the disadvantage experienced by an individual as a result of a combination of grounds of discrimination, which GREVIO welcomes.¹⁹ Furthermore, the Office of the Human Rights and Equality Commission was set up in 2014 to, *inter alia*, protect and promote human rights and equality, keep under review the adequacy and effectiveness of laws and practice relating to the protection of human rights and equality, and make recommendations to the government to strengthen policies, legislation and measures in this area. GREVIO further welcomes recent developments aimed at ensuring gender-sensitive budgeting, such as the setting up of an Equality Budgeting Expert Advisory Group and an interdepartmental group for equality budgeting, with a view to embedding such an approach in all government departments. Finally, GREVIO encourages the authorities to pursue a number of positive legislative proposals that were being discussed by parliament at the time of drafting this report, notably a draft Hate Crime Bill criminalising assault, coercion or threats motivated by misogyny and gender and a provision to introduce paid leave for victims of domestic violence.

15. Legislative efforts in the area of gender equality, however, are overshadowed by anachronistic provisions included in the Constitution of the Republic of Ireland which perpetuate stereotypes on the role of women in society. Notably, Article 40.1 of the constitution provides that "all citizens shall be held equal before the law ... and that the state can have due regard to differences of capacity, physical and moral, and of social function". Moreover, Article 40.2 provides that "the state recognises that by her life within the home, woman gives to the state a support without which the common good cannot be achieved ... the state shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home". It is encouraging that, following the establishment of a Citizen's Assembly on Gender Equality in 2019 to advance gender equality issues and make recommendations to the Irish Parliament and, subsequently, the establishment of a Parliamentary Committee on Gender Equality,

17. Explanatory Report to the Istanbul Convention, paragraph 50.

18. The Equal Status Acts 2000-2018 prohibit discrimination based on nine grounds: gender, marital status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community.

19. See the NGO written submission from Rape Crisis Network Ireland and Safe Ireland, p. 12.

a referendum is due to take place in late 2023 to decide whether to amend the above-mentioned constitutional provisions. GREVIO underscores that without such fundamental changes in the legal framework, the principles enunciated by the third DSGBV Strategy, such as the need to tackle gender inequality to eliminate the root cause of violence against women, shall remain dead letters.

16. GREVIO strongly encourages the Irish authorities to pursue efforts to enshrine the principle of equality, including equality between women and men, in its constitution and to eliminate any provision which perpetuates gender stereotypes.

2. Intersectional discrimination

17. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds of discrimination which draws on that of Article 14 of the European Convention on Human Rights as well as the list contained in its Protocol No. 12²⁰ and, in addition, includes the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.²¹

18. GREVIO welcomes the marked intersectional approach of the third DSGBV Strategy which, unlike its predecessor, mainstreams the need to take into account overlapping forms of discrimination across most measures foreseen in the strategy and action plan. The fruits of this new approach, however, are yet to be reaped as, in practice, barriers continue to be encountered by women who are subject to intersectional discrimination, including Roma and Irish Traveller women, women with disabilities, migrant women and women in prostitution, as regards access to support services, information and protection. For example, women's rights organisations have drawn GREVIO's attention to Roma and Irish Traveller women experiencing discriminatory treatment by members of the police, the courts' services, TUSLA²² and general support services, including access to long-term accommodation.²³ As regards the latter, this is often connected to the inability to prove their habitual residence in Ireland, which can impact on their ability to access shelters and/or long-term accommodation and escape domestic violence.²⁴ Reports also point to Roma and Irish Traveller women experiencing difficulties in accessing adequate information and/or in completing forms due to literacy and language barriers when they report a case to the police. As regards migrant women, when it comes to reporting crimes to the police, interpreters are not always available at police stations, leading to victims relying on their own children and/or partner to translate for them. Similarly, reports indicate that international sign language interpreters are seldom available to translate for women with a hearing impairment.²⁵ GREVIO therefore considers it timely that the third DSGBV Strategy mainstreams considerations of intersectional discrimination in its measures and goals and encourages the authorities to ensure that this objective is implemented in practice.

19. Nonetheless, GREVIO considers that more must be done to mainstream the needs of women with disabilities in the goals and objectives included in the third DSGBV Strategy and implementation plan. Indeed, according to reports,²⁶ women with disabilities in Ireland are three times more likely to experience domestic violence. Moreover, research indicates that women with disabilities experience

20. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

21. See paragraphs 52-54 of the Explanatory Report to the Istanbul Convention.

22. TUSLA is the Child and Family Agency and is the primary state funder of services for victims and survivors of violence against women.

23. See the NGO written submission from the Irish Traveller and Roma Women, p. 8. Notably, this report indicates that 40% of women Travellers experience discrimination in accessing health services and 53.9% of Roma women respondents said that they felt discriminated against by the police and the courts system.

24. See in this respect, Chapter IV, Article 20.

25. See the NGO written submission from the National Observatory on Violence against Women and Girls, p. 46.

26. See Domestic Abuse of Women and Men in Ireland: Report on the National Study of Domestic Abuse, Watson D. and Parsons S., p. 25, 2005. Available at www.esri.ie/publications/domestic-abuse-of-women-and-men-in-ireland-report-on-the-national-study-of-domestic.

rape, psychological violence and intimate partner violence at a significantly higher rate than non-disabled women.²⁷ This notwithstanding, as is described in various sections of this report,²⁸ shortcomings have been identified in relation to access to funding by women's rights organisations representing women with disabilities and their involvement in devising awareness-raising campaigns. Shortcomings have equally been identified in relation to the content of such campaigns as they reportedly do not address stereotypes surrounding the sexuality of women with disabilities and the accrued rate at which this group of women experience violence against women.²⁹

20. GREVIO strongly encourages the Irish authorities to:

- a. take measures to strengthen the implementation of measures foreseen in the third DSGBV Strategy to prevent and combat violence that affects women who are or might be exposed to intersectional discrimination, including women with disabilities, Roma and Irish Traveller women, migrant and asylum-seeking women, LBTI women, women in prostitution and women with addiction issues;**
- b. develop and improve accessibility to protection and support services for these groups of women;**
- c. support research into the violence experienced by specific groups of women and girls at risk of, or exposed to, intersectional discrimination, in particular women with disabilities, Roma and Irish Traveller women, LBTI women and women in prostitution.**

D. State obligations and due diligence (Article 5)

21. Aspects of the implementation of Article 5 of the convention are covered in Chapters V and VI of this report.

27. Research conducted by NUI Galway and the Union of Students in Ireland (Galway Sexual Experiences Survey 2020) found that 40% of disabled female students reported experience of rape (compared to 27% of non-disabled female students) and 34% of disabled women had experienced intimate relationship violence (compared to 19% by non-disabled women). Disabled women were also more than 10% more likely to experience psychological violence by a partner, violence in childhood and non-partner violence. See the NGO written submission from Disabled Women Ireland, p. 4.

28. See Chapter II, Financial Resources, and Chapter III, Awareness raising.

29. See the NGO written submission from Disabled Women Ireland, p. 8, which indicates that many stereotypes that contribute to disabled people's disproportionate experience of gender-based violence remain unchallenged. For example, there are misconceptions surrounding women with disabilities' sexuality as they are frequently considered as "asexual" or unable to participate in acts of a sexual nature, which creates the assumption that women with disabilities are less likely to experience sexual violence or intimate partner violence.

II. Integrated policies and data collection

22. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

23. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

24. Ireland has enacted three national DSGBV Strategies and their related action plans. The first DSGBV Strategy ran from 2010 to 2014. The second DSGBV Strategy ran from 2016 to 2021 and included actions designed to facilitate the ratification by Ireland of the convention. More specifically, this strategy addressed primarily domestic violence and sexual violence and was organised around three pillars, namely, prevention (including actions related to awareness raising, education and training), protection (including provision of services to victims and perpetrators), and implementation, data and research. While the second DSGBV Strategy implementation plan did not include key performance indicators or detail the resources allocated to the relevant actions, it did deliver some concrete results such as the enactment of the DV Act, the ratification of the convention, the establishment of the DPUs specialising in serious cases of domestic violence and in sexual violence/rape, the setting up of two national telephone helplines on domestic violence and sexual violence and greater awareness of violence against women. Drawing from the lessons learned from the internal audit of DSGBV structures commissioned by the Department of Justice in 2021,³⁰ which looked into the successes and setbacks of the second DSGBV Strategy, the third DSGBV Strategy was launched in June 2022 and will run until 2026. Bearing in mind the need to comprehensively address all forms of violence against women, including sexual harassment outside the workplace, FGM, forced marriage, forced abortion, forced sterilisation and stalking, GREVIO nonetheless congratulates the authorities for such an ambitious and far-reaching national strategy. It is inspired by and structured around the four pillars of the Istanbul Convention and includes as key actions, *inter alia*: the setting up of a new DSGBV Agency, whose role will also be to co-ordinate and implement policies on violence against women;³¹ the doubling of the number of family places in shelters; the publication of sexual violence and domestic violence prevalence studies every five years; enacting new offences on non-fatal strangulation and stalking; awareness-raising campaigns challenging stereotypes; a new school curriculum on relationships and sexuality education; and improving prosecutions of breaches of civil orders issued in cases of violence against women.

25. GREVIO further welcomes the development of the third DSGBV Strategy in close co-operation with civil society, on the basis of a procedure referred to as “co-designing”. Indeed, an executive group made up of representatives from the Department of Justice and two women’s rights umbrella organisations was established to develop this policy, thereby ensuring fruitful co-operation and a general sense of ownership by all interlocutors. Moreover, GREVIO notes with great satisfaction that victims and their family members’ perspectives were also factored into the strategy through an online consultation process. Nevertheless, women’s rights organisations have drawn GREVIO’s attention to poor co-ordination and consultation with certain organisations representing women with disabilities³² and with those operating locally and providing services to hard-to-reach groups.

30. See Domestic, Sexual and Gender Based Violence – An Audit of Structures, June 2021.

31. See Chapter II, Co-ordinating body.

32. See the NGO written submission from Disabled Women Ireland, p. 23.

26. Moreover, GREVIO notes positively the marked intersectional approach of the third DSGBV Strategy and its implementation plan. The strategy acknowledges that certain vulnerable groups such as women Irish Travellers and those from other ethnic minorities, migrant women, women with disabilities and LGBTI women can be at higher risk of violence, and therefore aims to ensure that all actions take a horizontal, intersectional approach. As is clarified in other sections of this report, more must be done to mainstream the needs of women with disabilities in the goals and objectives included in the third DSGBV Strategy and its implementation plan, in light of the higher incidence of violence against women with disabilities in Ireland.³³

27. While a specific action has been included in the third DSGBV Strategy's implementation plan to establish clear connections with other equality and inclusion strategies, GREVIO has been informed by women's rights groups that this is not yet fully implemented in practice. For example, the National Intercultural Health Strategy 2018-2023 includes actions to strengthen support services for FGM victims, awareness raising for the public and training of relevant professionals. However, there appears to be a gap in relation to the protection of girls at risk of FGM, which is not remedied by the third DSGBV Strategy or any other strategy. More generally, civil society has drawn GREVIO's attention to the fact that policy actions on FGM are currently scattered across different strategies and are not consistent or harmonised. Moreover, according to indications provided by civil society, clear linkages need to be made between the third DSGBV Strategy and the National Traveller and Roma Inclusion Strategy.³⁴

28. For both the second and third DSGBV Strategies, information obtained by GREVIO points to lack of periodic and publicly available reports on their implementation and an insufficient monitoring framework. As regards in particular the third DSGBV Strategy, GREVIO understands that there are delays in its implementation, with one of the key objectives of the strategy (the setting up of the DSGBV Agency) foreseen only in 2024.³⁵ In this connection, civil society has drawn GREVIO's attention to the need to ensure solid co-ordination, implementation and monitoring of progress in the implementation of the third DSGBV Strategy, pending the operationalisation of the new agency.

29. Worthy of note are also some important policies developed by the Health Service Executive (HSE)³⁶ and by the Department of Education. As regards the former, the state report has referred to the HSE Policy on Domestic, Sexual and Gender-Based Violence, which, *inter alia*, aims to ensure an appropriate response of healthcare facilities at all points of entry and promote primary prevention of violence and early intervention.³⁷ As regards relevant policies developed by the Department of Education, noteworthy is the 2019 strategy "Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions" and its implementation plan. The strategy emphasises the need to provide education on healthy relationships, consent in sexual relations and bystander intervention programmes, through workshops. As a result, higher education institutions increasingly provide online workshops to students on these topics.³⁸ In addition, the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) has set up a high-level advisory group and provides funding to higher education institutions to tackle, through studies, surveys and awareness raising, issues related to sexual violence and sexual harassment. Moreover, the 2022-2026 DFHERIS Strategy includes as one of its goals to "develop policy on a consent framework" and to ensure that each higher education institution prepares an individual action plan. The third DSGBV Strategy foresees the monitoring of the implementation of the 2019 Strategy on "Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions" by higher education institutions, as well as instances of sexual violence and harassment that take place in such institutions, enhancing reporting processes.

33. See in this respect Chapter I, Intersectional discrimination.

34. See the NGO submission from Pavee Point Roma and Travellers Centre, p. 6.

35. Information obtained during the evaluation visit.

36. The HSE provides health and personal social care services to the general public. It does this through its Divisions, Hospital Groups and Community Health Organisations.

37. It equally foresees the use of best practices in all service provision to victims of domestic violence and/or sexual violence; support for multi-sectoral approaches; ensuring the safeguarding of children who are witnesses or victims of domestic violence; ensuring data collection; and the monitoring and evaluation of service provision.

38. See the NGO submission from the National Observatory on Violence against Women and Girls, p. 38.

30. As referred to earlier in this report, because the legacies of institutional abuse are still felt to this day and endured by thousands of victims, GREVIO considers it important to assess, within the limit of its mandate, whether policies and measures have been put in place to quantify the number of victims, provide them with the necessary support services and ensure, where possible, their access to justice.³⁹

31. As regards victims of symphysiotomy, according to women's rights organisations, around 1 500 women underwent this surgical procedure.⁴⁰ GREVIO notes that three reports have been commissioned by the government on this practice and an *ex gratia* redress scheme was put in place in November 2014 to provide partial compensation.⁴¹ GREVIO observes with concern that the state has never acknowledged its responsibility for failure to prevent, investigate and punish these acts of gender-based violence, despite it having, at the time, supervisory responsibility over public and private hospitals that delivered maternity services on behalf of the state.⁴² It further notes that the extremely limited and unreasonable window of opportunity to apply for the redress scheme (20 days) has arguably resulted in the potential exclusion of many victims from this scheme. Recognised victims are afforded, in principle, specific rights such as enhanced medical cards giving access to specific health and social care. To facilitate such access and support, Symphysiotomy liaison officers were also introduced. GREVIO's attention has been drawn by women's rights organisations, however, to the fact that these posts are no longer financed, depriving victims of an important entry point for support. Moreover, local group counselling services funded by the state ceased to operate in 2014. Furthermore, the above-mentioned rights are not enshrined in any statute and are therefore, in practice, discretionary. Finally, other measures such as home modifications and adaptations for those women who became disabled as a result of symphysiotomy are not foreseen under any policy.

32. As regards cases of institutional abuse perpetrated in the Magdalene Laundries, Mother and Baby/County Homes and in national schools/children's institutions, GREVIO notes that the state has acknowledged its responsibility for having failed in its duty of care to protect its citizens with robust regulatory and inspection regimes in a number of public statements of apology, following the establishment of commissions of investigations and the publication of the relevant reports.⁴³ However, GREVIO remarks, as other international organisations and independent institutions have done,⁴⁴ that these public apologies fail to adopt a human rights perspective which acknowledge responsibility for having failed in the duty to prevent and protect victims from the human rights violations committed.⁴⁵ Nevertheless, in the policy area, some positive developments are worthy of note. First, an Action Plan for Survivors and Former Residents of Mother and Baby and County Homes (Action Plan for Survivors) was published in 2021, primarily focusing on Mother and Baby/County Homes but also dealing, to a certain extent, with institutional abuse committed in other settings. Actions included in this plan comprise telephone and face-to-face counselling support available to victims, free of charge, seven days a week; access to a patient advocacy liaison support service to provide a point of contact within the health system and help them access the needed health services; an enhanced medical card giving rise to free access to such services; an awareness-raising campaign to inform victims of the new services available; and an *ex gratia* scheme to provide partial compensation to victims. Moreover, in November 2022 the Irish government approved the proposal to appoint a Special Advocate for Survivors of Institutional Abuse. The role of the Special Advocate will be, *inter alia*, to represent the collective interests of victims of institutional abuse and encourage service providers to provide accessible information on

39. See Chapter I, General principles of the convention, for a short description of the type of institutional abuse endured by victims.

40. See Human Rights Committee, International Covenant on Civil and Political Rights, Concluding observations on the fourth periodic report of Ireland, CCPR/C/IRL/CO/4,19, p. 4, August 2014.

41. See Judge Maureen Harding Clark, The surgical symphysiotomy *ex gratia* payment scheme, report to minister for health Simon Harris TD, October 2016.

42. See the NGO submission from Survivors of Symphysiotomy, p. 6.

43. See the reports by: the Commission of Investigation into Catholic Archdiocese of Dublin, 2006; the Commission to Inquire into Child Abuse Report, 2009; the Inter-Departmental Committee to establish the facts of state involvement with the Magdalene Laundries, 2013; Professor Oonagh Walsh on Symphysiotomy in Ireland 1944-1984, 2014; the Commission of investigation into Mother and Baby Homes Report, 2022.

44. See for example the shadow report of the Irish Human Rights and Equality Commission, December 2022, p. 85.

45. See for example, the UN Concluding Observations on the fifth periodic report of Ireland, paragraph 11.

the services and support available to victims. While the above developments are welcome, GREVIO notes that many of these measures are yet to be put in place.⁴⁶ Moreover, it is of concern to GREVIO that the stringent requirements set by many of the above-mentioned *ex gratia* compensation schemes, in practice, exclude many victims from receiving victim status and, therefore, from benefiting from the relevant or prospective support services. For example, under the Mother and Baby Institutions Payment Scheme Bill currently being discussed by the Irish Parliament, women and children who spent less than six months in these institutions will be barred from benefiting from this scheme and its related benefits.⁴⁷

33. GREVIO strongly encourages the Irish authorities to ensure that:

- a. consultation processes for devising co-ordinated policies on violence against women afford all women's rights organisations, including local organisations serving hard-to-reach groups and organisations representing women subject to intersectional discrimination, the means to effectively contribute to shaping policy;**
- b. clear connections and co-ordination are ensured between the third DSGBV Strategy and its action plan, and other equality and inclusion strategies that address violence against women;**
- c. policy actions on FGM are consistent and harmonised and address girls at risk of this form of violence.**

34. GREVIO strongly encourages the Irish authorities to introduce comprehensive measures and policies that:

- a. effectively quantify the number of victims of institutional abuse committed in Magdalene Laundries, Mother and Baby Homes and County Homes, national schools and through the procedure of symphysiotomy, while avoiding unreasonable requirements and time frames;**
- b. provide victims with the necessary support services, including specialist and long-term psychological support to facilitate their recovery, enshrining their rights in law and raising their awareness of the existence of such rights and services;**
- c. facilitate and enable their access to justice.**

B. Financial resources (Article 8)

35. Article 8 of the convention aims to ensure the allocation of appropriate financial and human resources for the implementation of integrated policies, measures and programmes aimed at combating and preventing violence against women carried out by public authorities and civil society.

36. Reports analysing the social and economic costs of domestic violence in Ireland have estimated those costs to be around €2.7 billion annually (excluding prevention and service provision).⁴⁸ GREVIO notes that there is currently no research available on the estimated total annual costs needed for Ireland to provide support to victims of all forms of violence against women. It observes, in this respect, that such analysis would be useful with a view to assessing and bridging the existing gap in resources. On the other hand, GREVIO welcomes the recent adoption of plans aimed at introducing gender budgeting in public institutions, which it considers important to pursue.

46. Including the patient advocacy liaison support service, awareness-raising campaigns to inform victims of the support services available and the Special Advocate for Survivors of Institutional Abuse.

47. It is estimated that 24 000 victims (40% of all victims) will therefore be excluded from the scheme. See the article "Redress scheme for survivors of mother and baby homes approved by Dail", Sarah Burns, *Irish Times*, 22 February 2023, and the shadow report of the Irish Human Rights and Equality Commission, December 2022, p. 85.

48. See "Assessing the Social and Economic Costs of DV, A Summary Report", Safe Ireland and University of Galway, 2021, p. 5, available at www.safeireland.ie/wp-content/uploads/Assessing-the-Social-and-Economic-Costs-of-DV-July2021.pdf.

37. GREVIO notes that the second DSGBV Strategy did not clarify the financial resources committed for the implementation of each action foreseen in the implementation plan, nor did it clarify whether and to what extent it would be paid by the budgets of the different state agencies involved in the implementation of the strategy. As regards the third DSGBV Strategy, the estimated costs associated with its implementation have been assessed by the Department of Justice as being around €363 million for the duration of the strategy. Once again, however, it does not appear that all implementing state agencies and departments have committed specific budgets for the implementation of this strategy, a gap that GREVIO considers should be remedied.

38. NGOs providing specialist support services to victims of violence against women are funded by TUSLA and enter into a service delivery agreement with this agency for one year. The information made available to GREVIO in the state report and in the NGO shadow reports indicates that funding provided by TUSLA to specialist support services amounted to around €20 million in 2020, €30 million in 2022 and to around €37 million in 2023.⁴⁹ GREVIO acknowledges that significant funds have been allocated by the government. Nonetheless, women's rights organisations have brought to GREVIO's attention that while NGOs can compete for funds disbursed by TUSLA through a tendering procedure carried out on an annual basis, transparent criteria clarifying the requirements to be met to obtain such funding is lacking. For example, it is not clear why migrant women's organisations whose mandates include providing support to victims of violence against women have not been granted such funding.⁵⁰ More generally, despite an increase in resources disbursed for the year 2023, funding received by women's rights organisations has been reported to be insufficient to meet the running costs of these organisations, including staff salaries and/or advocacy work. This is particularly felt by specialist support services operating outside the capital. Furthermore, the need to apply for funding on a yearly basis does not allow these organisations to plan their services in a sustainable manner. GREVIO's attention has also been drawn to some women's rights organisations, including those representing women with disabilities,⁵¹ not having equal access to funding opportunities due to limited grant writing and fundraising capacity. Similarly, local organisations also appear to have little access to TUSLA funding, thereby impacting on the ability of women from ethnic/national minorities to access specialist support services, as local organisations are the only entities in a position to reach these groups. The competition for limited resources has been described by women's rights organisations as creating tension between them and hindering co-operation.⁵² It also limits their ability to retain staff and, ultimately, to provide specialist support services to all victims of violence against women. GREVIO notes positively that the third DSGBV Strategy and its implementation plan foresee the possible introduction of standardised multi-annual funding processes and service agreements that consider the full economic costs of women's rights organisations that provide specialist support services in the area of violence against women. Such funding will be managed and disbursed by the future DSGBV Agency. GREVIO considers that the introduction of standardised multi-annual funding is much needed and that its implementation should be prioritised. At the same time, GREVIO underscores the importance of ensuring that future tendering procedures are transparent, set clear criteria to be met and facilitate access to funding by local organisations serving hard-to-reach groups. This is all the more important considering that women's rights organisations are providing indispensable specialist support services to victims and are reliable partners.

39. GREVIO urges the Irish authorities to provide greater support for the work of women's rights organisations specialised in preventing and combating violence against women by providing them with sufficient, multi-annual funding that is commensurate with their estimated needs, through transparent and accountable public procedures. Due regard should be paid to funding women's rights organisations operating outside the capital and local organisations serving hard-to-reach groups such as women victims of violence against women from ethnic/national minorities and other organisations serving women subject to intersectional discrimination.

49. The data for 2021 have been omitted due to a lack of clarity on the exact amount.

50. Information obtained during the evaluation visit.

51. See the shadow report from the Irish Human Rights and Equality Commission, December 2022, p. 33.

52. See the NGO written submission from the National Observatory on Violence against Women and Girls, p. 21.

40. **GREVIO strongly encourages the Irish authorities to:**

- a. commission research to assess the estimated total annual costs needed to provide support to victims of all forms of violence against women in Ireland, with a view to identifying the sums needed to bridge the existing gap;**
- b. introduce, in all relevant implementing ministries and departments, separate budget and funding lines for policies and measures aimed at combating violence against women and domestic violence;**
- c. pursue and step-up efforts to implement gender-responsive budgeting in order to allocate appropriate funding and to monitor public spending.**

C. Non-governmental organisations and civil society (Article 9)

41. Ireland profits from a vibrant network of women's rights organisations that play an irreplaceable role in providing specialist support services for women victims of domestic violence, sexual violence and FGM. Their engagement with the GREVIO baseline evaluation procedure has been exemplary as is evident by the wealth of shadow reports submitted to GREVIO for its consideration. In addition to providing core specialist support services to victims, they contribute to prevention efforts through advocacy, awareness raising, training and data collection, albeit their capacity is greatly thwarted by insufficient financial resources. Based on a victim-centred approach, they offer services not provided by the state and, as such, GREVIO underscores the importance of ensuring that they are adequately supported.

42. GREVIO notes that the Irish authorities acknowledge the important contribution that these organisations make in the area of violence against women and that consultation processes with civil society organisations have been ensured, to various degrees, in the formulation of policies and their implementation/monitoring. More specifically, whereas the contributions of women's rights organisations in the development of the second DSGBV Strategy appear to have been limited,⁵³ several women's rights umbrella organisations were closely involved in the development of the third DSGBV Strategy. Nevertheless, GREVIO's attention has been drawn to the need to ensure that such consultation in policy making is more inclusive so as to encompass, for example, women's rights organisations representing women with disabilities and/or those operating locally and providing services to hard-to-reach groups.⁵⁴ Moreover, the state report indicates that the monitoring of both the second and third DSGBV Strategies was/is carried out by a group consisting of government departments and women's rights organisations, which met/will meet several times per year. In this respect, however, reservations have been expressed by women's rights organisations as to the inclusiveness of this consultation process as it has not encompassed organisations representing Roma and Irish Traveller women.⁵⁵ More generally, GREVIO notes that in the period under review, there was no stable institutional framework allowing women's rights organisations to be systematically associated with the design and implementation of laws and policies on violence against women. It is encouraging that plans for the setting up of the future DSGBV Agency comprise a permanent structure involving NGO participation.

43. As regards the involvement of NGOs in multisectoral co-operation in the delivery of specialist support services, this is addressed in Chapter IV, General Obligations.

53. See the NGO written submission from the Rape Crisis Network Ireland and Safe Ireland, p. 31.

54. See Chapter II, Comprehensive and co-ordinated policies.

55. See the NGO submission from Pavee Point Roma and Travellers Centre, p. 6.

D. Co-ordinating body (Article 10)

44. Article 10 of the convention sets out the obligation to designate one or more official government bodies to co-ordinate, implement, monitor and evaluate policies and measures to prevent and combat all forms of violence covered by the scope of the convention. GREVIO has consistently clarified that the role of a national body tasked with driving policies for preventing and combating violence against women should be assigned to fully institutionalised entities with clear mandates, powers and competences.

45. GREVIO notes that in the period under review, Ireland had not yet appointed a co-ordinating body in line with Article 10 of the convention. Indeed, during the lifetime of the second strategy and until the time of drafting this report, responsibility for the co-ordination and implementation of violence against women policies was split between the Department of Justice, the Department of Children, Equality, Disability, Inclusion and Youth, and TUSLA.⁵⁶ This notwithstanding, approval for the setting up of a new statutory DSGBV Agency was given by the government on 27 June 2022 and the scope and mandate of the future agency are laid out in the third DSGBV Strategy and its implementation plan. The decision to set up a co-ordinating body was prompted, *inter alia*, by the 2021 Audit of Structures, which found that the implementation framework of the second DSGBV Strategy was ineffective in driving and co-ordinating the implementation of policies and in holding single agencies to account. The absence of a strong co-ordinating body was generally recognised as leading to a fragmented approach, not aligned with the requirements of Article 10 of the convention.⁵⁷

46. In light of the foregoing and to remedy the above-mentioned gaps, the third DSGBV Strategy and its implementation plan foresee the setting up of an agency which will be responsible for implementing and co-ordinating the third DSGBV Strategy. More specifically, the agency shall: co-ordinate all government actions as provided under the third DSGBV Strategy; bear responsibility for the delivery of specialist support services to victims of violence against women; put in place standards for the provision of specialist support services; lead awareness-raising initiatives; and develop a strategy for the collection, analysis and sharing of data on violence against women. The DSGBV Agency will be placed under the aegis of, and will report to, the Department of Justice, which will maintain responsibility over violence against women policies and legislation. Moreover, a series of cascading committees will frame and oversee the new agency. Notably, political oversight will be provided by the Cabinet Committee on Social Affairs and Equality,⁵⁸ and a High-Level Oversight Board, chaired by the Secretaries General to the Department of the Taoiseach (Head of Government) and Justice, will monitor progress towards the agreed goals of the DSGBV Strategy on a quarterly basis. Other departments, such as the Department of Housing, the Department of Health (including the HSE), the Department of Education, the Department of Children, Equality, Disability, Integration and Youth, TUSLA and the Central Statistics Office, will continue to be responsible for the services of their competence, under the co-ordination of the DSGBV Agency.⁵⁹ GREVIO further notes that the third DSGBV Strategy foresees a range of consultative groups that will inform the work of the DSGBV Agency, including: consultative groups regrouping NGOs representing victims of violence against women, and/or victims themselves; and a Community Development Committee tasked with the co-ordination of policy responses and the delivery of specialist support services at the local level. GREVIO welcomes the information received from the authorities indicating that the DSGBV Agency will act as the co-ordinating body and will have a

56. GREVIO was informed by the authorities that pending the setting up of the future DSGBV Agency, TUSLA will report to the Ministry of Justice on the delivery of specialist support services for victims of violence against women, on the basis of a Memorandum of Understanding.

57. See, for example, the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 31.

58. This committee oversees implementation of the programme for government commitments in the areas of social policy and public services. The committee covers a range of topics in the areas of social policy with a particular focus on equality and integration and public service reform.

59. Notably, the Department of Housing will retain responsibility for funding shelters; the Department of Health and associated agencies will be responsible for the Sexual Assault Treatment Units and counselling services; the Department of Education will be responsible for relationship, sexuality and consent education and training; the Department of Children, Equality, Disability, Integration and Youth and TUSLA will ensure the provision of child-protection services; and the Central Statistics Office will continue to have lead responsibility for the sexual violence survey currently being undertaken and the planned domestic violence survey. See the Third DSGBV Strategy, p. 23.

statutory basis. Notably, a dedicated law is foreseen to be adopted in the course of 2023 and will provide details on the mandate, financial resources and staffing of the agency. The DSGBV Agency is expected to be operational in 2024.

47. GREVIO welcomes and encourages the authorities to pursue and expedite the plans to set up an institutionalised body mandated to co-ordinate and implement violence against women policies, and to endow it with the necessary resources and staff. Nonetheless, GREVIO considers that the scope and mandate of the prospective DSGBV Agency should not be limited to co-ordinating and implementing the third DSGBV Strategy, as is currently foreseen, and should extend to all future violence against women policies. A body which is dependent on a single policy would, indeed, not ensure the stability that is necessary to guarantee the continuity and sustainability of policies and measures. Moreover, it should ensure clear linkages and co-ordination with other equality and inclusion strategies that touch upon violence against women or strategies that address migration or intersectionality, for example. GREVIO further welcomes the intention to introduce permanent structures involving NGO participation. On the other hand, it is concerned that the overall responsibility maintained by the Department of Justice for violence against women policies may lead to a duplication of efforts and, ultimately, hinder the co-ordinating body from gaining recognition and support from other relevant government agencies.

48. As regards more specifically the evaluation of the second DSGBV Strategy and its implementation plan, GREVIO notes that this was carried out by means of a survey for NGOs, which asked them to assess the extent to which actions had been carried out. When it comes to the evaluation of the third DSGBV Strategy and other future strategies, the information provided to GREVIO does not allow it to draw a firm conclusion on which body will be tasked with this function. The authorities have referred to the possibility of entrusting the Irish Human Rights Commission with the role of independent evaluation of policies. However, it does not appear that this body would be available to take on this role. GREVIO considers, therefore, that more clarity is needed concerning the body that will be entrusted with monitoring and/or with carrying out an independent and scientific assessment of whether measures taken in the context of DSGBV Strategies achieve their intended aim. In this connection, GREVIO recalls that in its baseline evaluation reports it has clarified that, first, the evaluation function should not be carried out by the same body that is responsible for the implementation of policies, and second, that it is necessary to ensure an independent evaluation based on sound data related to the application of policies.⁶⁰

49. **GREVIO strongly encourages the Irish authorities to:**

- a. **pursue and expedite plans to set up an institutionalised body mandated to co-ordinate and implement present and future violence against women policies, operating in consultation with women's rights organisations;**
- b. **endow the co-ordinating body with the needed financial and human resources to ensure the sustainability of its work;**
- c. **ensure that the framework of the future co-ordinating body and the responsibilities retained by the Department of Justice on violence against women policies do not hamper the future co-ordinating body's ability to gain recognition and support from other relevant government agencies;**
- d. **entrust the task of evaluating violence against women policies to an entity/entities that can ensure independence and objectivity in the evaluation process;**
- e. **pending the operationalisation of the new co-ordinating body, ensure the solid co-ordination, implementation and monitoring of progress in the implementation of the third National Strategy on Domestic, Sexual and Gender-Based Violence, based on a set of pre-defined indicators.**

60. See the Mid-term horizontal review of GREVIO baseline evaluation reports, paragraph 97.

E. Data collection and research (Article 11)

50. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.⁶¹

1. Administrative data collection

51. Despite having included commitments and/or recommendations to strengthen and harmonise data collection on violence against women in various national strategies, action plans and reports, Ireland is currently lagging behind significantly in the area of data collection. More specifically, the second DSGBV Strategy included, *inter alia*, a commitment to establish a gold standard of disaggregated data collection and analysis by all agencies working in the area of domestic and sexual violence. Moreover, the Department of Justice audit recommended the establishment of a single data system capturing data from all services dealing with victims and perpetrators of violence against women.⁶² Similarly, the third DSGBV Strategy foresees as a specific action the setting up of co-ordinated systems for collecting, analysing and sharing data on access to, and use of, support services and services providing protection to victims. The implementation of this goal, however, is currently on standby pending the setting up of the new DSGBV Agency, whose mandate will encompass data collection, analysis and sharing of data. In this connection, GREVIO considers that delaying plans and actions until the new DSGBV Agency is up and running is not optimal, and it underscores the importance of rapidly advancing in this area. Indeed, reports, as well as the data made available by the authorities to GREVIO, indicate that data collected on violence against women by the relevant stakeholders is insufficient, disjointed and does not provide an overall picture of the incidence of domestic violence and other forms of violence against women, the support and protection provided to victims or the response of the relevant institutions.⁶³ More specifically, state agencies, departments and specialist support services have data systems in place that do not go beyond their internal recording needs and there are inconsistent and non-harmonised definitions in use of the various forms of violence against women, resulting in the non-comparability of data sets. Moreover, women's rights organisations have drawn GREVIO's attention to the fact that data from local helplines managed by local Rape Crisis Centres (RCCs) are not captured and used by the state, thus detracting from a complete and representative view of prevention and protection efforts. In addition to these shortcomings, GREVIO has been informed that the sharing of data across agencies and specialist support services is hampered by considerations on data protection. GREVIO underscores the importance of addressing and overcoming these obstacles and the need for the judiciary, police, social welfare and healthcare services to set up data systems that go beyond the internal recording needs of their respective agencies/services, and to use harmonised definitions and/or methodologies. As a minimum, these agencies and support services should collect data on victims and perpetrators, disaggregated by the sex and age of both the victim and the perpetrator, the type of violence, the relationship between the victim and the perpetrator, the geographical location and other factors such as disabilities, as these data are essential for assessing the incidence of violence against women in the country and for analysing the response by the authorities, as well as for informing the relevant policies.

52. Finally, GREVIO notes that in March 2022 the Minister for Children, Equality, Disability, Integration and Youth, in co-operation with the Central Statistics Office, announced plans to develop a National Equality Data Strategy with a view to developing a strategic approach to improving the collection, use and dissemination of equality data, starting in 2023.⁶⁴ GREVIO understands that such a strategy would address the collection of disaggregated data, including on the basis of disability,

61. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflection on data related to specific criminal offences.

62. "Domestic, Sexual and Gender-Based Violence: An Audit of Structures", Higgins M. and O'Malley E., 2021.

63. See, for example, the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 17.

64. See the government's announcement, available at www.gov.ie/en/press-release/5a7f4-minister-ogorman-announces-the-development-of-a-national-equality-data-strategy/.

migrant status and ethnicity. GREVIO would, therefore, encourage the authorities to co-ordinate such efforts with those foreseen for the collection of systematic and comparable data on all forms of violence against women.

a. Law-enforcement agencies and the justice sector

53. The case-management system used by the police (the PULSE system) enables the recording of reports on sexual offences, coercive control, physical violence and attempted murder with a domestic violence motive. Disaggregation of this data is possible according to the sex of the victim, age, geographic location and, since 2021, the relationship of the victim to the perpetrator. GREVIO welcomes the publication by the police of reports on “Domestic, Sexual and Gender-Based Violence crime levels and police responses” and the sharing of data with the Central Statistics Office so that the latter can publish crime statistics and trends. Nevertheless, GREVIO observes that the data that are publicly available do not cover all forms of violence covered by the Istanbul Convention, including, for example, FGM, forced marriage, sexual harassment, forced abortion and forced sterilisation. While it can capture some data on the number of women who have been murdered as a result of domestic violence, these data are not complete.⁶⁵ Moreover, the Central Statistics Office categorises data provided by the police as “under reservation” as they do not meet the required standards.⁶⁶ In particular, a report issued in 2020 by the Central Statistics Office refers to a failure to record reported crimes, misclassifications of crime and inaccuracies in reporting dates as among the deficiencies observed in the police’s case-management system.

54. GREVIO notes that very limited data are available on prosecutions and convictions in relation to all forms of violence against women provided under the convention and on the sanctions imposed. GREVIO further notes that there is no case-management system that allows the tracking of cases of violence against women from reporting to conviction and the assessment of rates of attrition and recidivism. With a view to addressing some of these shortcomings, the Department of Justice included the development of a Criminal Justice Operational Hub as a strategic action of its “2018-2020 Data & Research Strategy”.⁶⁷ This action aims, more specifically, to enable the integration of data across the criminal justice system and its implementation was foreseen for 2022, although it has not yet come to fruition. As referred to above, the authorities have informed GREVIO that the sharing of data across different parts of the criminal justice system has been hampered by considerations on data protection and difficulties in applying a unique identifier.

55. As regards data on emergency barring orders and protection orders, some data have been made available by the courts on the number of such orders issued, the number of breaches of these orders and the sanctions imposed. Finally, no data are available on the number of decisions on custody/visitation/residence of children which have expressly taken into account reports of domestic violence to ensure the safety of women, children and/or other family members.

b. Healthcare sector

56. As regards data collected by the healthcare sector in the area of domestic violence and violence against women, the only data that were brought to GREVIO’s attention were those collected by Sexual Assault Treatment Units (SATUs). These units publish annual reports providing an overview of the number of victims that seek support, including their age and nationality, the victim and perpetrator relationship, the location of the incident and whether the victim has been referred to the SATU by another agency or specialist support service. More generally, however, it appears that no data are collected on the number of women and girls who seek help and contact the health sector, other than the SATUs, with experiences of violence against women, including domestic violence.

65. For example, it does not capture whether the authorities had prior knowledge of the woman’s exposure to violence or the number and type of sanctions imposed as a result of criminal proceedings.

66. See Central Statistics Office (2021), Review of the Quality of Recorded Crime Statistics 2020.

67. See Data & Research Strategy 2018-2020, Supporting delivery of “A safe, fair and inclusive Ireland”, July 2018, p. 2.

c. Social services

57. GREVIO observes that full information is not available on the number of women and girls who contact social welfare services, including TUSLA, for help following experiences of all forms of violence against women, including domestic violence, broken down by the victims' sex, age and relationship with the alleged perpetrator, and the types of services that are provided.

d. Data on the asylum procedure

58. GREVIO notes that the International Protection Office collects yearly statistics on the number of asylum requests received, disaggregated by sex and whether the applicant is an adult or a child. These data therefore do not specify the grounds on which the specific asylum requests are based, nor do they provide information on the number of decisions granting refugee status on the basis of gender-related forms of persecution. This state of affairs makes it difficult for GREVIO, as well as the authorities themselves, to assess whether asylum claims involving gender-based violence are being properly considered by the authorities.

59. **GREVIO urges the Irish authorities to:**

- a. ensure, as a matter of priority, the systematic collection of comparable data on all forms of violence against women from all relevant administrative sources, including the law-enforcement and justice, healthcare, asylum and social services sectors, and specialist support service providers, disaggregated, at the minimum, by the sex and age of both the victim and the perpetrator, the type of violence, the relationship of the victim to the perpetrator and the geographical location;
- b. take decisive steps to establish a centralised database on all forms of violence against women, pending the setting up of the Domestic, Sexual and Gender-Based Violence Agency;
- c. provide resources to ensure that data collected by any provider of specialist support services are harmonised and used by the state, with a view to reflecting a complete and representative view of prevention and protection efforts;
- d. ensure that data are collected in relation to all forms of violence covered by the Istanbul Convention by the police, prosecutors and courts at all stages of the criminal justice process, from reporting and investigation to the opening of criminal proceedings and their outcome. Such data should be co-ordinated and comparable so that cases can be tracked at all stages of the law-enforcement and judicial proceedings;
- e. ensure that the collection, storing and processing of data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved;
- f. harmonise data collection between the police, social services and other institutions, and ensure the analysis of cases of violence against women that have resulted in the killing of the woman and, where appropriate, her children;
- g. introduce a data-collection system that records asylum claims on the basis of gender-related persecution, the grounds for persecution considered and the outcome of the claims;
- h. collect data on the decisions on custody/visitation/residence concerning children that have expressly taken into account reports of domestic violence.

60. GREVIO further encourages the Irish authorities to co-ordinate efforts aimed at developing a National Equality Data Strategy with those foreseen in the setting up of a co-ordinated data-collection system on all forms of violence against women.

2. Population-based surveys

61. Paragraph 2 of Article 11 of the Istanbul Convention details parties' obligation to conduct population-based surveys based on data that are statistically representative of the target population so that they can be easily generalised to the larger population. Parties are additionally obliged to conduct such surveys at regular intervals in order to make a pertinent and comparative assessment of the prevalence of and the trends in all forms of violence covered by the scope of the convention by tracking developments longitudinally.⁶⁸

62. GREVIO welcomes the inclusion in the third DSGBV Strategy and its implementation plan of the goal to alternate every five years the publication of a sexual violence and a domestic violence prevalence survey. GREVIO was informed by the authorities that the survey on sexual violence is underway and is being conducted by the Central Statistics Office, on a sample of 13 000 individuals, with the publication of its results expected to have been published in April 2023. GREVIO understands that prevalence data on sexual violence are direly needed as the last survey/study dates back to 2002.⁶⁹ The authorities have clarified that this survey will only focus on sexual violence, including sexual violence committed in a domestic violence context, while the survey on domestic violence will be conducted in 2028.

63. This notwithstanding, women's rights organisations have alerted GREVIO to the insufficient attention given in the sexual violence survey to violence experienced by women subject to intersectional discrimination. GREVIO agrees that future surveys should include an intersectional lens and should also address other forms of violence against women covered by the convention.

64. **GREVIO invites the Irish authorities to carry out population-based surveys on the prevalence of forms of violence against women covered by the Istanbul Convention that so far have not been explored, including sexual harassment, stalking, forced marriage and FGM, and to assess the exposure of particularly disadvantaged groups of women to these forms of violence.**

3. Research

65. Article 11, paragraph 1b, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.⁷⁰

66. Several research studies on violence against women have been commissioned and funded by the authorities in recent years. These studies cover topics such as the provision of accommodation for victims of domestic violence, the evaluation of domestic violence intervention programmes, how to improve measures of protection for victims of sexual violence⁷¹ and a review of domestic violence killings. Of particular interest is, of course, the 2021 Audit of Structures commissioned by the Department of Justice to assess the efficacy of the implementation framework of the second DSGBV Strategy and the level of co-ordination between the agencies involved in preventing and combating violence against women.

68. Explanatory Report to the Istanbul Convention, paragraph 78.

69. See The SAVI report, Sexual Abuse and Violence in Ireland, Hannah McGee, Rebecca Garavan, Mairéad de Barra, Joanne Byrne and Ronán Conroy, Royal College of Surgeons in Ireland, 2002.

70. See the Explanatory Report to the Istanbul Convention, paragraph 77.

71. "Supporting a Victim's Journey: A Plan to help victims and vulnerable witnesses in sexual violence cases, Department of Justice" (2020) and the "Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences" (the O'Malley Report, 2020).

67. Moreover, GREVIO is aware of a study which has been commissioned by the Department of Justice on parental alienation but whose publication has been put on hold due to political considerations. GREVIO takes the opportunity to observe and recall that the so-called “parental alienation syndrome” is not recognised and should therefore not be used.⁷² GREVIO underscores that this or related notions are often invoked without a proper understanding of the dynamics of domestic violence against women and its effects on children and in the absence of a thorough risk assessment and case-by-case examination of the specifics of each situation at hand. GREVIO, therefore, trusts that the above-mentioned study shall frame this issue in a way that is in line with the obligations stemming from the Istanbul Convention.

68. Worthy of note are also the important efforts made to address sexual harassment and sexual violence in higher education through surveys and studies, some funded by the state. These include: the national campus climate survey of university students’ sexual experiences, documenting the high prevalence of sexual violence and harassment in higher education; the programme “Speak out”, an online and anonymous tool for students and staff to report violence against women and sexual harassment and aimed at collecting data and informing policy and educational initiatives from a trauma-informed perspective;⁷³ and the 2021 National Survey of Student Experiences and Staff Experiences of Sexual Violence and Harassment in Irish Higher Education Institutions.

69. GREVIO welcomes the wide array of research that has been conducted, noting that it has provided invaluable insight into specific aspects of violence against women. GREVIO notes, however, that the above-mentioned studies focus predominantly on domestic violence, sexual violence and, to a certain extent, sexual harassment, overlooking other forms of violence against women which are equally important even if less prevalent. Moreover, as has already been highlighted in terms of surveys, it appears that insufficient attention has been given to studies on violence experienced by women subject to intersectional discrimination. GREVIO encourages the authorities to fund such studies, all the more so given the welcome intersectional approach taken by the third DSGBV Strategy.

70. GREVIO invites the Irish authorities to fund studies that address violence against women experiencing intersectional discrimination, in line with the intersectional approach taken by the third Domestic, Sexual and Gender-Based Violence Strategy.

72. In its baseline evaluation reports, GREVIO has consistently referred to the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of “parental alienation syndrome” (PAS) and “parental alienation” (PA) are unsuitable for use in any psychotherapeutic practice. See www.europsyche.org/quality-standards/eap-guidelines/parent-alienation-syndrome-pas-parental-alienation-pa/. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists. See also GREVIO’s baseline evaluation report on France, paragraph 106.

73. See the NGO written submission from the National Observatory on Violence against Women and Girls, pp. 28-29.

III. Prevention

71. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. Awareness raising (Article 13)

72. While welcoming important efforts made by the authorities in the area of awareness raising in the period under review, GREVIO notes that the campaigns that have been run by the state have primarily focused on domestic violence, sexual violence and sexual harassment, overlooking other grave forms of violence against women like FGM, forced marriage, stalking, forced abortion and forced sterilisation.

73. From 2019 to 2021 the Department of Justice, in co-operation with the Department of Education and Higher Education Institutions (HEI) and in the framework of the second DSGBV Strategy, ran the “No excuses” awareness-raising campaign, focusing on sexual harassment and sexual violence. The aim of this awareness-raising campaign was to bring about change in societal behaviour by focusing on bystanders and on how to recognise these forms of violence against women. Several forms of media were used, including TV, radio, social media and digital advertising. GREVIO welcomes this initiative, noting that reports indicate that the campaign did not sufficiently adopt a gendered understanding of violence against women, as it failed to properly frame sexual violence in the context of gender inequality and gender stereotypes. A second campaign run by the authorities at the time of the Covid-19 pandemic was the “Still here” campaign. This campaign aimed to inform victims about the running of specialist support services for domestic violence and sexual violence despite the restrictions linked to the pandemic and also to alert perpetrators to the fact that these forms of violence would receive the highest priority from civil and criminal courts.⁷⁴ This specific campaign was co-designed with civil society and community-level organisations, and the evaluation of its impact was measured through a report which attested to its success. GREVIO welcomes the launching of another campaign by the police, in parallel, informing victims that it would provide assistance notwithstanding pandemic restrictions. Despite these positive efforts, reports indicate that both campaigns did not sufficiently address the specific needs and accrued violence experienced by women subject to intersectional discrimination. For example, all messages were conveyed in English only, creating barriers for migrant women who do not speak English or for women who use sign language. Moreover, the use of digital means to raise awareness hampered some vulnerable groups’ access to this information, including Roma and Irish Travellers, who often lack access to the internet.⁷⁵

74. GREVIO welcomes the approach taken to awareness raising in the third DSGBV Strategy and its implementation plan, which better acknowledge the needs of women subject to intersectional discrimination and involve women’s rights organisations and community-based organisations in the development and implementation of the campaigns. More specifically, the implementation plan of the third DSGBV Strategy foresees as a specific goal the raising of public awareness of all forms of violence against women and challenging existing myths and misconceptions in relation to violence against women, while addressing intersectional discrimination. It includes specific messages encouraging men and boys to contribute and actively prevent all forms of violence and calls on bystanders to recognise violence and to intervene when it is safe to do so. Another objective under

74. See the state report, Appendix 4.

75. See the NGO submission from the Irish Traveller and Roma Women, p. 8.

the implementation plan is to conduct an awareness campaign on the specialist support services available to victims. Both of these objectives foresee the creation of material designed to reach migrant women victims of violence, including those who are undocumented, and to reassure them that they will receive protection and access to support services. Moreover, it sets to produce material specifically designed to meet the needs of women Irish Travellers and other hard-to-reach communities. Finally, it plans to roll out the campaigns both nationally and locally. In addition to the above-mentioned objectives, the implementation plan aims to carry out an awareness-raising campaign on the importance of consent in sexual relations and on the harm caused by intimate image abuse. In this connection, it aims to focus on the liability of perpetrators and provide information on a take-down service for victims in cases of intimate image abuse. In light of the high prevalence of violence against women committed through digital means,⁷⁶ GREVIO welcomes and underscores the importance of awareness-raising measures on the different manifestations of online and technology-facilitated violence against women, in line with GREVIO's General Recommendation No. 1 on the digital dimension of violence against women.

75. While it is too early to assess the implementation of the third DSGBV Strategy, GREVIO takes the opportunity to alert the authorities to certain aspects that could maximise the impact and benefits of awareness-raising campaigns for victims and the general public. More specifically, although the implementation plan refers to the intention to address all forms of violence against women, it is not clear whether there are concrete plans to address forms of violence such as FGM, forced marriage, stalking, forced abortion and forced sterilisation, which are very harmful for those who experience them. It would be equally important to ensure that the campaign on consent addresses gender inequality and gender stereotypes, to better contextualise sexual violence and convey that it is a form of gender-based violence that disproportionately affects women and that is grounded in gender inequality. Finally, notwithstanding the intersectional approach taken by the third DSGBV Strategy, GREVIO considers that more must be done to mainstream the needs of women with disabilities, including in the objectives that relate to awareness raising. Indeed, reports indicate that women's rights organisations representing women with disabilities have not been involved thus far in devising awareness-raising campaigns. Moreover, no specific mention is made in the implementation plan of initiatives to address stereotypes surrounding the sexuality of women with disabilities and the high incidence of violence experienced by women with disabilities. Finally, it would be important to carry out targeted campaigns aimed at raising awareness about the harm caused to children who witness domestic violence.

76. In addition to the above-mentioned awareness-raising campaigns, GREVIO underlines the importance of acknowledging the significant awareness-raising work carried out by civil society and by academia, which complements the authorities' efforts, as it covers aspects not previously broached by the authorities. This is the case, for example, with the FixedItCampaign, which rewrote headlines and challenged sexist media discourse. GREVIO's attention has been drawn to the challenges for women's rights organisations to continue this important work in the absence of state funding.

77. GREVIO strongly encourages the Irish authorities to carry out, on a regular basis, awareness-raising campaigns on all forms of violence against women covered by the Istanbul Convention, beyond domestic violence, sexual violence and sexual harassment. The messages of these campaigns should be based on a gendered understanding of violence against women and acknowledge gender inequality as a root cause of this violence. The Irish authorities should in particular:

76. For example, in an online survey conducted with 500 young Irish women and men aged 18 to 25 years old and four qualitative focus groups with young Irish women and men with varying levels of experience of intimate relationship abuse, 49% of young women aged 18 to 25 who had experienced intimate partner violence experienced the violence digitally. See "Too Into You: Digital Intimate Relationship Abuse Against Young Women in Ireland", Ellie McMahon, 2021, *Graduate Journal of Gender, Globalisation and Rights*, p. 6.

- a. ensure that targeted awareness-raising campaigns are run to address the specific needs of women and girls subject to intersectional discrimination, including women with disabilities and Roma and Irish Traveller women, and are devised in co-operation with such groups;
- b. ensure that sufficient and sustainable funding is made available for awareness-raising campaigns, including for this purpose to women's rights NGOs;
- c. carry out targeted campaigns aimed at raising awareness about the harm caused to children who witness domestic violence;
- d. ensure that financial resources are made available for awareness-raising activities carried out by women's support services and women's organisations at national, regional and local level.

B. Education (Article 14)

78. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

79. By way of introduction, it is important to briefly outline some of the distinguishing features of the Irish education system, which, in GREVIO's view, can have a bearing on the teaching of the principles and topics required under Article 14 of the convention. Primary and post-primary schools are not managed directly by the state but by a private "patron", which appoints a management board that runs the school on behalf of the patron. Approximately 90% of national primary schools are under the patronage of the Catholic Church, whereas at the secondary level, the percentage is around 58%.⁷⁷ It is the state, on the other hand, that finances national schools and establishes their curriculum, including the subjects that must be taught and the time to be allocated to each subject, through its Minister of Education.⁷⁸ Although the management boards of the schools are required, under section 15 of the Education Act, to carry out their functions in accordance with the policies established by the Minister of Education, they are also required to uphold the cultural, moral, religious and spiritual values of the patron, otherwise called the "ethos". Moreover, while the minister decides on the schools' curriculum, section 30 of the Education Act foresees a series of circumstances which, taken on the whole, appear to allow for a certain flexibility in the teaching of the curriculum, in light of the school ethos.⁷⁹ GREVIO notes that despite the authorities' assurances that no aspect of the national school curriculum may be omitted on the grounds of the school's ethos, an analysis of the legislation currently in place, coupled with information provided in various reports,⁸⁰ suggests that in practice schools may indeed decide whether to teach Social Personal and Health Education

77. See the report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe following his visit to Ireland from 22 to 25 November 2016, p. 20.

78. See the 1996 Law on Education, section 30, which provides that "The Minister may ... prescribe the curriculum for recognised schools, namely: (a) the subjects to be offered in recognised schools, (b) the syllabus of each subject, (c) the amount of instruction time to be allotted to each subject ... (2) Without prejudice to the generality of subsection (1), the Minister (a) shall have regard to the desirability of assisting schools to exercise their powers as provided for under subsection (4), (b) shall have regard to the characteristic spirit of a school or class of school in exercising his or her functions under this section, (c) may give directions to schools, where he or she considers it appropriate, to ensure that the subjects and syllabuses pursued in those schools are appropriate and relevant to the educational and vocational needs of the students in those schools, (d) shall ensure that the amount of instruction time to be allotted to subjects on the curriculum as determined by the Minister in each school day shall be such as to allow for such reasonable instruction time, as the board with the consent of the patron determines, for subjects relating to or arising from the characteristic spirit of the school, and (e) shall not require any student to attend instruction in any subject which is contrary to the conscience of the parent of the student or in the case of a student who has reached the age of 18 years, the student".

79. In particular, see indents b to d of section 30 of the Law on Education.

80. See for example the NGO written submission from the National Observatory on Violence against Women and Girls, p. 38.

(SPHE) and one of its modules, Relationship and Sexuality Education (RSE).⁸¹ GREVIO notes that these are the only subjects that currently address, although minimally, some of the issues required under Article 14 of the convention. Another unique aspect of the Irish education system is that, under the Education Act, parents can decide to withdraw their children from the teaching of a given topic if it is contrary to their conscience. GREVIO notes in this respect that while this provision applies also to the teaching of religion, it can also apply (and is done so in practice) to SPHE and RSE. In this connection, GREVIO considers that the respect of the right to freedom of religion or belief should be balanced with the need to protect children from sexual violence. Indeed, sexual education is a preventive action that is crucial to raise children's awareness of this form of violence and protect them from harm.⁸² Moreover, it recalls that sexuality education is essential to guarantee women's sexual and reproductive rights and that it is a full component of the rights to education and health. Finally, the purpose of the binding obligation established under Article 14 of the convention is to ensure that social and behavioural patterns are changed through education on gender equality, the right to personal integrity and the prevention of violence against women. This can hardly be ensured if legislation allows parents to withdraw their children from the teaching of such essential principles.

80. Currently, the national curriculum foresees the teaching of SPHE and RSE, subjects which are being reviewed and updated by the National Council for Curriculum and Assessment (NCCA) as they have been assessed as being outdated. The new curriculum is foreseen to be approved by September 2023 for the junior cycle (ages 12-15), while the update of the primary school curriculum is foreseen for 2025; it is not clear, however, by when the update of the senior cycle (15-18) is foreseen. The authorities have informed GREVIO that the current SPHE curriculum in primary education addresses broad topics such as respecting diversity in society, healthy relationships, developing a sense of personal responsibility, understanding sexuality and the processes of growth, development of social skills and conflict resolution. It does not as such address gender stereotypes, gender equality or forms of gender-based violence. Although GREVIO could not access the content of the junior and senior cycles of SPHE/RSE, it understands that in addition to the above-mentioned topics they also address substance abuse, bullying prevention, sexual orientation and physical and emotional health. Pending the review of the curriculum, the NCCA has developed toolkits and made them available to teachers in primary, secondary and senior cycles. These resources provide guidance to teachers and teaching material on how to recognise unhealthy and abusive relationships, gender stereotypes, gender identity, sexual consent and the sharing of intimate images online, which GREVIO welcomes.

81. GREVIO notes that while topics such as gender equality, gender stereotypes, sexual violence based on the absence of freely given consent or the various other forms of violence against women are not broached in SPHE/RSE, they provide some foundations for these, thus the importance of ensuring their teaching. Moreover, the toolkits referred to previously can compensate for some of the gaps in SPHE/RSE, if used. This notwithstanding, and as previously referred to, parents can decide to allow their children to opt out of these subjects and there is sometimes a hesitancy to teach these modules in light of the school ethos.⁸³ This is compounded by a lack of initial mandatory training and insufficient and non-mandatory in-service training on RSE for teachers, who as a result do not feel confident in teaching the subject. Meetings held by GREVIO confirmed that while there is high demand for such training, the provision is minimal and the third DSGBV Strategy does not address this gap.

82. GREVIO welcomes the reforms that have been commenced following the adoption of the third DSGBV Strategy and its implementation plan. These include the updating of the SPHE/RSE curriculum in an age-appropriate manner in the areas of consent to sexual relations, domestic violence, coercive control, safe and responsible use of the internet and social media, and

81. See below for information on the content of this subject.

82. See, for example, *AR and LR v. Switzerland*, Application No. 22338/15, decision of 19 December 2017, paragraph 35, in which the European Court of Human Rights states that "in the Court's view, since sexual abuse posed a real threat to the physical and mental health of children, against which they had to be protected at all ages, society undeniably had a particular interest in providing such education to very young children".

83. Information obtained during the evaluation visit.

LGBTI matters. The implementation action plan equally foresees the development of age-appropriate materials to address and challenge male violence against women. Moreover, it sets as an objective the review of the Department of Education's Action Plan on Bullying, so that it addresses sexual harassment, gender stereotyping, gender identity and bullying in the physical and online sphere – issues not sufficiently addressed in the current 2013 anti-bullying policy. The implementation plan further foresees the organisation of training on gender equality and violence against women for teachers and managers of schools in primary and secondary education. GREVIO notes that while these are very positive developments, it recalls the importance of also addressing other forms of violence against women such as stalking, FGM and forced marriage, to ensure completeness of information and awareness also in respect of these forms of violence. It reiterates, furthermore, that such positive reforms will fail to bear fruit if, in practice, schools retain the possibility of not teaching these subjects and if parents can decide to withdraw their children from the relevant classes.

83. As regards the identification of potential victims of gender-based violence and domestic violence in educational establishments, the authorities have informed GREVIO that teachers receive training in child protection, which encompasses situations in which children experience domestic violence at home and are informed that they are required to report such cases to TUSLA. It was further informed of an ad hoc initiative organised in co-operation with civil society to raise teachers' awareness and understanding of domestic violence and help them support children who may be experiencing it.⁸⁴ However, it does not appear that a training protocol is in place to provide guidance to teachers on the identification and further referral of children who witness domestic violence or who are victims of sexual violence. This is all the more worrying in light of allegations of sexual violence perpetrated in a school setting made by 71 children in 2022.⁸⁵ Moreover, it does not appear that teachers receive any training enabling them to identify cases in which girls may be at risk of FGM or forced marriage.

84. As regards education on violence against women at the tertiary level, worthy of note are some important policies developed by the Department of Education, including the 2019 strategy "Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions", which calls on higher education institutions to provide education on healthy relationships, consent in sexual relations and bystander intervention programmes.⁸⁶

85. As regards the promotion of the principles mentioned under Article 14 of the convention in informal educational facilities, as well as in sports and cultural facilities, under the third DSGBV Strategy implementation plan, the authorities are due to deliver age-appropriate education programmes to young persons no longer involved in the formal education system, as well as in non-formal education settings, such as in sports and youth facilities. More specifically, the future DSGBV Agency will develop such material and be responsible for consulting young people in the process. GREVIO welcomes these plans and underlines their importance, all the more in light of the scandal involving child sexual violence perpetrated against children by staff employed by Scouting Ireland, some of whom were convicted.⁸⁷

84. See the state report p. 20.

85. In November 2022, following a radio documentary on Ireland's national broadcaster, RTÉ, about sexual violence in a school in Dublin, approximately 71 children in that school and other Irish schools have come forward with new allegations. See in this respect the Communication of the Irish Human Rights and Equality Commission with regard to the information submitted by Ireland on 8 June 2022 on the execution of the judgment of the Grand Chamber in *O'Keeffe v. Ireland*, paragraph 9.

86. See for this and other policies in higher education institutions, Chapter II, Comprehensive and co-ordinated policies.

87. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 54.

86. GREVIO urges the Irish authorities to take legislative and/or other measures to:

- a. ensure that the issues listed under Article 14 of the Istanbul Convention – gender stereotypes, gender equality and the various forms of violence against women – are included in the mandatory school curriculum and taught, in practice, to all pupils at all levels of education, adapted to the evolving capacity of learners;
- b. strengthen efforts to assess to what extent Social Personal and Health Education (SPHE) and Relationship and Sexuality Education (RSE) are being taught in schools;
- c. raise parents' and educators' awareness of the importance of sexual education and education on the subjects listed under Article 14 of the convention, to make children more aware of all forms of violence against women and the underlying causes and to protect them from harm;
- d. ensure that teachers receive mandatory initial and in-service training on the topics addressed in Article 14 of the convention, as well as on identifying and referring victims of violence against women, including girls at risk of FGM and forced marriage.

87. GREVIO invites the authorities to take further steps to promote, in non-formal education, equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships, as well as in sports, cultural and leisure activities.

C. Training of professionals (Article 15)

88. The standard set by the convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

89. GREVIO notes that initial and in-service training to professionals such as those in the police and the courts service, lawyers, health service workers and TUSLA staff was included as a strategic objective of the second DSGBV Strategy. This objective has been further developed in the third DSGBV Strategy and its implementation plan, which foresees: a mapping exercise to assess the training on violence against women that is available for various categories of professionals (including medical staff, social workers, educators, legal professionals and other frontline professionals); and the development and delivery of co-ordinated training for professionals working in the criminal justice system and for healthcare workers on how to identify domestic violence and refer victims to appropriate services. GREVIO welcomes these positive policy developments, noting however that no specific mention is made of training on statistically less prevalent, though equally harmful, forms of violence against women such as FGM, forced marriage, forced abortion and forced sterilisation.

90. Concerning training opportunities on violence against women for the police, the state report clarifies that within the initial training of all trainee Gardai (police officers), domestic violence is one of the mandatory modules on which they are tested. This module covers, *inter alia*: the 2017 An Garda Síochána Policy on Domestic Abuse Intervention (HQ Directive 23/2017), which sets out mandatory guidelines as to how the police should respond to reports on domestic violence;⁸⁸ relevant legislation on domestic violence; and obligations stemming from the EU Victims Directive (2012/29/EU). The state report further clarifies that once the initial training is completed, all police officers must follow a mandatory e-learning module on domestic violence which encompasses the new risk-evaluation assessment tool. In addition, training is available on the police data-management system (PULSE), which since 2022 has allowed the recording of domestic violence as a motive for a given crime. Moreover, training on sexual violence, sexual harassment and stalking are also available to police officers, albeit on a voluntary basis. In-depth and specialist training on sexual offences is available for police officers in the DPUs, although GREVIO is unclear to what extent it is

88. See Chapter VI, General obligations, immediate response, prevention and protection for further information.

obligatory. The above-mentioned training on sexual violence is supported by a policy, “Investigation of Sexual Crime, Crimes against Children and Child Welfare”, which provides in-depth guidance as to how the police should proceed when investigating this form of violence. Another policy document supporting the police’s investigative work on sexual violence/rape is the “National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault”. These inter-agency guidelines outline the response to be given by various first responders, including the police, in cases of sexual violence/rape.⁸⁹

91. GREVIO welcomes the above-mentioned policies and guidelines, which clearly set the standards the police are expected to comply with. It further welcomes steps taken to include in the initial training and in-service training of police officers a mandatory module on domestic violence. It highlights, however, that these important efforts should be complemented with mandatory initial training and in-service training on all forms of violence against women. Indeed, reports point to insufficient training of police officers working outside the DPUs on all forms of violence against women.⁹⁰

92. When it comes to prosecutors and judges, GREVIO is concerned about the lack of mandatory initial and in-service training, with a few sporadic training sessions being offered on a voluntary basis. As regards prosecutors, only some voluntary training has been made available between 2020 and 2022, primarily to comply with the recommendations made by a report commissioned by the state.⁹¹ This training consisted of short sessions and talks on topics such as domestic violence, breaches of protection and barring orders, the protection of vulnerable witnesses in the prosecution of sexual violence offences and proving the absence of consent in rape trials and coercive control. As regards the prosecutors working in the specialised sexual offences unit,⁹² though experienced in prosecuting these types of offences, it does not appear that they benefit from specific and mandatory training in this area beyond trauma-informed training. Finally, the above-mentioned National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault also contain a section providing guidelines on the prosecution of sexual offences, though it is not clear to what extent these inform and inspire the work of prosecutors. As regards more specifically the training of judges, despite the setting up in 2019 of the Judicial Council and one of its functions being the continuous training of judges, such training remains scarce and is primarily restricted to the DV Act, sexual violence and how to avoid secondary victimisation. Moreover, practical obstacles impede judges’ participation in training, as it requires their release from court duties, which is seldom possible due to their heavy caseload. The independence and autonomy of judges has equally been cited as impeding the mandatory training of this category of professionals. GREVIO observes in this respect that while fully respecting the independence of the judicial professions and the autonomy they enjoy in respect of the organisation of training for their members, the convention requires parties to take the necessary measures to ensure that training is made available to them, and that professionals wishing to receive it can undertake such training.

93. While training on domestic violence and violence against women is not mandatory for healthcare staff, several training opportunities, guidelines and manuals have been developed for this category of professionals. In particular, a national training programme was developed in 2018 and delivered to around 1 500 frontline HSE staff, on a voluntary basis, to develop their skills to recognise and respond to victims of domestic violence and sexual violence.⁹³ A manual was developed, thereafter, to complement this training, providing guidance on how to recognise domestic violence (including sexual violence committed in an intimate partner violence context), how to respond in a

89. See the National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault, 2023. These guidelines provide a full description of the response to be given to sexual violence/rape by the police, SATUs, psychological support services, forensic experts, general practitioners and legal professionals and of the referrals to be made between these services.

90. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 57.

91. Notably, the Review of Protections of Vulnerable Witnesses in the Investigation and Prosecution of Offences (the O’Malley report).

92. See Chapter VI, General obligations, immediate response, prevention and protection.

93. See the state report, p. 22.

victim-centred manner and how to further refer the victim to other support services.⁹⁴ The Irish authorities have informed GREVIO that more specialised training is available to doctors and nurses, notably on sexual violence. GREVIO considers particularly praiseworthy the development and provision of the post-graduate course on sexual assault and forensic examination for nurses, delivered by the HSE in partnership with the Royal College of Surgeons in Ireland, which provides detailed and holistic education in this area. Moreover, the above-mentioned National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault provide specific guidance for general practitioners and SATU staff on how to respond in a comprehensive and gender-sensitive manner to sexual violence/rape. As regards training on FGM, in 2019 the Institute of Obstetricians and Gynaecologists at the Royal College of Physicians of Ireland and the HSE published a National Clinical Guide on the Management of FGM. Moreover, the manual “Information for Healthcare Professionals Working in Ireland” was developed by the above-mentioned institutions and the NGO AkiDWA to provide a detailed overview on FGM, its prevalence rates and health consequences, as well as on how to provide support to victims. GREVIO welcomes the provision of training on FGM to over 7 000 service providers and healthcare professionals by civil society, in co-operation with the HSE. GREVIO further notes that one training module of the Irish College of Practitioners addresses FGM, albeit it is attended only by a small group of practitioners that wish to specialise in this area. Nevertheless, women’s rights organisations have alerted GREVIO to a persistent low level of awareness in hospitals of FGM.

94. As regards training for social workers, GREVIO has been informed by the authorities that social workers do not receive initial training on violence against women. Social workers employed by TUSLA are expected, though on a voluntary basis, to attend an online module on violence against women, and they are supported to follow a domestic violence and child-protection module at Trinity College Dublin.

95. Against this background, GREVIO considers that in the period under review, the information obtained by GREVIO reveals that some training on violence against women has been imparted to members of various professions and has primarily, if not exclusively, focused on domestic violence and sexual violence. It further notes that, with a few exceptions, training is not sustained nor compulsory. Women’s rights organisations have also drawn GREVIO’s attention to the need for such training to adopt an intersectional approach and to raise professionals’ awareness of the disproportionate rates of violence against women experienced by women with disabilities, Roma and Irish Traveller women, women in prostitution and LGBTI women, as well as of the need to dispel stereotypes surrounding these groups of women.

96. **GREVIO urges the Irish authorities to:**

- a. **introduce systematic and mandatory initial and in-service training on all forms of violence against women for relevant professionals working with victims or perpetrators, including law-enforcement officers, prosecutors, staff working in TUSLA, healthcare professionals and the judiciary, in line with the requirements of the Istanbul Convention;**
- b. **ensure that the training provided adopts an intersectional approach, raising the awareness of relevant professionals of the disproportionate rates of violence against women experienced by women with disabilities, Roma and Irish Traveller women, women in prostitution and LGBTI women, and of the need to dispel stereotypes surrounding these groups of women.**

94. See the HSE National Domestic, Sexual and Gender-Based Violence Training Resource Manual, Recognising and Responding to Victims of Domestic, Sexual and Gender-Based Violence in Vulnerable or At-Risk Communities.

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

97. There are currently 18 perpetrator programmes in Ireland, including the Northeast Domestic Violence Intervention Programme⁹⁵ and those run by two NGOs, namely MOVE Ireland and the Men's Development Network, whose work is funded by the Department of Justice. The latter programmes and organisations have adopted the same model of intervention previously approved by the Department of Justice, that is, the "Choices programme". This programme aims to support men to end their violent or abusive behaviour and become non-violent and respectful in their intimate partner relationships. While on the programme, perpetrators are offered the opportunity, *inter alia*, to learn about the effects and consequences of domestic violence on their partner and on the family; identify the beliefs and attitudes which underpin their violence and abuse; learn how to react without being abusive and to communicate more respectfully; and learn to understand and recognise the need to change their behaviour. While it appears that these programmes adopt a gendered understanding of violence, some scope for improvement has been identified by civil society. In this respect, GREVIO suggests that more attention could be paid in some of these programmes to examining stereotypical or misogynistic attitudes and behaviours towards women, which are root causes of violence against women.

98. As regards the referral pathways to the different perpetrator programmes, depending on the specific programme, perpetrators can either self-refer, be referred by courts or be referred by other departments and agencies, including the police, TUSLA and the probation service. In all circumstances, attendance is voluntary and lack of attendance or completion thereof cannot be sanctioned. Civil society has alerted GREVIO to the fact that the non-mandatory nature of attendance has led to worryingly low attendance rates of programmes (when compared to the number of referrals) and their completion rates.⁹⁶ The state report equally brought to GREVIO's attention that low attendance and completion rates are also linked to the insufficient geographical distribution of perpetrator programmes and lack of access to transportation for those living in rural areas. This is compounded by limited referrals made by the police, TUSLA and the courts. As regards court referrals more specifically, under Article 29 of the DV Act, judges can recommend, at their discretion, attending a perpetrator programme when making a safety order, a barring order or an emergency barring order. Reports indicate, however, that the number of safety and emergency barring orders issued, when compared to the number of referrals to perpetrator programmes made by courts, points to this prerogative being sparingly used.⁹⁷ Finally, GREVIO notes that there is no specific provision allowing for criminal courts to order the attendance at perpetrator programmes, for example in addition to a conviction or as a criminal justice tool to reduce recidivism.

99. GREVIO understands that some efforts have been made to implement perpetrator programmes in co-ordination with specialist support services for victims, though increased resources would be needed to improve such co-ordination.⁹⁸ For example, MOVE Ireland employs one part-time "partner support worker" in Dublin, who runs a group programme for women partners or ex-partners of perpetrators of domestic violence enrolled in a perpetrator programme. The programme focuses on empowering these women and helping them to set boundaries and be safe. Another perpetrator programme run by MOVE Ireland co-operates with a local women's rights organisation in Galway, sharing information and risk-management processes to reduce the risks run by victims. The programmes run by the Men's Development Network, on the other hand, appear to have a more integrated partner support service within the programme. Weekly contact occurs between the facilitators of the perpetrator programmes and the women's support services who

95. However, this programme has been administered by MOVE Ireland since 2022.

96. For example, in programmes managed by the Men's Development Network, in 2019, out of 139 men who were referred to the programme, only 57 attended and 37 completed it. In the programme managed by NEDVIP, in 2020, out of 16 men who were referred to the programme, only seven completed it, whereas in 2021, 15 men were referred and nine completed the programme.

97. See the shadow report submitted by the Irish Human Rights and Equality Commission, December 2022, p. 53.

98. See the Appendix 5 to the state report.

support victims. Moreover, monthly risk-management meetings take place and are attended by these women's support services, which GREVIO welcomes. Indeed, these organisations confirm that such co-operation can keep in check and help verify perpetrators' claims of improvements in the situation at home, by factoring in victims' perspectives.

100. In addition to securing better co-ordination with women's support services, an increase in funding is also needed to retain skilled staff to run the programmes. Indeed, civil society has brought to GREVIO's attention that several programmes rely on part-time facilitators, with very limited working hours, which prevent them from meeting the demand for the programmes. GREVIO has equally been informed by women's rights organisations that the insufficient training of facilitators and the limited capacity of perpetrator programmes have in turn resulted in the authorities putting pressure on women's rights organisations and shelters to facilitate programmes for perpetrators and fill these gaps, which many do not feel apt to do.

101. As regards the evaluation of the perpetrator programmes, GREVIO notes that these are carried out by the same organisations that are responsible for running them. Notably, MOVE Ireland and the Men's Development Network assess the outcome of a programme by relying on self-evaluations by the perpetrator, in parallel with an assessment of the victim regarding the support they have received, changes or lack thereof in the perpetrator's behaviour and whether they feel safe. Plans are also made to interview perpetrators, on a voluntary basis, three to 12 months after the completion of the programme to see whether the programme has long-lasting effects. GREVIO notes that while an internal assessment of the programme is to be welcomed, an independent scientific assessment of the outcome of these programmes should be envisaged in the future.

102. GREVIO further notes that the need for more co-ordination of the current provision of perpetrator programmes, their standardisation and their geographical roll-out was raised during the evaluation visit. For this reason, the strategic goals included in the third DSGBV implementation plan regarding the provision and co-ordination of perpetrator programmes has been, by and large, welcomed. These foresee the prospective creation and resourcing of a national perpetrator programme with integrated co-ordination with women's rights organisations, to be undertaken by the Department of Justice in co-operation with the new DSGBV Agency. It further foresees encouraging greater participation in perpetrator programmes by improving their geographical distribution/availability, which GREVIO welcomes.

103. **GREVIO strongly encourages the Irish authorities to:**

- a. **develop common minimum standards for perpetrator programmes, in line with the principles of the Istanbul Convention, taking account particularly of the need for a gender sensitive approach and for perpetrators to examine and change their stereotypical or misogynistic attitudes and behaviours towards women;**
- b. **strengthen the capacity and outreach of perpetrator programmes, including by rolling out the programmes throughout the country and providing them with sustainable funding that is sufficient to ensure their long-term functioning and the ability to retain trained staff;**
- c. **introduce perpetrator programmes in custodial settings;**
- d. **re-examine and address the reasons underlying the low level of referrals to perpetrator programmes by the police, TUSLA and other institutions/agencies;**
- e. **use all available means to promote attendance of perpetrator programmes, through mandatory and voluntary referral and by integrating them into the criminal justice system as a tool for reducing recidivism, in addition to sentencing and/or protective measures;**
- f. **ensure the systematic co-ordination with specialist support facilities for women victims of violence, with a view to ensuring that women victims are adequately informed and protected and that they and their children are kept safe;**

- g. ensure the external evaluation of perpetrator programmes, in line with recognised best international practices and principles, in order to assess whether the programmes serve their intended preventive aims.**

2. Programmes for sex offenders

104. The probation service offers two programmes for sex offenders; one is community based (the Safer Lives Programme) and the other one is offered in a prison setting (the Building Better Lives Programme).

105. The Safer Lives Programme is delivered by a community-based organisation to convicted sex offenders who are subject to probation supervision in the community. The programme consists of group work over a period of around 18 months during which participants are aided to identify and challenge the use of power and controlling behaviours and their attitudes and beliefs towards women. This programme was attended by 37 participants in 2020 and 39 in 2021. Reports indicate, however, that there is a need to expand the geographical availability of this programme.⁹⁹ GREVIO has also been informed by the authorities that the programme has been assessed using a scientific tool which measures any reduction in treatment needs before and after the programme. The Building Better Lives Programme has been operating since 2009 in only one prison. GREVIO understands that, like the Safer Lives Programme, it consists of group work in which negative attitudes and beliefs towards women and controlling behaviour are challenged. It notes that the programme has attracted criticism due to its limited number of participants. More specifically, reports indicate that only one in eight perpetrators serving sentences for sexual violence enrol in the programme due to extremely restrictive eligibility requirements.¹⁰⁰ For example, the perpetrator must be serving a prison sentence of more than 18 months and have admitted sexually harmful behaviour. GREVIO has been informed that new legislation is planned to strengthen the management and monitoring of convicted sex offenders and is hopeful that the authorities will take this opportunity to address and resolve some of the above-mentioned shortcomings.

106. GREVIO encourages the Irish authorities to ensure a wider availability of community-based perpetrator programmes and perpetrator programmes in prison settings for sex offenders, while removing excessively restrictive eligibility requirements for attendees and ensuring the independent evaluation of their impact.

E. Participation of the private sector and the media (Article 17)

107. GREVIO notes some recent positive developments in the area of broadcasting and online safety legislation. Notably, the newly adopted 2022 Online Safety and Media Regulation Act provides a regulatory framework for online safety and specifies the types of harmful online content that should be taken down in line with criminal legislation. This framework will be overseen by an Online Safety Commissioner, who will develop binding online safety codes to regulate the dissemination of harmful online content. The above-mentioned act further updates the regulations on broadcasting and on-demand services, as provided in the 2009 Broadcasting Act, which nonetheless remains in force. Moreover, it dissolves the Broadcasting Authority of Ireland and replaces it with a new regulator, Coimisiún na Meán (CAM), which took up its duties in March 2023.

108. As regards the respect of gender equality and avoiding secondary victimisation of victims by the broadcast media, the Broadcasting Act, under its Article 42, paragraph 2f, requires the media to ensure that the portrayal of violence and sexual conduct is presented with due sensitivity to the feelings and convictions of the audience. In furtherance of this act, the Broadcasting Authority has published a number of codes, including the Code of Programme Standards, which promotes responsible broadcasting and sets the standards that broadcasting services must abide by; and the

99. See the shadow report submitted by the Irish Human Rights and Equality Commission, December 2022, p. 53.

100. Ibid.

General Commercial Communications Code, which deals with advertising and other forms of commercial promotion. While the latter requires that commercial communications respect human dignity and refrain from representing persons and groups in society in a discriminatory manner, including on grounds of sex and other grounds, the former requires broadcasters to not broadcast material that is likely to discriminate or incite hatred against persons or groups in society, including on the grounds of sex, and to not emphasise gender and other grounds unless the context justifies it.¹⁰¹ Moreover, the new On-line Safety and Media Regulation Act provides that service codes may provide for standards and practices to promote balanced gender representation of participants in news and current affairs programmes broadcast by broadcasters or made available by providers of audiovisual on-demand media services, which GREVIO welcomes. Nonetheless, GREVIO considers that the current regulations do not sufficiently address the need for broadcasters and advertisers to respect gender equality, avoid gender stereotyping and sensationalistic reporting on violence against women. GREVIO notes positively that CAM is due to revise the above-mentioned Broadcasting Authority codes to more directly address gender stereotypes and gender-based violence. Given the weak gender lens of the current regulatory framework, it is not surprising that the Broadcasting Authority of Ireland and CAM, which dealt/will deal with complaints arising from breaches of the above principles and provisions, have not received any complaints for gender stereotyping or sensationalistic reporting on violence against women. This notwithstanding, reports indicate that in many cases media reporting on gender-based violence perpetuates stereotypes and potentially leads to secondary victimisation.¹⁰² In addition to the needed legislative/regulatory amendments, GREVIO considers it important to raise women's awareness of these standards and the channels for lodging complaints about discriminatory content in the media.

109. While a Code of Practice for Newspapers and Magazines has been issued by the Press Council of Ireland, GREVIO notes that it does not set specific standards nor encourages journalists to report on domestic violence and violence against women in a non-sensationalist and non-victim-blaming manner. Moreover, specific training on reporting on domestic violence and violence against women has not been provided, which should be remedied.

110. **GREVIO encourages the Irish authorities to:**

- a. **promote the development by the media and journalists of self-regulatory standards, and training in those standards, on the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on gender-based violence;**
- b. **raise awareness of equality legislation and self-regulatory standards and the channels for lodging complaints about discriminatory content in the media.**

101. See, respectively, principle 5 of the Code of Programme Standards and principle 2 of the General Commercial Communications Code.

102. See the shadow report submitted by the Irish Human Rights and Equality Commission, December 2022, pp. 54-55.

IV. Protection and support

111. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

112. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local level is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

113. By way of introduction, GREVIO observes that operational co-ordination and co-operation among the judiciary, public prosecutors, police, local authorities and NGOs running specialist women’s support services is not a requirement under the law. The third DSGBV Strategy and its implementation plan refer to plans to introduce multi-agency risk-assessment protocols for domestic and sexual violence victims and consider whether to do so on a statutory basis.¹⁰³ The development of formal structures to manage domestic violence offenders in a multi-agency context, following the release of perpetrators convicted of violence against women, is equally foreseen. Finally, the DSGBV Strategy’s implementation plan sets as a goal the development of collaborative working approaches between key services supporting victims, including by putting in place referral and information-sharing protocols, with a view to addressing potential gaps in the response given to service users. GREVIO encourages the authorities to pursue these endeavours.

114. In the period under review, positive examples of co-ordination and co-operation between the police, healthcare and civil society have been observed in cases of sexual violence and rape. Indeed, as described later in this report,¹⁰⁴ while formal protocols are not always in place between hospitals, the police, RCCs and prosecutors,¹⁰⁵ the Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault nevertheless provide a full description of the response to be given to sexual violence/rape by the police, SATUs, psychological support services, forensic experts, general practitioners and legal professionals, and the referrals to be made between these services. GREVIO notes that while in certain parts of the country there is good co-operation between all the relevant stakeholders, in other parts this co-operation needs reinforcement, for example through a formal protocol, to ensure that co-ordination is systematic.

115. Nevertheless, GREVIO notes with concern that comparable co-ordination and a dedicated multi-agency response mechanism is not available for other forms of violence against women, including for domestic violence, FGM, stalking and sexual harassment and forced marriage.

116. GREVIO is aware that a domestic violence referral protocol between the police and the women’s rights organisation Safe Ireland is being piloted in certain areas. Moreover, the 2017 An Garda Síochána Policy on Domestic Abuse Intervention foresees the appointment of a liaison person in the police to co-ordinate with the local women’s rights organisation providing support to domestic

103. See objective 3.5.5 of the implementation plan of the third DSGBV Strategy.

104. See Chapter IV, Support services for victims of sexual violence.

105. GREVIO has been informed of protocols in place, for example, between the Prosecutor’s office and the Galway Rape Crisis Centres and of protocols in place between SATUs and Rape Crisis Centres.

violence victims in the area. A memorandum of understanding is also in place between the police and TUSLA, in relation to children victims or witnesses of domestic violence. Finally, guidelines have been issued by the Department of Housing, Planning, Community and Local Government that provide instructions for referring victims of domestic violence to specialist support services, after they have been in contact with housing authorities, following incidents of domestic violence.¹⁰⁶ Despite these guidelines and protocols, reports point to co-ordination not being systematic and often being based on personal relations rather than on a protocol or a permanent co-ordination structure.¹⁰⁷ Moreover, GREVIO notes that there are no structures, such as multi-agency case conferences, to co-ordinate action around individual cases. An additional issue raised by civil society and pinpointed as hampering co-ordination efforts and synergies between the police and other agencies/services providing protection and support is the lack of sharing of data on perpetrators and victims because of data-protection concerns.

117. As regards the convention's requirements that measures of support and protection should be based on a gendered understanding of violence against women, should aim to avoid secondary victimisation and should strive to empower victims, GREVIO has been informed of instances in which the police have downplayed violence or have not been responsive. More generally, women's rights organisations have alerted GREVIO to the consequences stemming from limited to no training received by frontline staff of different agencies, which results in the lack of a gendered understanding of domestic violence and violence against women. Equally concerning is the requirement provided under section 39 of the 2017 Criminal Law (Sexual Offences) Act for therapists and support services to disclose in court therapy and counselling notes taken during sessions with a victim, upon request of the defence or the prosecutor, when these pertain to allegations of rape and sexual violence.¹⁰⁸ More specifically, GREVIO notes with grave concern that counselling notes are regularly sought in court by the defendant to question the credibility of a victim's report to the police.¹⁰⁹ In anticipation of an application by the defendant to disclose such notes, the police or prosecutor often ask the victim to waive her right to privacy regarding those specific records. GREVIO has been informed that the victim often waives this right knowing that failure to do so may prevent a prosecution from continuing or lead to the acquittal of the defendant. Reports indicate that this type of evidence is rarely sought in other types of crime and seems to be unique to cases of sexual offences.¹¹⁰ GREVIO underscores that the obligation and practice to disclose the counselling notes of victims of violence against women clearly constitutes a disincentive for women to come forward and seek the needed help, thus running counter to the principles enunciated under Article 18 of the convention. The practice also hampers the core work of women's rights organisations and presents them with a great

106. See Policy and Procedural Guidance for Housing Authorities in Relation to Assisting Victims of Domestic Violence with Emergency and Long-term Accommodation Needs, p. 4.

107. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 30.

108. Notably, section 39 of the Criminal Law (Sexual Offences) Act 2017 provides "(2) In criminal proceedings for a sexual offence the prosecutor shall notify the accused of the existence of any counselling record but shall not disclose the content of the record without the leave of the court given in accordance with this section. (3) An accused who seeks disclosure of the content of a counselling record may make an application in writing, to the court (a) providing particulars identifying the record sought, and (b) stating the reasons grounding the application, including grounds relied on to establish that the record is likely to be relevant to an issue at trial ... (5) Where no disclosure application has been made by the accused in respect of a counselling record under subsection (3) and the prosecutor believes that it is in the interests of justice that the record should be disclosed, the prosecutor may make a disclosure application in writing to the court ... (8) The court shall hold a hearing to determine whether the content of the counselling record should be disclosed to the accused and the person who has possession or control of the counselling record shall produce the counselling record at the hearing for examination by the court ... (10) In determining, at the hearing referred to in subsection (8), whether the content of the counselling record should be disclosed to the accused under subsection (11), the court shall take the following factors, in particular, into account: (a) the extent to which the record is necessary for the accused to defend the charges against him; (b) the probative value of the record; (c) the reasonable expectation of privacy with respect to the record; (d) the potential prejudice to the right to privacy of any person to whom the record relates; (e) the public interest in encouraging the reporting of sexual offences; (f) the public interest in encouraging complainants of sexual offences to seek counselling; (g) the effect of the determination on the integrity of the trial process; (h) the likelihood that disclosing, or requiring the disclosure of, the record will cause harm to the complainant including the nature and extent of that harm. (11) (a) Subject to paragraph (b) and subsection (12), after the hearing referred to in subsection (8), the court may order disclosure of the content of the counselling record to the accused and the prosecutor where it is in the interests of justice to do so.

109. Such a disclosure is requested in order to determine whether the therapy notes are consistent with the report made to the police.

110. See the NGO submission from Dublin Rape Crisis Centre, p. 37.

ethical dilemma. Indeed, while they are providing greatly needed psychological support to the victim, they may paradoxically and unintentionally be providing elements that can be used, in the future, to discredit the victim by the defence. Similarly, therapists working with sexual violence victims in public mental healthcare or in private practice are also faced with a similar dilemma. GREVIO notes positively that the implementation plan of the third DSGBV Strategy envisages an examination and review of the rationale for the disclosure of counselling notes as part of court proceedings and GREVIO urges the authorities to eliminate such a practice without delay.

118. On another point, both the Irish authorities and women's rights organisations have confirmed that the provision of services does not depend on the victim's willingness to press charges, in line with Article 18 of the convention. Nonetheless, as discussed later in this report, an exception is made when the victim's disclosure to support services or professionals reveals a potential risk to a child.¹¹¹ In these cases, under section 24 of the 2015 Children's First Act and under the TUSLA Policy on Child Abuse Substantiation Procedure (CASP), a report must be made to TUSLA. This concerns cases of domestic violence as well as cases in which the victim reports rape or sexual violence experienced when she was under 18. In these cases, GREVIO understands that a professional who is subject to reporting obligations will need to report this case to TUSLA so that any current risk to children may be assessed and action taken, if necessary.

119. **GREVIO urges the Irish authorities to take the necessary legislative and other measures to adopt institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies, including the police, prosecution services, the judiciary, TUSLA, social services, healthcare services and educational establishments, to ensure adequate protection and support for victims of domestic violence and their children, as well as for victims of all forms of violence against women. These multi-agency co-operation structures should be based on a gendered understanding of violence against women and should aim to empower victims. In particular, authorities should:**

- a. **develop protocols detailing co-ordination measures to be taken by all agencies and civil society organisations providing support to victims of all forms of violence against women;**
- b. **provide professionals in the police, TUSLA, social services, healthcare services and other relevant institutions with the required knowledge and skills to co-ordinate their activities in assisting individual victims, including creating safety plans and assessing and managing the risks posed by the perpetrator;**
- c. **ensure that protection and support services are made available as far as possible on the same premises;**
- d. **ensure that data-protection considerations do not hinder the sharing of information between the relevant services and NGOs, which is necessary to ensure the protection and support of victims;**
- e. **remove without delay, including through legislative means, the obligation and practice to disclose victims' counselling/therapy notes as part of court proceedings relating to acts of violence against women.**

B. Information (Article 19)

120. A victim's right to information is enshrined in the 2017 Criminal Justice (Victims of Crime) Act (the Victims of Crime Act), which transposed the European Union Victims Directive into national law. A Victims Charter is also available online, detailing the criminal justice system and the support victims can receive. GREVIO further notes that the third DSGBV Strategy and its implementation plan include as an objective the provision to victims of adequate, extensive and accessible information online and offline.¹¹²

111. See Chapter IV, Reporting by professionals.

112. See objective 2.1 of the third National Strategy on Domestic, Sexual and Gender-Based Violence Implementation Plan.

121. GREVIO notes that information on available support measures and legal measures is provided through different channels, although it primarily focuses on domestic violence, sexual violence and general information for victims of crime. The police, for example, are required under the Policy on Domestic Abuse Intervention and the Policy on the Investigation of Sexual Crime and Crimes against the Welfare of Children to provide victims, respectively, with copies of “domestic abuse information literature” and a booklet of information on sexual crime, informing them of the relevant support services that are available locally. The police are further required to refer victims to the general Victims of Crime helpline set up by the Department of Justice, and to provide the victim with the contact details of a police officer responsible for their case. The authorities have also referred to the general police Victim Information Booklet, which provides victims of crime with an overview of their rights within the criminal justice system and contains a list of national victim support services. This booklet is available in 39 languages, as well as in audio and Braille formats, in printed format and online, which GREVIO welcomes. Moreover, for trials at the Circuit and Central Criminal Court, the public prosecutor’s office invites the victim to a pre-trial consultation in which information on the trial is provided, including on special measures for vulnerable victims. SATUs equally provide information translated into a range of languages (Arabic, Portuguese, Romanian, Russian and Spanish). Finally, NGOs such as Women’s Aid and the Dublin Rape Crisis Centre provide, respectively, information on domestic violence and sexual violence, including through their telephone helplines, in over 200 languages and in sign language.

122. Nevertheless, reports indicate that women who are subject to intersectional discrimination, such as Roma and Irish Traveller women and migrant women, cannot always access the necessary information due to illiteracy or language barriers. In practice, interpreters, including trained interpreters on violence against women, are not often available and those interpreting sign language even less so. This leads to victims using their children or a relative to convey very personal and traumatic information.

123. **GREVIO encourages the Irish authorities to:**

- a. **provide easily accessible information to all women victims of violence, including on the support services and legal measures available for all forms of violence against women, beyond domestic violence and sexual violence;**
- b. **ensure that trained interpreters on violence against women are made available for asylum-seeking and migrant women, and for women with hearing impairments at police stations or other first points of entry for victims of violence against women.**

C. General support services (Article 20)

1. Social services

124. In the period under review there was an acute housing crisis in Ireland, characterised by a shortage of available housing and prohibitive rental costs. Against this background, reports indicate that violence against women is the leading cause of homelessness for women and children in Ireland and that, due to a fear of becoming homeless, victims often remain at home in abusive relationships or remain in shelters for protracted periods. This, in turn, has a knock-on effect on the ability of shelters to accept new referrals because of a lack of capacity.¹¹³

125. GREVIO notes, at the outset, that women who wish to access social housing must make an application to local authorities. Under the relevant law, no preferential access is given to victims of domestic violence and local authorities can decide who to prioritise.¹¹⁴ GREVIO’s attention has been drawn to the negative impact that current regulations and policies on social housing have on victims’ access to safe long-term housing options. One concern brought to GREVIO’s attention is that Irish or, in some cases, EU/EEA nationals can apply for social housing either in the area that they reside

113. See the shadow report of the Irish Human Rights and Equality Commission, December 2022, p. 61.

114. See section 20 and 22 of the Housing (Miscellaneous Provisions) Act 2009.

or elsewhere, if they can prove that they have “a local connection” with that area, as defined in the Social Housing Assessment Regulations.¹¹⁵ GREVIO notes that both of these requirements may create challenges for victims as they may need to find accommodation that is geographically distant from where the perpetrator lives. Reports also indicate that these requirements are particularly difficult to meet for Roma and Irish Traveller women even when they are Irish/EU/EEA nationals, as they often lack the necessary documents and proof of address or because of insufficient literacy skills, making it virtually impossible for them to escape violence.¹¹⁶ Although the Social Housing Assessment Regulations provide for the possibility for housing authorities, at their own discretion, to consider applications for social housing where the above-mentioned requirements are not met, GREVIO understands that, in practice, Roma and Irish Traveller women are generally not granted social housing on this basis.

126. Another concern that has been raised is that women who co-own property with their spouse do not qualify for social housing unless they are separated, with no exceptions being made in cases of domestic violence. For these women, the regulations allow local authorities to consider the applicant for a rent supplement.¹¹⁷ In this connection, the authorities have explained that since August 2020, further to amendments to legislation, an exception has been made for victims of domestic violence, who no longer need to pass a means test for an initial three-month period. A further three-month extension of the rental supplement can be obtained, subject to a means assessment test. While welcoming the amendments made to facilitate victims’ access to rental supplements,¹¹⁸ GREVIO notes that, firstly, the shortage and high prices of rental accommodation in Ireland limits the efficacy of this provision. More importantly, GREVIO observes that the regulations in place which exclude women with a joint property interest from eligibility to social housing, without exceptions being made for victims of domestic violence, reflect a lack of a gendered understanding of violence against women. Indeed, the power imbalance between victim and perpetrator, which characterises contexts of intimate partner violence, puts the victim at a disadvantage and in need of services to ensure her safety and facilitate her recovery, whether she co-owns the property she shares with the perpetrator or not.

127. Finally, GREVIO was informed that despite the existence of social housing suitable for women with disabilities it is often not available because of limited numbers. GREVIO welcomes the authorities’ stated goal in the third DSGBV Strategy and implementation plan to strengthen the Policy and Procedural Guidance for Housing Authorities in Relation to Assisting Victims of Domestic Violence with Emergency and Long-term Accommodation Needs, and invites them to address the gaps highlighted above.

128. GREVIO further observes that women victims of domestic violence, like any other Irish national or EU/EEA resident or beneficiary of temporary protection, can also apply for a supplementary welfare allowance, when they have no income or if their income is below the supplementary welfare allowance rate. GREVIO notes that the third DSGBV Strategy

115. Under Article 5 of the Social Housing Assessment Regulations, “A household may apply for social housing support to one housing authority only (the “housing authority of application”), which authority shall be either (a) the housing authority for the functional area in which the household normally resides, or (b) the housing authority for the functional area with which the household has a local connection, or (c) the housing authority that agrees, at its discretion, to conduct a social housing assessment in respect of that household on receipt of an application from the household.” Article 6 further provides that “A housing authority of application shall, in determining if a household has a local connection with its functional area, have regard to whether: (a) a household member resided for a continuous five-year period at any time in the area concerned, or (b) the place of employment of a household member is in the area concerned or is located within 15 kilometres of the area, or (c) a household member is in full-time education in any university, college, school or other educational establishment in the area concerned, or (d) a household member with an enduring physical, sensory, mental health or intellectual impairment is attending a medical or residential establishment in the area concerned that has facilities or services specifically related to such impairment, or (e) a relative of a household member resides in the area concerned and has resided there for a minimum period of two years”.

116. See the NGO submission from Pavee Point Roma and Travellers Centre, p. 5.

117. See Policy and Procedural Guidance for Housing Authorities in Relation to Assisting Victims of Domestic Violence with Emergency and Long-term Accommodation Needs, p. 11.

118. The authorities informed GREVIO that in the period under review, between August 2020 to June 2022, 226 victims of domestic violence were supported with rent supplements.

implementation plan foresees as an objective the provision of paid leave and social welfare support to victims of domestic violence by statute, which GREVIO encourages.

129. GREVIO urges the Irish authorities to take legislative or other measures to ensure that:

- a. women victims of domestic violence can qualify for social housing, regardless of whether they co-own property with the perpetrator;**
- b. bureaucratic obstacles that prevent Roma and Irish Traveller women victims of domestic violence from accessing long-term social housing are addressed, with a view to finding solutions.**

2. Healthcare services

130. As described previously in this report, while training on domestic violence and violence against women is not mandatory for healthcare staff, several training opportunities, guidelines and manuals have been developed for these professionals on domestic violence, sexual violence/rape and FGM.¹¹⁹ For example, the Irish authorities have issued a manual providing guidance to healthcare staff on how to recognise domestic violence, respond in a victim-centred manner and further refer the victim to other support services.¹²⁰ Moreover, the National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault provide specific guidance for general practitioners and SATU staff on how to respond in a comprehensive and gender-sensitive manner to sexual violence, including rape. As regards the response given by healthcare staff to the safety and medical needs of women victims of FGM, some training has been given to healthcare providers on the identification and support to be given to these victims. Moreover, the state has issued guidance through the National Clinical Guide on the Management of FGM which, for example, requires each hospital to have designated staff trained on FGM, experienced in the care that is required and in the referral pathways. The manual Information for Healthcare Professionals Working in Ireland has also been developed by the authorities, together with civil society, to provide detailed information on FGM, its prevalence rates and health consequences, as well as on how to provide support to victims.¹²¹ GREVIO notes, however, that it is not clear to what extent the above-mentioned guidelines are bearing fruit, partly because of a lack of statistics. In this connection, it encourages the authorities to raise the awareness of healthcare staff about the existence of these resources and to formalise them in clear and binding standard protocols, in parallel with sustained training.

131. On another point, reports indicate a clear gap in the capacity and provision of mental health services in Ireland, which impacts on the provision of this essential form of support to victims of violence against women.

132. Finally, GREVIO is not clear to what extent healthcare services, including SATUs and hospitals, issue medical reports to victims directly, after recording their injuries. It understands that such reports are transmitted to the police if the victim wishes to pursue criminal charges but are otherwise kept by healthcare establishments if the victims do not wish to report the violence. GREVIO notes in this respect, and in line with the convention's requirement of empowering victims, that copies of such reports should be provided systematically to victims.

133. GREVIO strongly encourages the Irish authorities to take measures to:

- a. ensure that dedicated and comprehensive binding protocols are in place to identify, treat and further refer victims of domestic violence, sexual violence/rape and FGM and that training is provided to the relevant staff on the application of these protocols;**

119. See Chapter III, Training of Professionals.

120. See HSE National Domestic, Sexual and Gender-Based Violence Training Resource Manual, Recognising and Responding to Victims of Domestic, Sexual and Gender-Based Violence in Vulnerable or At-Risk Communities.

121. See Chapter III, Training of Professionals.

- b. guarantee that frontline medical staff operating in hospitals and healthcare centres issue victims with a medical report documenting their injuries;**
- c. reinforce the capacity and availability of mental health services for women victims of violence.**

D. Specialist support services (Article 22)

134. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

135. Ireland has developed a strong network of specialist support services that assist victims of rape/sexual violence, domestic violence and FGM. These are run by women's rights organisations that are partially funded, respectively, by TUSLA and HSE. As has been previously noted, despite the extraordinary work they carry out, these NGOs struggle to ensure service provision due to limited and short-term funding, which has a bearing on their capacity to retain sufficient trained staff and on the ability to find and maintain suitable premises. The insufficiency of such funding is particularly felt by specialist support services operating outside the capital. This, in turn, results in long waiting times for victims or, in some cases, in specialist support services having to turn victims away.¹²² Moreover, reports indicate the inadequate geographical distribution of these services, with an insufficient presence in rural areas.¹²³ GREVIO welcomes, therefore, the inclusion in the third DSGBV Strategy and implementation plan of the objectives to fill identified gaps in service provision and ensure access to services in rural areas. Another general limitation that has been noted across specialist support services is the frequent lack of accessibility to their premises for women with disabilities, and the lack of staff trained on how to cater for the needs of these women, including those with intellectual disabilities. Similarly, gaps have been identified with regard to the effective provision of support services to women belonging to ethnic/national minorities, notably due to the absence of interpreters and cultural mediators. GREVIO observes in this respect that the third DSGBV Strategy's implementation plan aims to ensure that specialist support services are resourced with cultural mediators and other staff catering to the needs of women subject to intersectional discrimination.

136. GREVIO notes with concern that specialist support for other forms of violence against women, such as sexual harassment, stalking (outside the context of intimate partner violence), forced marriage, forced abortion and forced sterilisation are not available, a gap that GREVIO considers should be remedied.

137. As regards the provision of support services for women victims of domestic violence, women's rights organisations, including 21 shelters, support victims across Ireland with commitment and dedication. In the greater Dublin area, Women's Aid operates by providing frontline services such as the national telephone helpline, an instant messaging support service, counselling and court accompaniment, including the provision of emotional support before, during and after the relevant proceedings. Outside of Dublin, support services for domestic violence victims are provided either by shelters or by other NGOs running non-residential domestic violence resource centres. These organisations provide support and information, referrals and court accompaniment and may also provide limited counselling. As concerns psychological counselling more specifically, GREVIO understands that victims are referred to mental health services for long-term care in this area and

122. See Chapter II, Financial resources.

123. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 73. This report indicates that there are 41 Domestic Violence Resource Centres, which is one for approximately every 122 000 inhabitants or one centre for approximately every 61 000 women and girls.

for psycho-social support, as this does not represent the core of women's rights organisations' work, due to limited funding. In this connection, reports indicate a clear gap in the capacity and provision of mental health services, with many women having to resort to private counselling sessions if they can afford it. Victims who wish to receive legal assistance equally need to be referred to other services such as legal aid. In this respect, GREVIO observes that the convention calls, where appropriate and feasible, for a range of protection and support services to be located in the same premises as it increases victims' level of satisfaction and feeling of safety and empowerment. While noting the extraordinary work carried out by women's rights organisations, GREVIO considers that it would be beneficial to encourage this approach, while providing the additional financial resources needed to achieve this aim.

138. Services for victims of sexual violence and rape are provided by RCCs and SATUs,¹²⁴ whereas support services for FGM victims are provided by the FGM Treatment Service, located in the Irish Family Planning Association. GREVIO underscores that this is the only women's rights organisation offering much needed, critical support for victims of this form of violence, including medical and psychological care, as well as sexual and reproductive care services and counselling. Interpretation services are also provided free of charge where requested. Victims can self-refer to this support service or be referred by their general practitioner and/or by healthcare staff, although the limited training of healthcare professionals in this respect may hamper referrals. The FGM Treatment Service also co-operates with the IPAS/Balseskin reception centre, so that when victims of FGM are identified, they may be referred to the FGM Treatment Service. During the victim's first visit, this support service carries out a full assessment of needs, including psychological, legal assistance and the need for reconstructive surgery, and officially documents FGM for the purpose of an asylum determination procedure. Thereafter, the FGM Treatment Service generally provides psychological counselling and psycho-sexual therapy, followed by a referral to gynaecological services in the hospital for the necessary examinations and care. Reconstructive surgery can then be planned at the Rotunda Hospital in Dublin.

139. GREVIO notes that the FGM Treatment Service has only one premise, located in Dublin, thus requiring significant travel costs to be borne by victims who reside in other parts of the country. Moreover, because reconstructive surgery is scheduled early in the morning, additional costs are required for an overnight stay in Dublin. GREVIO welcomes the inclusion in the third DSGBV Strategy of a commitment to map current service provision needs and funding for FGM victims in order to identify gaps. GREVIO observes that it is clear that one single service assisting FGM victims across the entire national territory is not sufficient.

140. As regards the funding for this specialist support service, GREVIO has been informed that the limited financial resources and staffing made available have meant that the waiting time for victims is around two months. GREVIO understands that funding for this service has not been increased since 2014. Due to an exponential surge in requests for support in 2022, estimated at 370% when compared to 2021, and linked to an increase in arrivals of migrant women originating from FGM-practising countries, the FGM Treatment Service estimates that a doubling of resources would be required to meet the demand. In light of the above, and in conjunction with GREVIO's evaluation visit to Ireland, the Irish authorities agreed to grant an additional, one-off funding (€52 000) for the year 2023. While welcoming this measure, GREVIO has been informed that this funding covers only 70% of the needs of this support service. Moreover, it is not clear whether this increase in resources will be confirmed in the coming years.

141. GREVIO has also been alerted to the fact that the surge in arrivals of migrants and asylum seekers will bring a need to address the risk of girls being subjected to FGM, an aspect on which more training is needed for all relevant agencies and departments such as TUSLA.

124. See Chapter IV, Support for victims of sexual violence.

142. Concerning support services available for women victims of institutional abuse, including symphysiotomy, as described earlier in this report, certain measures of support have been planned and/or put in place, and an action plan has been published with regard to Magdalene Laundries/Mother and Baby Homes. These services include telephone and face-to-face counselling and an enhanced medical card giving access to health services. This notwithstanding, GREVIO notes that many of these measures have either ceased or are yet to be put in place and/or are not based on a statute and thus are discretionary.¹²⁵ Moreover, they generally appear to give access to general support services, rather than trauma-informed specialist support for victims of violence against women. It is also unclear to what extent the counselling helpline on institutional abuse functions in practice. Finally, the stringent requirements set by many of the previously mentioned *ex gratia* compensation schemes in practice exclude many victims from receiving victim status and, therefore, from benefiting from the relevant or prospective support services.¹²⁶

143. Finally, as regards the forms of violence against women committed through digital means or facilitated by technology, although dedicated support services do not explicitly tackle this, GREVIO notes positively that the online reporting service Hotline.ie is available, allowing victims to report the non-consensual sharing of intimate images and videos and take down, where warranted, illegal content. GREVIO further notes that anonymous reporting tools have been put in place in certain higher education institutions to combat sexual harassment and sexual violence.

144. **GREVIO strongly encourages the Irish authorities to:**

- a. **ensure adequately staffed and immediate short and long-term specialist support services to victims of all forms of violence against women, in an appropriate geographical distribution, while catering to the specific needs of vulnerable women subject to intersectional discrimination;**
- b. **strive to locate a range of protection and support services in the same premises;**
- c. **ensure specific training for TUSLA, healthcare and any other relevant professionals on the risk of girls being subject to FGM in Ireland, or of being brought abroad for the purpose of carrying out this harmful practice, so that this form of violence can be prevented.**

E. Shelters (Article 23)

145. Currently, there are 21 shelters for victims of domestic violence operating in Ireland, with a capacity of around 152 family places.¹²⁷ GREVIO notes that currently nine counties,¹²⁸ or one third of the territory, does not provide specialist shelters for victims of domestic violence. Victims residing in these counties are referred to the closest available shelter; however, shelters are often at full capacity. By way of example, in the course of 2021, requests for accommodation in a shelter were declined in 62% of cases due to lack of space.¹²⁹ When measuring the number of family places against the convention target of one family place per 10 000 head of population, the number of beds would need to be significantly increased, by over 300 family units.¹³⁰ Shelters and domestic violence

125. See Chapter II, Comprehensive and co-ordinated policies.

126. See Chapter II, Comprehensive and co-ordinated policies.

127. The state report refers to 152 family places available in 2019; however, according to reports by women's rights organisations, it is currently 141 family places.

128. The counties of Carlow, Cavan, Laois, Leitrim, Longford, Monaghan, Offaly, Roscommon and Sligo.

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

130. Article 23 of the Istanbul Convention requires Parties to ensure that there are appropriate, easily accessible shelters in sufficient numbers to provide safe accommodation for women and children. Paragraph 135 of the Explanatory Report to the Istanbul Convention provides guidance to Parties as to how to assess whether the current number of shelters is sufficient. More specifically, it refers to the Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6), which recommends that there should be one family place per 10,000 head of population. A "family place" is defined in the Council of Europe publication "Combating Violence against Women: Minimum Standards for Support Services", EG-VAW-Conf (2007) Study rev., as "an adult plus the average number of children". This notwithstanding, it is important to note that the Explanatory Report clarifies that the number of shelter places should be adapted to the actual need/demand in the country.

services do their utmost to find alternatives for victims, including by looking for emergency private accommodation¹³¹ or helping victims obtain a rent supplement from the Department for Social Housing to pay for private accommodation. Despite these efforts, in several cases victims have been forced to remain at home with the perpetrator, an outcome that is deplorable. GREVIO, therefore, welcomes, as a first step, the announced objective included in the third DSGBV Strategy's implementation plan to double the number of shelter accommodation places over the lifetime of the strategy, including in priority locations where there are no shelters. GREVIO notes, however, that more ambitious targets must be set to truly ensure the safety of women and their children and meet the standards of the convention.

146. Shelters for domestic violence are run by women's rights organisations that operate in a victim-centred manner and focus on the empowerment of victims. They often offer a range of specialist support services such as therapeutic services, counselling and childcare. GREVIO notes positively that victims can either self-refer or be referred by other frontline support services. The average duration of a stay in a shelter is three months. However, GREVIO's attention has been drawn to cases in which victims are allowed to stay for longer periods, even up to one year, due to a lack of other options, including social housing.¹³² As mentioned earlier, this limits the capacity of shelters and in some cases obliges them to turn away new referrals. Finally, where victims cannot stay longer than three months and social housing is not available or returning to their home is not possible, many victims resort to accommodation in homeless shelters, an option that is not suitable to ensure safe accommodation for traumatised victims and their children. GREVIO welcomes the authorities' plans to develop clear pathways into longer-term accommodation and invites them to address this without delay.

147. As regards the costs associated with victims' stays in shelters, GREVIO has received conflicting information. On the one hand, it was informed that victims are not required to fund their stay in a shelter and that they are only asked for a small contribution. On the other hand, it understands that victims who do not benefit from social welfare, either because they are migrants in an irregular situation or for other reasons, must either pay with their own means or, in principle, cannot be admitted into a shelter. Nonetheless, in such cases, GREVIO has been informed that shelters do their utmost to not turn victims away, sometimes by covering their expenses, which puts additional financial strain on an already direly under-funded service. It is likewise not clear whether the habitual residency requirements specified in the Social Housing Assessment Regulations¹³³ also apply to accommodation in shelters. Women's rights organisations assert that they indeed do, and that this creates practical obstacles, in particular for Roma women's access to shelters. GREVIO notes that this requirement would clearly be in breach of Article 23 and Article 4 of the convention, which require that the provisions of the Istanbul Convention be applied without any discrimination, on an open-ended list of grounds.

148. In this same vein, GREVIO's attention has been drawn to barriers preventing access to domestic violence shelters by women who are subject to intersectional discrimination. Roma and Irish Traveller women in particular have reported discriminatory treatment by shelter staff in

131. Some shelters have developed partnerships with the private sector to provide temporary fee accommodation.

132. In some cases, GREVIO understands victims stay until they can secure a safety/barring order and return to their home.

133. Notably, under Article 5 of the Social Housing Assessment Regulations, "A household may apply for social housing support to one housing authority only (the "housing authority of application"), which authority shall be either (a) the housing authority for the functional area in which the household normally resides, or (b) the housing authority for the functional area with which the household has a local connection, or (c) the housing authority that agrees, at its discretion, to conduct a social housing assessment in respect of that household on receipt of an application from the household". Article 6 further provides that "A housing authority of application shall, in determining if a household has a local connection with its functional area, have regard to whether: (a) a household member resided for a continuous five-year period at any time in the area concerned, or (b) the place of employment of a household member is in the area concerned or is located within 15 kilometres of the area, or (c) a household member is in full-time education in any university, college, school or other educational establishment in the area concerned, or (d) a household member with an enduring physical, sensory, mental health or intellectual impairment is attending a medical or residential establishment in the area concerned that has facilities or services specifically related to such impairment, or (e) a relative of a household member resides in the area concerned and has resided there for a minimum period of two years".

accessing shelters. As regards women with disabilities, reports indicate that shelters are not always accessible to women with physical disabilities and that shelters rarely offer interpretation for women with hearing impairments. When it comes to migrant and asylum-seeking women, if they are accommodated in reception centres, they are faced with the dilemma of moving out of the reception centre to a shelter, losing their entitlement to their direct payment or remaining in a situation of violence. Furthermore, shelter staff are often not trained to respond to the specific needs of migrant women victims of FGM, forced marriage and/or violence committed in the name of “honour”. In this connection, GREVIO observes that the convention requires shelters to offer safe and secure accommodation to victims of all forms of violence and, therefore, to ensure that the staff are trained to cater for the needs of all victims of violence against women.

149. Another obstacle, although not specific to women belonging to vulnerable groups, is the tendency not to accept boys above a certain age in shelters, which can deter women from seeking protection for them and their children.

150. **GREVIO urges the Irish authorities to:**

- a. **increase the number and capacity of appropriate, easily accessible and specialist shelters providing safe accommodation to victims of all forms of violence against women, in line with the standards set by the Istanbul Convention and in an adequate geographical distribution, with the aim of achieving the standard set in the Explanatory Report to the Istanbul Convention of one family place per 10 000 head of population;**
- b. **review existing laws and regulations and remove requirements preventing access to shelters for certain groups of victims, including those who do not reside in the specific county where the shelter is located or who cannot prove a local connection with such a county;**
- c. **ensure that shelters can accommodate and cater for the needs of women subject to intersectional discrimination, including women with disabilities, Roma or Irish Traveller women, migrant and asylum-seeking women and victims with teenage male children.**

151. **GREVIO further encourages the Irish authorities to:**

- a. **develop clear pathways from shelters to longer-term accommodation, suitable for ensuring the safety of victims and their children;**
- b. **ensure that migrant women victims of domestic violence who move out of a direct provision centre to a shelter do not lose their right to receive the payments associated with their status, so as not to deter them from seeking protection.**

F. Telephone helplines (Article 24)

152. GREVIO notes positively that two state-funded national helplines operate in Ireland, providing free, 24/7 confidential support and advice to victims of domestic violence (run by Women’s Aid) and victims of sexual violence, rape and sexual harassment (run by the Dublin Rape Crisis Centre), respectively. Both of these telephone helplines are run by women’s rights organisations and apply a gendered understanding of violence against women. Moreover, they ensure interpretation in over 200 languages and operate a web chat service Monday to Friday, from 8 a.m. to 6.30 p.m., and a text service for women with a hearing impairment.

153. While the Irish authorities have informed GREVIO that the national helpline on sexual violence covers all forms of violence against women, information obtained by GREVIO indicates that staff are not specifically trained to provide advice on forms of violence against women such as stalking, FGM, forced marriage, forced abortion or forced sterilisation, as per the requirement of the convention.

154. Calls can be made to the telephone helpline anonymously and confidentially, as both national helplines do not have the number of the caller displayed and do not require the caller to give their personal details. Moreover, calls are not recorded. If callers choose to provide personal data, confidentiality will be lifted only if a risk to a child is identified or if the caller discloses information in relation to the possibility of self-harm or of harming others. Information such as the time of the call, the sex of the caller and the type of issues discussed may be collected for statistical purposes but it is anonymised.

155. In addition to the above-mentioned national helplines, GREVIO notes that there are 15 local helplines on sexual violence and rape, and 41 local helplines on domestic violence. These are managed by either local RCCs or domestic violence resource centres, and provide support to callers during weekdays for fixed, limited hours. Local helplines are not state funded and rely instead on donations. Each one has its own confidentiality policy, code of practice and training for support staff. GREVIO has been informed by civil society that around 50 000 calls are made to the local rape crisis helplines annually, and that there has been a 100% increase in calls to these helplines in the last 10 years.¹³⁴ By comparison, in 2020, 13 438 calls were made to the national helpline run by the Dublin Rape Crisis Centre, with similar figures in 2021.¹³⁵

156. GREVIO welcomes the setting up of two state-funded national helplines providing support to victims of certain forms of violence against women, 24/7. GREVIO considers it important that the authorities continue to support these crucial helplines and extend their remit to cover all forms of violence against women. At the same time, given the trust in local helplines shown by victims, as evidenced by the number of calls received compared to the national helplines, GREVIO considers it important that the expertise developed by the local helplines is preserved, tapped into and supported through funding. This would be needed to allow local telephone helplines to extend their working hours, provide interpretation services and ensure that they are free of charge. Indeed, local helplines have been considered to be best placed to provide local information, support and appointments at the first contact, and victims are often advised by the national helplines to contact them.

157. GREVIO encourages the Irish authorities to continue to support and strengthen the national telephone helplines so that they can provide assistance and advice to victims of all forms of violence against women, while tapping into and supporting through funding the specific expertise of local helplines.

G. Support for victims of sexual violence (Article 25)

158. GREVIO was informed that the Sexual Assault Treatment Unit (SATU) established in Dublin in 1985 was the first sexual violence referral centre set up in Europe. Currently, seven SATUs operate across the country, in Cork, Donegal, Dublin, Galway, Limerick, Mullingar and Waterford. They offer services 24/7, all year round and are financed by the state. SATUs provide, in a victim-centred manner, critical support and services to sexual violence victims, including information, medical care, free medication and emergency contraception, toxicology reports, forensic examinations, post-exposure prophylaxis and follow-up care. They further refer victims to other services, such as RCCs for psychological support (unless they were already accompanied by an RCC to the SATU), gynaecology services and mental health services for long-term psychological support. The taking of forensic samples is carried out by professional forensic doctors, if the victim so wishes, and irrespective of her intention to report the crime to the authorities. GREVIO notes positively that this possibility was introduced in 2016, with a view to giving victims the time to decide whether to engage with the criminal justice system. For this purpose, the forensic evidence is stored, on average, for a year or longer, upon the victim's request. At SATUs, the competent nurse/doctor records the injuries of the victim. The police can also take photographic evidence of such injuries (except for intimate parts) if present at the SATU and/or at the police premises when victims report the crime. If the victim does not wish to report the crime to the police, the police is not informed by

134. Information obtained during the evaluation visit.

135. See the state report, Appendix 13.

the SATU, unless it concerns an underage person, as provided for by Article 14 of the Children First Act 2015. GREVIO was informed that SATUs are currently seeking legal advice to assess whether mandatory reporting could be limited to cases in which the victim is below 16, as this is the age at which autonomous health decisions can be legally made. Indeed, this is motivated by concerns that mandatory reporting to the authorities may dissuade young victims from coming forward and seeking help.

159. Victims can self-refer, either by arranging an appointment at a SATU or by presenting themselves directly. They can also be accompanied by RCC staff or by a police officer if they have already reported the crime to the police. Specialist nurses, doctors and forensic examiners working in SATUs are on call 24 hours a day, on a rotational basis, to ensure prompt support. GREVIO notes, however, that challenges have been reported in ensuring prompt responses due to an insufficient number of nurses trained in sexual violence/rape. More specifically, a recent review of SATUs has recommended more frequent training for nurses on sexual violence/rape, as it has not been possible to promptly recruit specialist nurses when posts are vacated as a result of infrequent training. While GREVIO welcomes the setting up of several SATUs across Ireland, it notes with regret that the standard of one sexual violence referral centre or rape crisis centre per 200 000 inhabitants is not met. It further notes that, despite the third DSGBV Strategy's stated plan to reinforce support services for victims of sexual violence, currently there are no plans to set up additional SATUs in the country.

160. GREVIO was informed that two Child and Adolescent Forensic Medical Assessment Services (CASATS), providing forensic examinations to child victims of sexual violence and related services, operate in Galway and Dublin using the Barnahus model,¹³⁶ and that a third centre will be rolled out in Cork.

161. RCCs, on the other hand, provide victims of sexual violence with psychological counselling and trauma support, as well as emotional support when dealing with courts, the police and SATUs. All these services are provided free of charge, although those who can afford it may be asked to pay a contribution. There are 16 RCCs, with a geographical spread estimated to cover approximately 60% of the territory.¹³⁷ GREVIO has been informed that a significant gap exists in the Midlands Region and along the border with Northern Ireland. Moreover, despite an increase of 63% in the number of appointments scheduled with RCCs in the last 10 years, the increase in funding has not followed suit, with a mere 6% increase in funds provided over a 10-year period.¹³⁸ Due to such under-funding and lack of staff, reports indicate waiting periods of up to one year to access RCC support services, which GREVIO notes with great concern. As regards access to the Dublin Rape Crisis Centre, the RCC benefiting from the highest public funding, GREVIO was informed that victims seeking help following a rape are likely to be seen within one to three weeks of requesting an appointment, whereas those with a history of more distant sexual violence will have to wait for several months. GREVIO expresses its concern in this respect, as prompt access to specialist support services is central to reducing compounded trauma. More generally, GREVIO recalls the specificities of rape trauma and the associated long-term consequences for victims. Indeed, research has shown that many victims require psychological support years after the assault. Increasing the number of Rape Crisis Centres in Ireland is therefore greatly needed, as the current level of provision clearly does not meet the demand.

162. In light of the above, GREVIO considers that while services are not provided on a one-stop-shop basis, the support services provided by RCCs, combined with those provided by SATUs, comes close to such an approach. GREVIO notes, however, that the above-mentioned services do not appear to include legal advice and counselling, a gap that GREVIO considers can be remedied if sufficient financial resources are made available to RCCs/SATUs. As alluded to previously in this

136. Barnahus is a child-friendly, interdisciplinary and multi-agency centre for child victims and witnesses where children can be interviewed and medically examined for forensic purposes, be comprehensively assessed and can receive all relevant therapeutic services from appropriate professionals.

137. See the WAVE country report, 2021 Women's Specialist Support Services in Europe and the impact of COVID-19 on their provision, p. 117.

138. Information provided during the evaluation visit.

report, GREVIO further notes that while formal protocols may not always be in place between the police, RCCs and prosecutors,¹³⁹ the Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault can be considered, if systematically used, an example of best practice in this area as they provide a full description of the response to be given to sexual violence/rape by the police, SATUs, psychological support services, forensic experts, general practitioners and legal professionals, and the referrals to be made among these services. GREVIO observes that formalising such co-operation through a protocol could ensure a more systematic application of the guidelines. It also recalls the importance of ensuring the mandatory training of healthcare staff operating in hospitals on sexual violence, to ensure that they identify, properly care for victims and refer them to the necessary support services.

163. With a view to further improving the response to sexual violence and rape, GREVIO strongly encourages the Irish authorities to:

- a. increase the number of SATUs and RCCs in Ireland so that the standard of one sexual violence referral centre or rape crisis centre per 200 000 inhabitants is met;**
- b. ensure more frequent specialist training for nurses on sexual violence, so that it is possible to promptly recruit specialist nurses when posts become vacant at SATUs;**
- c. ensure, through funding, that a complete range of specialist support services, including legal advice, are available in RCCs and SATUs.**

H. Protection and support for child witnesses (Article 26)

164. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

165. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.¹⁴⁰ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

166. Ireland does not appear to provide appropriate nor sufficient access to specialised and age-appropriate services for child witnesses of violence against women and domestic violence, as support is generally limited to cases in which children are victims. The provision of services for child witnesses of violence appears to rely on the initiative of individual shelters, with no structural support from TUSLA or other agencies. GREVIO highlights that when support services are provided to child witnesses by shelters, they are timebound – with the departure from the shelter entailing the termination of such essential specialist support.

167. As regards access to counselling services outside shelters, the Irish authorities have referred to centres following the Barnahus model, for example, Barnahus West. GREVIO notes, however, that this is a service for children and young people who have experienced sexual violence. These centres foresee the provision of different types of support such as medical check-ups, child protection and therapy in one child-friendly premise with a view to preventing secondary victimisation, bringing together professionals from TUSLA, HSE and the police. It does not appear, therefore, to be destined to provide support services to child witnesses of domestic violence and other forms of violence against women, a gap that could be easily bridged, in GREVIO's view, by

139. GREVIO has been informed of protocols being in place, for example, between the prosecutor's office and the Galway Rape Crisis Centres and of protocols in place between SATUs and Rape Crisis Centres.

140. See the "Problems associated with children's witnessing of domestic violence", Jeffrey L. Edleson, *VAW Net*, available at: www://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

extending the remit of these centres that follow the Barnhaus model to also cover these cases of violence. Additionally, the non-profit organisation Children at Risk in Ireland (CARI), provides therapy and counselling to children who are victims of or who have witnessed sexual violence/rape. GREVIO's attention, however, has been drawn to the very long waiting lists and insufficient resources to ensure prompt support. GREVIO notes and encourages the authorities' plans under the third DSGBV Strategy implementation plan to identify an integrated national response, in an age-appropriate manner, to the needs of children impacted by violence against women, stressing that it should address child victims and witnesses of domestic violence and violence against women.

168. GREVIO's attention has also been drawn to the problematic requirement, in practice, of needing the authorisation of both parents to provide psychological or other therapeutic assistance to children. While this is not provided by law, it appears that some professionals are reluctant to visit a child without the consent of both parents. GREVIO observes that, with fewer opportunities available to control their former partners after separation, or after the victim has left the common residence, many domestic violence perpetrators retaliate by abusing their children. Not giving their consent to allow their children to receive the needed psychological support can be one of the ways to do so.

169. As regards special protection measures for child victims and witnesses of violence against women, the above-mentioned organisation CARI also provides accompaniment and support to children who must give evidence in a criminal trial, including pre-trial preparation, support to the child in court premises and post-trial support. The authorities have also referred to the Accompaniment Support Services for Children, which provides support to children throughout criminal justice proceedings.¹⁴¹

170. GREVIO strongly encourages the Irish authorities to ensure the availability of age-appropriate psycho-social counselling for child witnesses of all forms of violence covered by the Istanbul Convention and to ensure, through legislative or other means, that it is not subject to the prior approval of both parents.

I. Reporting by professionals (Article 28)

171. Article 28 aims to ensure that where confidentiality rules are imposed by domestic law on certain professionals, such rules do not constitute an obstacle to the possibility, under appropriate conditions, of their reporting to the competent organisations or authorities if they have reasonable grounds to believe that a serious act of violence has been committed and further serious acts of violence are to be expected. The authorities have not provided any information as regards Ireland's compliance with this provision to date and, therefore, GREVIO cannot reach a conclusion on the implementation of this article.

172. GREVIO notes that, under Article 4 of the 2015 Children's First Act, there are mandatory reporting obligations to TUSLA for a range of professionals working in the area of violence against women, when they are aware of harm having been done to a child below the age of 18 or of a risk of children being harmed. Reporting obligations thus apply in cases of domestic violence and gender-based violence against girls, including cases where the victim reports rape or sexual violence experienced when she was under 18. In these cases, GREVIO understands that a professional who is subject to reporting obligations will need to report this case to TUSLA so that any risk to children may be assessed and action taken, as necessary.

141. See also Chapter VI, Measures of protection.

V. Substantive law

173. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

174. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence. Article 29, paragraph 2, is therefore closely linked with Article 5, paragraph 2, which enshrines the overarching principle of due diligence in relation to acts covered by the scope of this convention perpetrated by non-state actors. Failure to comply with this obligation can result in legal responsibility and civil law needs to offer remedies to address such failures. These remedies include, *inter alia*, civil law action for damages which need to be available for negligent and grossly negligent behaviour. The extent of state authorities' civil liability remains governed by the internal law of the parties, who have the discretion to decide what kind of negligent behaviour is actionable.¹⁴²

175. As regards the avenues of redress that are available against state authorities if they fail in their due diligence duty to prevent, investigate and punish acts of violence, the state has highlighted that victims can avail themselves of a remedy in tort (civil law action for damages), under the Civil Liability Act 1961, or apply for judicial review to challenge decisions made by administrative bodies and lower courts.¹⁴³ GREVIO notes that the authorities do not collect data on the number of claims made against the authorities for failure to respect their due diligence obligation to prevent, investigate and punish acts of violence and the number of remedies granted as a result. It is therefore not possible to assess the efficacy of the avenues of redress provided for in the law.

176. When it comes to avenues of redress against the police if they fail to investigate a report on violence against women, in principle, victims may use the previously mentioned measures. Nevertheless, it is not clear to what extent under national law, as interpreted by court jurisprudence, the police are recognised as having an obligation of due diligence to prevent, investigate, punish and provide reparation, including for acts of violence against women.¹⁴⁴ More specifically, in the judgment *V.K. v. M.W & Others*, the relevant Court of Appeal held in 2018 that “the courts in Ireland have consistently held that a policeman does not owe a duty of care to the complainant or victim of crime in respect of an investigation”. It added that although “the Gardai are not immune from civil liability, the heading of any potential liability would not be negligence but misconduct in public office”.¹⁴⁵ The victim would thus be required to prove malice (will) and not solely that the state authorities were “allegedly incompetent in their duty or made a mistake”.¹⁴⁶ Moreover, in the judgment

142. Explanatory Report to the Istanbul Convention, paragraph 162.

143. See the state report, p. 38.

144. See the shadow report from the Irish Human Rights and Equality Commission, p. 74.

145. See the Court of Appeal's judgment *V.K. v M.W & Others* [2018] IECA 290, paragraph 68. “The principle is that the Gardai or the police have public duties to discharge in investigating crime and this does not impose on them a duty to individual victims or witnesses. The Gardai are not immune from civil liability but the heading of potential liability is not negligence but misconduct in public office. In this respect, they are in the same position as others who carry out statutory or public functions. An essential feature of this established liability is the requirement that the plaintiff must prove malice. It is not sufficient that the defendant was allegedly incompetent in his or her duty or made a mistake; the default must have a malicious character before the claimant can succeed”.

146. *Ibid.*

Lockwood v. Ireland, the High Court dismissed an action against the police for negligence in a rape case,¹⁴⁷ which the defendant appealed against; the matter is still before the courts.¹⁴⁸ In light of the above, GREVIO expresses its concern that the interpretation of current legislation in Ireland is at odds with the well-established due diligence obligation, enshrined in Article 5 of the convention. GREVIO notes in this respect that although under the convention parties have the discretion to decide the kind of civil remedies that are made available, as well as the type of behaviour that is actionable under internal law (negligent/grossly negligent), domestic law and/or interpretation by the courts appear to set a very high threshold, requiring the act or failure to be unlawful.

177. In addition to the above, when it comes to avenues of redress against the police, complaints against police officers can be investigated internally by the police under the Garda Síochána Discipline Regulations 2007, which provide a code of conduct for the police. These investigations may result in the imposition of sanctions, including the dismissal of the police officer. Moreover, the Garda Ombudsman, an independent statutory body, is empowered to investigate complaints against members of the police force, including any act or omission by a member of the police in the conduct of their duty.¹⁴⁹ It can conduct disciplinary proceedings upon referral of the police, where it appears that the conduct of a police officer may have resulted in death or serious harm to a person. Finally, it may investigate matters in relation to the conduct of police officers when it is in the public interest, even if a complaint has not been received. Such investigations can result in a disciplinary sanction, or, if evidence of a criminal act emerges, the public prosecutor is informed accordingly. The Policing Authority is an additional institution that oversees the performance of the police in relation to policing services in Ireland.

178. While noting these positive oversight mechanisms, GREVIO expresses its concern about the response given by the Policing Authority following the scandal of the police's failure to record and react to hundreds of calls during the Covid-19 pandemic, including calls reporting domestic violence and sexual violence. This body responded through the commissioning of an independent report, which recommended the police to cease the retrospective analysis of shortcomings and concentrate resources on improving call handling.¹⁵⁰ GREVIO understands that rather than informing victims of the civil responsibility of public officials who have failed to diligently prevent and investigate acts of violence and inform them of the legal remedies available, the police have taken the approach recommended in the report. In this respect, GREVIO underscores that the approach taken is clearly at odds with the core aims of Articles 5 and 29 of the convention, which are to end impunity for acts of violence against women and ensure that legal avenues are made available to challenge and address the failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence.¹⁵¹

179. **GREVIO urges the authorities to take measures to:**

- a. proactively and systematically inform victims of the civil remedies available against state authorities that have failed in their duty to take the necessary preventive or protective measures;**

147. The High Court acts as an appeal court of the Circuit Court in civil matters.

148. See the report submitted by the Irish Human Rights Equality Commission, p. 75.

149. See the state report, p. 38.

150. See the Independent Report for the Policing Authority, Final Report on the Examination of the Garda Síochána review of the closure, (including cancellation) of Computer Aided Dispatch incidents, September 2022, Derek Penman p. 2, stating "The Garda Síochána should conclude the CAD Review and cease any further retrospective analysis of ... incidents. This should be agreed by the Policing Authority and Garda Síochána on the understanding that given the learning identified from the Garda Síochána and Policing Authority CAD Reviews, the financial costs and impact of diverting resources away from other priorities are unlikely to identify harm or offer meaningful service recovery to potential victims. The Garda Síochána should concentrate its resources on improving the current call handling arrangements and allow the Policing Authority to focus its scrutiny on these improvements".

151. The obligation contained in paragraph 2 of Article 29 of the convention is in line with case law of the European Court of Human Rights concerning the failure of public authorities to comply with their positive obligation under Article 2 of the European Convention of Human Rights (right to life), including *Kotilainen and Others v. Finland* (2010), *Opuz v. Turkey* (2009), *Volodina v. Russia* (2019), *Volodina v. Russia (No.2)* (2019) and *Kurt v. Austria*, (2021).

- b. ensure that in law and in judicial practice, women victims of violence can bring civil law actions for damages for negligent/grossly negligent behaviour of police officers;**
- c. compile relevant statistics on the number of claims made against the authorities for failure to respect their due diligence obligation to prevent, investigate and punish acts of violence, and the number of remedies granted as a result.**

2. Compensation (Article 30)

180. Article 30 sets out the right to compensation for damages suffered as a result of any of the offences established under the Istanbul Convention. Paragraph 1 establishes the principle that it is primarily the perpetrator who is liable for damages and restitution (primary compensation) while paragraph 2 establishes a subsidiary obligation for the state to compensate (secondary compensation).

181. As regards primary compensation, the Criminal Justice Act 1993, under its section 6, allows for compensation orders to be made in criminal cases. As noted in the state report, a judge may include a compensation order as part of sentencing, instead of, or in addition to, any penalty imposed, in order to compensate the victim in respect of any personal injury or loss resulting from the offence.¹⁵² The amount to be paid is at the discretion of the judge, who can take into account the means of the perpetrator, while it does not take into account moral damages. GREVIO was informed that data on the use of section 6 compensation orders are not collected. However, reports indicate that compensation under section 6 of the Criminal Justice Act 1993 is not common practice.¹⁵³ Victims can otherwise sue the perpetrator for damages in civil courts for any injury and loss caused. Reports indicate that this is a lengthy and costly process if the victim does not qualify for legal aid from the state.¹⁵⁴ Here too, no data were made available on how many compensation claims have been made against perpetrators in civil courts regarding acts of violence against women, and how many have been awarded, thereby precluding GREVIO's analysis of its use in practice.

182. **GREVIO strongly encourages the Irish authorities to take all the necessary measures to ensure that wider use is made of the power of criminal courts to grant compensation to women victims of violence, including through training of criminal court judges and by examining and addressing the reasons for the low number of compensation orders issued in criminal proceedings. the Irish authorities should, in particular:**

- a. ensure that compensation orders may also provide for compensation of the moral damages incurred by the victim;**
- b. collect data on the number of women victims of violence who have requested and obtained compensation from the perpetrator in criminal and civil courts.**

183. As regards secondary compensation, GREVIO notes that upon ratification, Ireland entered a reservation to Article 30, paragraph 2, which establishes the subsidiary responsibility of the state in situations where the victim has suffered serious bodily injury or damage to health.

184. GREVIO notes that under Article 79, paragraph 3, of the Istanbul Convention, the Irish authorities will be required to provide GREVIO with an explanation of the grounds for the reservation entered in relation to compensation (Article 30, paragraph 2) upon expiry of its period of validity (30 June 2024) and prior to its renewal.

152. See the state report, p. 39.

153. See Law Reform Commission, "Consultation Paper. Compensating Victims of Crime" (LRC CP 67-2022), paragraph 7.26, available at: www.lawreform.ie/_fileupload/consultation%20papers/Compensating%20Victims%20of%20Crime%20LRC%20CP%2067-2022%20b.pdf.

154. See the NGO written submission from Rape Crisis Network Ireland and Safe Ireland p. 94.

185. Despite Ireland's reservation, GREVIO notes that under the Criminal Injuries Compensation Scheme, victims may be provided with out-of-pocket expenses, including loss of earnings experienced by the victim or by dependants of the victims if the victim has died as a result of the incident.¹⁵⁵ Data provided to GREVIO indicate that there has been a very limited number of women victims of violence who have received compensation under this scheme: 41 women in 2020 and 37 women in 2021. Moreover, the Irish Human Rights and Equality Commission has highlighted a number of shortcomings of the scheme, including: a short time frame to apply for compensation (three months), which runs from the date of the commission of the crime; a maximum cap on compensation that the scheme can provide annually; and the risk that the wide margin of discretion in applying the eligibility criteria enjoyed by the members of the tribunal that decide on claims made under the above-mentioned scheme may lead to unfair and inconsistent results.¹⁵⁶ As referred to previously in this report, Ireland has also put in place an *ex gratia* compensation scheme for women victims of historical abuses.

3. Custody, visitation rights and safety (Article 31)

186. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.¹⁵⁷

187. Under section 11 of the 1996 Family Law (Divorce) Act, where an application for divorce is made to the court, the court can make a preliminary order relating to custody or visitation, or any other matter relating to the welfare of the child. More specifically, under sections 3 and 11 of the 1964 Guardianship of Infants Act, as amended by the 2015 Children and Family Relationships Act, courts can issue a decision regarding custody and/or visitation of children and will be guided by the best interests of the child. Section 31 of this same act, as amended, foresees that in determining the best interests of the child, the court must take into account all of the factors or circumstances that it regards as relevant to the child concerned and his or her family, including, *inter alia*, any harm which the child has suffered or is at risk of suffering, including as a result of household violence.¹⁵⁸ Sub-section 3 further clarifies that:

the court shall have regard to household violence that has occurred or is likely to occur in the household of the child ... including the impact or likely impact of such violence on (a) the safety of the child and other members of the household concerned; (b) the child's personal well-being, including the child's psychological and emotional well-being; (c) the victim of such violence; (d) and the capacity of the perpetrator of the violence to properly care for the child and the risk ... that the perpetrator poses to the child.¹⁵⁹

155. See "What the Criminal Injuries Compensation Scheme is", 11 February 2022. Available at: www.gov.ie/en/publication/684e8-what-the-criminal-injuries-compensation-tribunal-does/.

156. See the report submitted by the Irish Human Rights Equality Commission, pp. 75-77.

157. It is noteworthy that in the case of *Bizdiga v. the Republic of Moldova* (no. 15646/18, 17 October 2023, available at: <https://hudoc.echr.coe.int/?i=001-228152>), the European Court of Human Rights held that in proceedings concerning the custody and visitation rights regarding children in a domestic violence context, the primary focus must be on the best interests of the child, and an assessment of any risks of violence or other forms of ill-treatment therefore has to form an integral part of such proceedings. For this reason, it found that an alleged history of domestic violence was a relevant and even mandatory factor to be weighed in the assessment of domestic authorities when deciding on contact rights (§ 62). In the recent case of *Luca v. the Republic of Moldova* (no. 55351/17, 17 October 2023, available at: <https://hudoc.echr.coe.int/?i=001-228151>), the Court found a violation of Article 8 of the European Convention on Human Rights (ECHR) on account of the failure of the Moldovan authorities to take into account incidents of domestic violence in the determination of child contact rights. Please note that these two judgments have not yet become final at the time of the adoption of this report (Article 44 § 2 of the ECHR).

158. See section 31(2), indent *h*, of the 1964 Guardianship of Infants Act.

159. Guardianship of Infants Act 1964, as amended, section 31(3).

While recalling the limitation stemming from the definition of household violence under this act, as it is not aligned with the convention's standards,¹⁶⁰ GREVIO welcomes the provisions of the 1964 Guardianship of Infants Act, noting that they require courts to take into account incidents of domestic violence in the determination of both custody and visitation rights, including where the child is a witness. It notes, nonetheless, that Article 31 of the convention requires that incidents of all forms of violence against women be taken into account when determining custody and visitation rights, beyond domestic violence.

188. This notwithstanding, reports indicate that family law courts often fail to take into account instances of domestic violence in decisions regarding custody and visitation, including in cases in which the perpetrator has been convicted for acts of violence against the victim and/or her children.¹⁶¹ Linked to the foregoing is the problematic lack of consultation of family courts with criminal courts when taking decisions on custody and visitation, including on whether criminal proceedings are pending against the perpetrator or have been brought in the past. Indeed, it has been brought to GREVIO's attention by civil society that the granting of shared custody and of visitation rights to the non-resident parent appears to be the norm, as it is presumed to be in the best interests of the child to maintain contact with both parents, including in cases where the child has witnessed violence against women.¹⁶² While GREVIO recognises the need to carefully balance the different rights at stake and fully supports the right of the child to maintain his/her ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child, it underscores that under this same convention exposure to domestic violence – as a victim or witness – requires exceptions to be made in the best interests of the child.¹⁶³ Lack of training of experts used in courts to determine questions affecting the welfare of the child,¹⁶⁴ as well as insufficient training of judges on domestic violence, has also been pinpointed as one of the causes leading to the granting of shared custody and of visitation rights to the non-resident parent systematically.

189. Closely linked to the prevailing approach of ensuring visitation rights for both parents and insufficient training on violence against women and its traumatic consequences on child witnesses, are the references made to the concept of “parental alienation syndrome” in cases of domestic violence. Women's rights organisations have alerted GREVIO to the use of this concept in courts, including by experts and parties to the proceedings, particularly where allegations of domestic violence are made by the victim.¹⁶⁵ Furthermore, where proceedings related to custody and visitation run in parallel with proceedings aimed at securing barring/protection orders, GREVIO has been alerted to lawyers' practice of discouraging victims from pursuing such orders, as this may prompt allegations of “parental alienation” by the other party, which may ultimately result in victims losing custody. As GREVIO has had the opportunity to note, the so-called “parental alienation syndrome” is recognised not to exist and should therefore not be used.¹⁶⁶ GREVIO underscores that this or related notions are often invoked without a proper understanding of the dynamics of domestic violence against women and its effects on children, and in the absence of a thorough risk assessment and case-by-case examination of the specifics of each situation at hand.

160. See in this respect Chapter I, General principles of the convention. Notably, this definition does not encompass psychological or economic violence.

161. See the NGO submission from the National Observatory on Violence against Women and Girls, p. 64.

162. See “Submission to the Review of the National Strategy on Domestic, Sexual and Gender-Based Violence”, Women's Aid, 2021, p. 9.

163. See the UN Committee on the Rights of the Child, which emphasises, in paragraph 61 of its General Comment No. 13, that the “interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence”.

164. As per section 32 of the 1964 Guardianship of Infants Act.

165. See also “A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and/or Sexual Violence”, prepared for the National Women's Council and the Department of Justice by Nuala Egan and Ellen O'Malley Dunlop, March 2023, p. 50.

166. In its baseline evaluation reports, GREVIO has consistently referred to the statement of December 2017 by the European Association for Psychotherapy (EAP), which draws attention to the fact that the concepts of “parental alienation syndrome” (PAS) and “parental alienation” (PA) are unsuitable for use in any psychotherapeutic practice. This statement by the EAP, which is made up of 128 psychotherapy organisations from 41 European countries, acts as a guiding principle for European psychotherapists. See also GREVIO's baseline evaluation report on France, paragraph 106.

190. In addition and linked to the lack of training on domestic violence is the reported practice of equating the inability to protect children from domestic violence to lack of parental ability. This is said to have been experienced by many victims who are parents when they have reported incidents of domestic violence to the police and, in turn (due to mandatory reporting obligations), the police notify TUSLA. More specifically, reports indicate that it is not infrequent that TUSLA personnel, due to lack of training, hold victims responsible for failure to protect a child in cases of domestic violence and that victims are left fearful that an application may be made to take that child or children from them and placed into the care of TUSLA.¹⁶⁷

191. As regards mediation in divorce proceedings, including on matters related to custody and visitation rights, GREVIO notes that under the 2017 Mediation Act, mediation is always voluntary and does not apply to proceedings under the Domestic Violence Act.¹⁶⁸ GREVIO interprets this as meaning that where proceedings relating to barring/protections orders have been initiated, mediation is not possible, even on a voluntary basis. Article 14 of the Mediation Act, furthermore, requires solicitors to advise their client to consider mediation, indicating that it is voluntary, while at the same time indicating that it may not be an appropriate means of resolving the dispute where the safety of the client and/or their children is at risk. Nonetheless, it has been brought to GREVIO's attention that, in practice, experts employed by family courts and lawyers often recommend mediation even in contexts of domestic violence and that, in these cases, victims may feel obliged to take part in such a procedure, especially in circumstances where they are unable to prove domestic violence through an order under the DV Act.¹⁶⁹ GREVIO has equally been alerted by women's rights groups to instances in which experts and/or social workers inform victims that they may be at risk of losing custody if they do not engage in these processes, thus resulting in a *de facto* imposition of mediation, which is clearly prohibited under Article 48 of the convention.

192. As regards compliance with Article 31, paragraph 2, of the convention, which requires the authorities to take measures to ensure that the exercise of visitation and/or custody rights do not jeopardise the rights and safety of the victim or her children, reports indicate that Ireland is lagging behind significantly in this area. More specifically, despite reports indicating the frequent perpetration of violence against children and or against the non-violent parent during visitation, visitation is mostly unsupervised.¹⁷⁰ Moreover, where the court mandates supervised access, GREVIO has been informed that neither TUSLA nor other state-run departments provide safe premises where this can take place, nor the relevant personnel to enable its implementation in practice. As a result, women are required to supervise visitations themselves, paradoxically even when they have been granted a barring or protection order against the perpetrator. Alternatively, they can rely on private, for-profit organisations, at their own expense. GREVIO underscores how this practice reflects a lack of a gendered understanding of violence against women and draws the authorities' attention to the high risks to victims and children posed by maintaining contact with the perpetrator, without protection and appropriate measures. Indeed, separation from an abuser can often be the most dangerous period for a victim and her children, with visitation representing one of the few opportunities left for perpetrators to exert power and control and/or harm the victim and/or her children.

193. GREVIO notes that the third DSGBV Strategy and its implementation plan foresee some measures in the area of custody and visitation, in particular: the setting up of a dedicated family court system whose aim, *inter alia*, will be to improve the communication and sharing of information between criminal courts and the civil court system; and the development of accreditation and the regulation of experts employed by such courts, so that they are trained on violence against women.

167. See also "A Report on the Intersection of the Criminal Justice, Private Family Law and Public Law Child Care Processes in Relation to Domestic and/or Sexual Violence", prepared for the National Women's Council and the Department of Justice by Nuala Egan and Ellen O'Malley Dunlop, March 2023, p. 48.

168. See the state report, p. 48.

169. See Women's Aid "Submission to the Family Court Bill General Scheme", 2021, p. 9.

170. See Women's Aid "Submission to the Family Court Bill General Scheme", 2021, p. 3, indicating that in 2019, there were, respectively, 102 and 508 disclosures of children and of women being harmed during visitation.

GREVIO welcomes these first steps but underscores the importance of undertaking a more comprehensive review in this area to address the shortcomings raised in this section.

194. **GREVIO urges the Irish authorities to ensure that in the determination of custody and visitation rights of children, all incidents of violence covered by the scope of the Istanbul Convention are taken into account and that in the exercise of any visitation or custody rights, the rights and safety of the victim and her children are safeguarded. To that end, the authorities should:**

- a. **issue dedicated guidelines for judges and legal practitioners and provide adequate training to ensure that they are able to recognise and take into account that being exposed to all forms of violence against a mother jeopardises the best interests of the child and renders the child a victim in his/her own right;**
- b. **pursue current efforts to improve co-ordination and co-operation between family courts and criminal courts, as well as with specialist services that assist victims of violence and their children and with other relevant professionals, and/or ensure that family courts conduct their own screening;**
- c. **incorporate risk-assessment and management procedures into the determination of custody and visitation rights and restrict these rights when this is necessary to guarantee the safety of the mother and child;**
- d. **inform all relevant professionals that are consulted on and/or that issue decisions on custody and visitation rights of the absence of scientific grounds for the so-called “parental alienation syndrome”, through adequate training and awareness raising;**
- e. **ensure that children are not removed from non-violent parents and placed in foster care;**
- f. **provide safe premises where supervised visits can take place, and ensure a sufficient number of professionals trained in violence against women to accompany the supervised visits;**
- g. **take measures to ensure that mediation is not proposed or recommended by solicitors or experts employed by courts in proceedings dealing with separation, custody and visitation rights where there is a context of domestic violence, and that victims are not pressured, even indirectly, to participate in such mediation.**

B. Criminal law

195. GREVIO welcomes the legislative developments in the area of criminal law that occurred in the run-up to Ireland’s ratification of the Istanbul Convention. These demonstrate commitment to tackling violence against women and stemming impunity. These include the adoption of the FGM Act in 2012, introducing the offence of FGM; the DV Act in 2018, criminalising coercive control and forced marriage; the Criminal Law (Sexual Offences) Act, adopting a definition of rape based on lack of consent; and the Harassment, Harmful Communications and Related Offences Act in 2020, which introduced the offence of distributing intimate images without consent, as well as a new offence on sending abusive communications.

1. Psychological violence (Article 33)

196. GREVIO notes positively that section 39 of the DV Act criminalises coercive control in the context of a marriage, civil partnership or intimate relationship. More specifically, section 39, paragraph 1, of the law criminalises coercive control where a person “knowingly and persistently engages in behaviour that (a) is controlling or coercive, (b) has a serious effect on a relevant person,¹⁷¹ and (c) a reasonable person would consider likely to have a serious effect on a relevant person”. Section 39, paragraph 2, further clarifies that a person’s behaviour is deemed to have a

171. “Relevant person” is understood as the spouse or civil partner or as a person in an intimate relationship with the perpetrator.

serious effect on the victim if the behaviour causes her/him: “(a) to fear that violence will be used against him or her, or (b) serious alarm or distress that has a substantial adverse impact on his or her usual day activities”.¹⁷² GREVIO notes that the conduct that is criminalised captures a pattern of repeated and cyclical abuse as per the standard set by the convention. GREVIO observes, however, that caution should be observed in ensuring that the conditions set under section 39, paragraph 2, (indents a and b) for the conduct to reach the threshold of criminality are not interpreted as being cumulative. Indeed, if these conditions were to be considered as cumulative, GREVIO deems that it would problematically shift the focus onto the victim’s behaviour rather than onto the perpetrator, placing an undue burden on the victim. Moreover, requiring proof that the course of conduct has had a substantial adverse effect on the victim’s day-to-day life does not reflect a correct understanding of coercive control, as studies show that victims’ reactions to coercive control can be very different, with some victims adopting a behaviour that may wrongly be seen as compliant or in agreement with the perpetrator’s controlling behaviour.¹⁷³

197. Coercive control on summary conviction is punished with a fine or imprisonment for a term not exceeding five years.¹⁷⁴

198. GREVIO has been informed that since the entry into force of the DV Act, there have been 12 prosecutions for the offence of coercive control between 2020 and 2021.¹⁷⁵ No information is available, however, on whether there have been any convictions for coercive control, without elements of physical violence. In the absence of such data, it is not possible to conclude how the offence of coercive control is being implemented in practice and whether it is holding perpetrators accountable for psychological violence.

199. **GREVIO encourages the Irish authorities to provide training and issue guidelines so that the legal provision of coercive control is interpreted and applied in line with the standards of the Istanbul Convention.**

2. Stalking (Article 34)

200. Stalking is currently not criminalised as a stand-alone offence in Ireland. The state report indicates that the offence of stalking is prosecuted under section 10 of the 1997 Non-Fatal Offences Against the Person Act, as amended by the 2020 Harassment, Harmful Communications and Related Offences Act. Section 10 of this law defines harassment as “any person who, without lawful authority or reasonable excuse, by means including the use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with or about him or her”.¹⁷⁶ It further provides that a person commits an act of harassment if “(a) through his/her acts s/he intentionally or recklessly, seriously interferes with the other’s peace and privacy or causes alarm, distress or harm to the other; and (b) his or her acts are such that a reasonable person would realise that the acts would seriously interfere with the other’s peace and privacy or cause alarm, distress or harm to the other”. Harassment is punished with a fine or a term of imprisonment not exceeding 10 years, or both.

201. GREVIO notes that these provisions are broadly in line with Article 34 but welcomes plans to create a dedicated offence of stalking, under the Criminal Justice (Miscellaneous Provision) Bill, to

172. See the Domestic Violence Act 2018, section 39(2).

173. See “Living in the World of the Domestic Violence Perpetrator: Negotiating the Unreality of Coercive Control” (2010), *Violence Against Women*, 16(10), Emma Williamson, p. 1 412. See also “Seismologies of emotion: fear and activism during domestic violence” (2014), *Social and Cultural Geography*, 15(2), Rachel Pain, p. 127.

174. Domestic Violence Act 2018, section 39(3). Fines in Ireland are established under the Fines Act 2010, providing for the maximum penalty that a court may impose in respect of a summary conviction (a less serious offence, tried in the lower court – District Court) and certain offences tried on indictment (more serious offences, tried, generally, in higher courts).

175. See the state report, Appendix 1.

176. Non-fatal offences against the Person Act 1997, section 10(1). Available in consolidated form: [www://revisedacts.lawreform.ie/eli/1997/act/26/revised/en/html#:~:text=%E2%80%94\(1\)%20A%20person%20who,for%20life%20or%20to%20both.](http://www://revisedacts.lawreform.ie/eli/1997/act/26/revised/en/html#:~:text=%E2%80%94(1)%20A%20person%20who,for%20life%20or%20to%20both.)

account for the gendered and serious nature of this offence.¹⁷⁷ The new bill aims to expand the definition of harassment and establish a system of restraining orders against stalking behaviours.¹⁷⁸ While the offence as articulated in the draft law would be in line with the convention, the considerations expressed in the section on psychological violence also apply, *mutatis mutandis*, to the draft stalking offence. The draft provision in fact sets two alternative conditions for the conduct to be considered as criminal, one of which is that it “causes the victim serious alarm and distress that has a substantial adverse impact on their usual day-to-day activities”.

202. GREVIO notes that because no data have been provided on the number of investigations opened, prosecutions carried out or convictions handed down for harassment, it is not possible to assess whether the provision is effectively being implemented.

203. **GREVIO strongly encourages the Irish authorities to provide training and issue dedicated guidelines to ensure that the level of seriousness required for behaviour to qualify as stalking, in any future stalking offence, is in line with Article 34 of the convention.**

3. Sexual violence, including rape (Article 36)

204. GREVIO notes, at the outset, that Ireland has passed multiple laws criminalising sexual violence, including rape. They include the Criminal Law (Rape) Act 1981 (the 1981 Rape Act); the Criminal Law (Rape) (Amendment) Act 1990 (the 1990 Rape Amendment Act); and the Criminal Laws (Sexual Offences) Acts of 1993, 2006 and 2017. The authorities have informed GREVIO that the main law applicable to rape and sexual violence is the 1981 Rape Act, with subsequent legislation amending this act being described as having been layered on to this act. GREVIO, therefore, understands that the legal framework covering sexual violence and rape is provided by co-existing provisions/statutes. While each act amends sections of previous statutes, it is not always clear which segments of the older statutes are still in force. Moreover, it is of concern to GREVIO that there appear to be parallel and overlapping provisions governing, in an inconsistent manner, the same conduct. GREVIO observes that the legislative technique used creates, overall, a convoluted and unclear legal framework on sexual violence and rape, which GREVIO considers can create legal uncertainty, including for victims. While the police collect and publish some data on reports made for sexual offences, albeit not broken down by type of offence, there are very little data available on the number of prosecutions and convictions handed down for rape and sexual violence, making it difficult to assess whether the current legislation is being implemented and is effective in bringing perpetrators to account.

205. Section 2 of the Criminal Law (Rape) Act 1981 contains a broad definition of rape as unlawful sexual intercourse committed by a man with a woman “who at the time of the intercourse did not consent to it and at the time knew that she did not consent or was reckless as to whether she did or did not consent”. At the same time, section 4 of the 1990 Criminal Law (Rape) (Amendment) Act provides that rape is understood as “sexual assault that includes (a) penetration of the anus or mouth by the penis, or (b) penetration of the vagina by any object held or manipulated by another person”. It further explicitly provides, under its section 5, that rape can also be committed against a spouse (a wife), which GREVIO welcomes. Under both statutes, rape is punishable with a maximum sentence of life imprisonment. Moreover, under Article 46 of the Criminal Law (Sexual Offences) Act 2017, in addition to inflicting a term of imprisonment, courts may additionally issue a harassment order prohibiting the perpetrator from contacting the victim by any means or from coming within a certain distance of the victim’s residence or any other location the victim frequents.

177. See Houses of the Oireachtas Library & Research Service, Criminal Justice (Miscellaneous Provisions) Bill 2022. Bill No. 83 of 2022, p. 22. Stalking is defined as “conduct where ‘(a) the person, without lawful authority or reasonable excuse, persistently, by their acts, intentionally or recklessly, at the time when the acts occur or when the other person becomes aware of them, either puts the victim in fear of violence or causes the victim serious alarm and distress that has a substantial adverse impact on their usual day-to-day activities”.

178. See the state report, Appendix 9.

206. GREVIO notes that section 2 of the 1981 Rape Act contains a definition covering only penetration, without specifying whether it is vaginal, anal or oral penetration, or whether it covers penetration with any bodily part or object.¹⁷⁹ Moreover, the Rape Act does not specify whether rape can be committed against a spouse. On the other hand, the 1990 Rape Amendment Act contains a more comprehensive definition of rape based on lack of consent, which, nonetheless cannot be considered to be fully aligned with Article 36, paragraph 1a, of the convention as non-consensual anal or oral penetration of a sexual nature with any bodily part or object would not be covered.

207. As regards more specifically the definition of consent, it is enshrined in section 9 of the Criminal Law (Sexual Offences) Act 2017. It provides that “a person consents to a sexual act if s/he freely and voluntarily agrees to engage in that act” and clarifies that consent may be withdrawn at any time during the act. Moreover, section 9 provides a non-exhaustive list of circumstances which preclude consent to a sexual act and states that lack of resistance from the victim does not represent consent to that act.¹⁸⁰ In view of the foregoing, GREVIO notes positively that the definition of rape is based on the lack of consent given by the victim. Concerns have been expressed by practitioners and by women’s rights organisations that under the current applicable legal framework, a defendant of rape and sexual violence can be found not guilty of an offence if he proves that he honestly believed that he had obtained a woman’s consent, regardless of whether that belief is objectively reasonable.¹⁸¹ GREVIO has been informed that the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022, currently before parliament, seeks to reform and strengthen the law on consent in rape cases, by no longer allowing the use of the “honest belief” defence and by requiring that the defendant’s belief that he had obtained the consent of the victim must be objectively reasonable.¹⁸²

208. As regards compliance with Article 36, paragraph 1b, of the convention, GREVIO understands that acts of a sexual nature that fall short of penetration are criminalised under sections 2 and 3 of the 1990 Rape Amendment Act as sexual assault and aggravated sexual assault. Sexual assault is defined as “indecent assault upon any male person or female person” and thus, does not appear to be based on the lack of consent given by the victim. It is punishable with imprisonment for a term not exceeding five years.

209. GREVIO notes that criminal legislation does not appear to criminalise causing another person to engage in non-consensual acts of a sexual nature with a third person, as required by Article 36, paragraph 1c, of the convention.

210. The age at which a person is considered to be legally competent to consent to sexual acts is 17. Section 2 of the 2006 Criminal Law (Sexual Offences) Act punishes “any person who engages in a sexual act with a child who is under the age of 15 years” with up to life imprisonment. Separate

179. In this act references to sexual intercourse shall be construed as references to carnal knowledge as defined in section 63 of the Offences against the Person Act, 1861, so far as it relates to natural intercourse (under which such intercourse is deemed complete on proof of penetration only).

180. Under section 48 of the Criminal Law (Sexual Offences) Act 2017, the Act of 1990 is amended by the substitution of the following section for section 9: “(1) A person consents to a sexual act if he or she freely and voluntarily agrees to engage in that act. (2) A person does not consent to a sexual act if (a) he or she permits the act to take place or submits to it because of the application of force to him or her or to some other person, or because of the threat of the application of force to him or her or to some other person, or because of a well-founded fear that force may be applied to him or her or to some other person, (b) he or she is asleep or unconscious, (c) he or she is incapable of consenting because of the effect of alcohol or some other drug, (d) he or she is suffering from a physical disability which prevents him or her from communicating whether he or she agrees to the act, (e) he or she is mistaken as to the nature and purpose of the act, (f) he or she is mistaken as to the identity of any other person involved in the act, (g) he or she is being unlawfully detained at the time at which the act takes place, (h) the only expression or indication of consent or agreement to the act comes from somebody other than the person himself or herself. (3) This section does not limit the circumstances in which it may be established that a person did not consent to a sexual act. (4) Consent to a sexual act may be withdrawn at any time before the act begins, or in the case of a continuing act, while the act is taking place. (5) Any failure or omission on the part of a person to offer resistance to an act does not of itself constitute consent to that act”.

181. See section 2 of the Criminal Law (Rape) Act 1981. In the judgment *People (DPP) v. C O’R* (2016), paragraph 45, the Supreme Court confirmed that “the model chosen in the Act of 1981, as amended, clearly adopts not what a reasonable man believed as to the presence of consent, but rather what the individual accused actually believed”. See also the NGO submission from Dublin Rape Crisis Centre, p. 28.

182. See the state report, Appendix 9.

provisions are also foreseen to punish sexual acts with persons with mental or intellectual disabilities. More specifically, the 1993 Criminal Law (Sexual Offences) Act punishes sexual intercourse with a person “who is mentally impaired” with an imprisonment term not exceeding 10 years.¹⁸³ Moreover, the 2017 Criminal Law (Sexual Offences) Act equally punishes sexual acts with “a protected person” with up to life imprisonment. Protected persons are understood as persons lacking the capacity to consent to a sexual act due to “mental or intellectual disability or mental illness”. GREVIO is not clear whether both provisions are still in force. It points to the potential confusion created by parallel provisions criminalising the same conduct but providing different sanctions. Furthermore, GREVIO warns against the creation of a hierarchy of victims on the basis of their characteristics, such as age, helplessness, disability or other traits, and it considers that appropriate legislative measures should be taken to send the message that rape is rape. Where consent to a sexual act has not been given voluntarily, or where there are elements that preclude consent such as incapacity of the victim, age or other, GREVIO considers that the sanctions should be harmonised and consistent. At the same time, GREVIO stresses that where the circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act.

211. GREVIO urges the Irish authorities to take the necessary legislative or other measures to ensure a clear and unambiguous legal framework on sexual violence, including rape, in line with the standards set by Article 36 of the Istanbul Convention, so that the legal implications of such acts are foreseeable for perpetrators and victims alike. In particular, the authorities should:

- a. align the provision on rape more closely with Article 36, paragraph 1a, of the convention, to ensure that non-consensual anal or oral penetration of a sexual nature with any bodily part or object, is criminalised;
- b. ensure that acts of a sexual nature that fall short of penetration are criminalised on the basis of the lack of consent given by the victim, as foreseen by Article 36, paragraph 1b, of the Istanbul Convention;
- c. introduce criminal legislation to cover the intentional conduct set out in Article 36, paragraph 1c, of the Istanbul Convention;
- d. reform and strengthen the law on consent in rape cases, by no longer allowing the use of the “honest belief” defence and by requiring that the defendant’s belief that he had obtained the consent of the victim must be objectively reasonable;
- e. ensure proportionate and dissuasive sanctions for all sexual acts without the consent of the victim, irrespective of personal characteristics, bearing in mind that where the circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act.

4. Forced marriage (Article 37)

212. GREVIO welcomes the addition of a dedicated offence on forced marriage under section 38 of the DV Act. A person commits this offence where they cause someone to enter into a marriage ceremony by means of violence, threats, undue influence or any form of coercion or duress. A person is also deemed to commit this offence if they “remove another person from the state for the purpose of causing that other person to enter into a ceremony of marriage by means of violence, threats, undue influence or any form of coercion or duress”. Section 38 clarifies that the “removal of a person from the State” is understood as encompassing: (a) arranging any part of the other person’s travel

183. Section 5 of the Criminal Law (Sexual Offences) Act provides that “(1) A person who (a) has or attempts to have sexual intercourse, or (b) commits or attempts to commit an act of buggery, with a person who is mentally impaired (other than a person to whom he is married or to whom he believes with reasonable cause he is married) shall be guilty of an offence and shall be liable on conviction on indictment to (i) in the case of having sexual intercourse or committing an act of buggery, imprisonment for a term not exceeding 10 years, and (ii) in the case of an attempt to have sexual intercourse or an attempt to commit an act of buggery, imprisonment for a term not exceeding 3 years in the case of a first conviction, and in the case of a second or any subsequent conviction imprisonment for a term not exceeding 5 years”.

out of the state; (b) accompanying the other person for any portion of that travel; (c) arranging that the other person be met when his or her travel out of the state has terminated; or (d) doing any other act that could facilitate the other person's travel out of the state. The offence is punishable with a term of imprisonment of up to seven years.¹⁸⁴

213. While the provision is broadly in line with Article 37 of the convention, GREVIO notes that it does not explicitly criminalise forced marriage of a child or the luring abroad of a child to this end, a shortcoming that should be remedied. This is all the more important as reports indicate that since the entry into force of the DV Act, there have been a number of child marriages in Ireland.¹⁸⁵ Although a distinction must be made between underage marriage and forced marriage, GREVIO has consistently found that in the case of underage marriage, the young age of brides means that they are at a higher risk of not being able to express their full and free consent to a marital union, or to resist a forced marriage. This is all the more true in Ireland, where the legal age to enter into a marriage is 18 (no exemptions are possible since the entry into force of the DV Act). Early and forced marriages are therefore harmful practices that violate, abuse or impair human rights and that are linked to and perpetuate other harmful practices and human rights violations.¹⁸⁶

214. More generally, there are indications that victims of forced marriage are generally migrant women and girls who have lived in Ireland for several years and who are lured abroad for the purpose of entering them into a forced marriage.¹⁸⁷ While the lack of statistics and official data makes it difficult to ascertain the scale of this problem, the above-mentioned reports indicate that it is not a rare phenomenon and should thus be tackled seriously through policy.

215. As regards compliance with Article 32 of the convention, which requires that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim, GREVIO notes that there is no specific procedure in place other than the judicial procedure foreseen for separation or divorce.

216. **GREVIO strongly encourages the Irish authorities to:**

- a. **ensure that the offence of forced marriage criminalises the intentional conduct of forcing a child into a marriage, as well as the intentional conduct of luring a child to the territory of another state with the purpose of forcing the child into a marriage;**
- b. **adopt the necessary legislative measures allowing forced marriages to be voidable, annulled or dissolved without any undue financial or administrative burden placed on the victim.**

5. Female genital mutilation (Article 38)

217. Ireland criminalises FGM under the FGM Act, which defines FGM in its Article 1, in line with Article 38, paragraph a, of the convention. GREVIO also welcomes the criminalisation, under Article 3, of removing a girl or a woman from the state in order to perform on her an act of FGM. Moreover, the FGM Act provides for the principle of extra territoriality in certain limited cases, including if the perpetrator is Irish or resides in Ireland, and provided that the act also constitutes an offence in the state in which it was committed (principle of dual criminality). In this respect, GREVIO notes that Ireland has reserved the right not to apply Article 44, paragraph 3, of the convention, which requires states parties to ensure that, for the prosecution of offences such as FGM, their

184. Section 38 (7) states: "A person who commits an offence under this section shall be liable (a) on summary conviction to a class A fine or a term of imprisonment not exceeding 12 months, or both, or (b) on conviction on indictment to a fine or a term of imprisonment not exceeding seven years, or both".

185. See the shadow report from the Irish Human Rights and Equality Commission, December 2022, p. 83.

186. See Article 16, paragraphs 1 and 2, of the CEDAW Convention. See also CEDAW General Recommendation No. 21: Equality in Marriage and Family Relations and Joint general recommendation/general comment No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child on harmful practices.

187. See "Early and forced marriages in Ireland. A report on the practice and prevalence", AkiDwa, November 2022, p. 17.

jurisdiction is not subordinated to the principle of dual criminality.¹⁸⁸ GREVIO further notes positively that custom, “ritual reasons” or a girl’s alleged consent do not form an acceptable defence for the perpetrator. Article 5 of the FGM Act provides that the above-mentioned conduct can be punishable with a fine or imprisonment for a term not exceeding 14 years, or a combination of both sanctions.

218. GREVIO has been informed by the authorities that relevant obligations under Article 38, paragraphs *b* and *c*, of the convention, in particular counselling or procuring a woman or a girl to undergo FGM, can be prosecuted under the Criminal Law Act 1997, which punishes, under its Article 7, anyone who aids, abets, counsels or procures the commission of an indictable offence. In this respect, GREVIO recalls that Article 38, paragraphs *b* and *c*, require the criminalisation of behaviour that involves the intentional exertion of influence or coercion on a woman or girl who herself does not harbour the intention of undergoing FGM. These provisions seek to ensure that criminal liability incurs, for example, where relatives or community members incite, coerce or procure a girl, or coerce and procure a woman, to undergo FGM, but do not take an active part in ensuring that the procedure is carried out. Aiding and abetting would require the actual commission of FGM, whereas the act of coercing or procuring an adult woman (Article 38, paragraph *b*, of the convention) or inciting, coercing or procuring a girl (Article 38, paragraph *c*, of the convention) involves behaviour that is below the threshold of aiding and abetting and should be sanctioned irrespective of the final commission of the act of excision, infibulation or any other mutilation.

219. As mentioned in other sections above, reports estimate that in 2017, 5 790 women and girls living in Ireland had undergone FGM, based on 2016 data collected by Ireland’s Central Statistics Office.¹⁸⁹ This notwithstanding, GREVIO notes that there have been very few convictions.

220. **GREVIO invites the Irish authorities to criminalise the conduct described in Article 38, paragraphs *b* and *c*, of the Istanbul Convention.**

6. Forced abortion and forced sterilisation (Article 39)

221. Ireland does not specifically criminalise forced abortion or forced sterilisation. The state report indicates that forced abortion may be prosecuted under general offences against the person relating to physical violence or provisions on coercive control. GREVIO considers, however, that these are not appropriate to capture the nature of the offence, including its gendered nature. Moreover, it does not appear that cases of forced abortion and forced sterilisation are, in practice, investigated and prosecuted under the currently applicable legal framework.

222. As recalled earlier in this report, despite lack of data and comprehensive research in this area, women’s rights organisations have drawn GREVIO’s attention to the situation of women with disabilities in care institutions who are under guardianship/wardship and who may have decisions on reproductive rights imposed upon them, including forced sterilisation. In this respect, the authorities have referred to the 2015 Assisted Decision-Making (Capacity) Act, which enables, in principle, women with intellectual disabilities in care institutions to be assisted and supported in making decisions about their welfare, including through a guardian/ward. Women’s rights organisations have pointed to the fact that the wardship system under this act has an insufficient oversight system and that this has resulted, in some cases, in decisions on forced sterilisation having been made. GREVIO underscores that in view of the far-ranging implications of sterilisation, more must be done to ensure that the reproductive rights of women with disabilities, including those under guardianship, are respected, by offering them the full range of birth control options without resorting to invasive and permanent measures such as sterilisation. Women with intellectual disabilities who undergo consensual sterilisation should be able to make their decision on the basis of sufficient

188. GREVIO notes in this respect that under Article 79, paragraph 3, of the Istanbul Convention, the Irish authorities will be required to provide GREVIO with an explanation of the grounds for the reservation entered in relation to Article 44, paragraph 3, upon expiry of its period of validity and prior to its renewal.

189. See, “Female Genital Mutilation – Towards a National Action Plan to Combat FGM 2016-2019”, AkiDwa, available at: <https://akidwa.ie/female-genital-mutilation/>.

information provided in an accessible manner and presented to them by professionals trained on gender and disability issues.

223. GREVIO strongly encourages the Irish authorities to:

- a. criminalise forced abortion and forced sterilisation, in line with Article 39 of the Istanbul Convention;**
- b. ensure that in any procedures authorising the sterilisation of legally incapacitated women, less invasive birth control options are considered, with due regard for the best interests and self-determination of the woman concerned;**
- c. ensure that women with intellectual disabilities who undergo consensual sterilisation can make their decision on the basis of sufficient information provided in an accessible manner and presented to them by professionals trained on gender and disability issues.**

7. Sexual harassment (Article 40)

224. The offence of sexual harassment defined in Article 40 captures any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, with the purpose or effect of violating the dignity of a person. Sexual harassment is neither limited to the workplace nor to the family and can occur in multiple contexts, in particular when creating an intimidating, hostile, degrading, humiliating or offensive environment. The convention allows parties to choose whether to sanction perpetrators of this offence through criminal or non-criminal sanctions.

225. GREVIO has been informed by the authorities that sexual harassment can be prosecuted under section 10 of the 1997 Non-Fatal Offences Against the Person Act, as amended by the 2020 Harassment, Harmful Communications and Related Offences Act, which criminalises harassment. GREVIO, notes, however, that both the constituent element of the crime (*actus reus*) and the scope of intent (*mens rea*) of the harassment offence diverge from those foreseen under the convention for sexual harassment.¹⁹⁰ Moreover, no examples have been provided of instances of sexual harassment being prosecuted under this provision, nor of sentences handed down.

226. Accordingly, GREVIO notes that the prohibition of sexual harassment is currently limited to the area of employment. Notably, section 14A(7)(a) of the Employment Equality Act 1998 prohibits sexual harassment of an employee in the workplace or in the course of his or her employment by the employer, other employees or by clients. It qualifies sexual harassment as discrimination by the victim's employer in relation to the victim's conditions of employment. More specifically, section 14A defines sexual harassment in line with the convention, as "any form of unwanted verbal, non-verbal or physical conduct of a sexual nature ... with the purpose or effect of violating a person's dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for the person". It is not clear, however, how this conduct is sanctioned. The Workplace Relations Commission (WRC) investigates or mediates claims of unlawful discrimination under equality legislation, and an online complaint form is made available to this effect.

227. GREVIO welcomes the enactment of the Harassment, Harmful Communications and Related Offences Act 2020, which introduced the offence of distributing, publishing or threatening to distribute or publish intimate images without consent, under its section 2, and the offence of sending abusive communications, under its section 4. These are punishable, respectively, with a fine or imprisonment for a term not exceeding seven years, or both, and with a fine or imprisonment for a term not exceeding two years, or both. GREVIO notes positively that the new provisions capture and prohibit online sexual harassment, as recommended by GREVIO's General Recommendation No. 1 on the digital dimension of violence against women.

190. See Chapter V, Stalking.

228. Beyond legislation, in the area of sexual harassment in the workplace, GREVIO notes positively the Code of Practice on Sexual Harassment and Harassment at Work published by the Irish Human Rights and Equality Commission. This code of practice provides guidance for employers and employees on how to address sexual harassment and harassment at work and prevent its occurrence/recurrence. It extends the prohibition of sexual harassment beyond the physical workplace, to include activities taking place outside work premises, or work-related social events. GREVIO has been informed that the code can be referred to and used in proceedings before the courts, the WRC and Labour Courts. GREVIO further welcomes some additional positive practices in this area, such as the adoption by the police of an internal policy and procedures in relation to harassment, sexual harassment and bullying whose aim is to further implement equality legislation internally. In addition to raising awareness of sexual harassment and other harmful conduct, it sets procedures for making and dealing with complaints. Furthermore, GREVIO notes positively plans drawn up under the third DSGBV Strategy to introduce a charter for the night-time economy sector to stamp out sexual violence and harassment, accompanied by training for those working in this sector, with a view to identifying and preventing sexual harassment and violence. Nonetheless, it notes that recent studies and surveys show the continuing pervasiveness of sexual harassment in the workplace in Ireland, which requires sustained action in this area.¹⁹¹

229. Despite the above-mentioned positive practices and provisions, GREVIO regrets the limited scope of application of the offence of sexual harassment, which in Ireland applies only in the workplace and to online forms of sexual harassment, thus excluding other important spheres of life. Indeed, research consistently points to the high prevalence of sexual harassment in Irish society, including in higher education establishments,¹⁹² in the world of the arts, the legal profession and the military.¹⁹³ In this connection, GREVIO expresses its concern over the findings issued by the Report on the Independent Review Group on Dignity and Equality issues in the Defence Forces, issued in March 2023.¹⁹⁴ The survey accompanying the report found that 25% of the respondents working in the Irish defence forces had experienced sexual harassment, 88% of whom were female.¹⁹⁵ The report also found that those who experienced sexual harassment generally did not lodge an official complaint as the consequence of making a complaint were potentially career ending.

230. **GREVIO urges the Irish authorities to review the legislation and ensure that sexual harassment experienced in all areas of life is subject to criminal or other legal sanctions, in line with Article 40 of the Istanbul Convention.**

8. Sanctions and measures (Article 45)

231. The applicable sanctions provided for under the provisions criminalising various forms of violence against women have been described in the respective sections of Chapter V. These include fines and prison sentences and appear, all in all, to be proportionate and dissuasive, as the example of life imprisonment in the case of rape/sexual violence offences shows. Nonetheless, in cases of sexual violence and rape, reports indicate the tendency of courts to rely on suspended or conditional sentences for breaches of protection orders and/or the reliance on partly suspended sentences, whereby the last few years of the sentence are suspended on certain conditions.¹⁹⁶

191. See the NGO submission from Dublin Rape Crisis Centre, p. 31, and the Department of Defence, Report of the Independent Review Group on Dignity and Equality issues in the Defence Forces, 2023.

192. See in this respect Chapter II, Research, paragraph 60.

193. See Department of Further and Higher Education, Research Innovation and Science, Surveys of experiences of sexual violence and harassment in higher education (2022); Irish Theatre Institute, Speak Up: A Call for Change, Towards Creating a Safe and Respectful Working Environment for the Arts (2021); Law Society of Ireland, Dignity Matters (2021).

194. See Department of Defence, Report of the Independent Review Group on Dignity and Equality issues in the Defence Forces, 2023.

195 Ibid., p. 37.

196. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 104.

232. The withdrawal of parental rights is not foreseen by the Irish legal framework as an additional possible measure against the perpetrator of gender-based violence against women. Specialist preventive operational measures such as the use of electronic bracelets are not currently used in Ireland.

233. In practical terms, the absence of data on the implementation of the relevant provisions criminalising the various forms of violence against women does not allow GREVIO to assess the sentencing practice of judges nor whether and to what extent they use the range of sanctions provided by law.

234. GREVIO encourages the Irish authorities to improve data collection regarding sanctions imposed for the different forms of violence against women covered by the Istanbul Convention, in particular by disaggregating such data on the basis of the sex of both the offender and the victim and the relationship between them.

9. Unacceptable justifications for crimes, including crimes committed in the name of so-called honour (Article 42)

235. GREVIO observes that there are no provisions in place in Ireland that stipulate that culture, custom or traditions shall not be considered as justifications for crimes. Moreover, the state report notes that no laws create such a defence and that the courts do not regard culture, custom, tradition or so-called honour as a defence for justifying crimes.¹⁹⁷

10. Aggravating circumstances (Article 46)

236. GREVIO observes that under section 40 of the DV Act, offences involving physical or sexual violence that are committed in the context of a marriage, civil partnership or an intimate partner relationship are considered as aggravating factors in sentencing.¹⁹⁸ While welcoming this provision, GREVIO notes that the aggravating factor foreseen under section 40 of the DV Act would not apply to the full range of violence against women offences foreseen in the Istanbul Convention. Moreover, according to the letter of the law, these aggravating circumstances would not be applicable to acts of physical and sexual violence committed by a former spouse or partner, by a member of the family, by a person cohabiting with the victim or a by person having abused her or his authority, as required by the convention.

237. More generally, GREVIO was informed by the authorities that, other than the above-mentioned provision under the DV Act, aggravating and mitigating circumstances are not codified in the law.

238. GREVIO welcomes the clarification provided by the Supreme Court, upon the request of the Office of the Director of Public Prosecutions (DPP Office), indicating that separate incidents of domestic violence which pre-date the indicted offence but form a pattern of abusive behaviour should be taken into consideration by courts when determining the sanction. More generally, the Supreme Court and the Court of Appeal have issued guidance on sentencing with regard to specific offences such as rape, assault and harassment. While adopting a “case-by-case” approach, the guidance note issued by the Supreme Court provides that in determining the sentence, courts should take into account whether the offence was committed by two or more people acting together, was accompanied by strong levels of violence, was perpetrated with the use of a weapon and/or was

197. See the state report, p. 45.

198. Section 40 applies where a person is convicted of any of the following offences: (a) an offence under sections 2 to 15 of the Non-Fatal Offences against the Person Act 1997; (b) an offence under section 2 or 3 of the Harassment, Harmful Communications and Related Offences Act 2020; (c) any offence which involves violence or a threat of violence to a person other than an offence referred to in paragraph (a), or under section 39, (Coercive Control), (d) rape, (e) sexual assault, (f) aggravated sexual assault or (g) an offence consisting of attempting or conspiring to commit, or aiding or abetting, counselling or procuring or inciting the commission of any of the offences referred to.

committed in the context of an intimate partner relationship. GREVIO observes that no mention is made of the need to take into account as an aggravating circumstance of a crime the fact that the offence was committed against a person made vulnerable by particular circumstances, or in the presence of a child. Moreover, as stated above, the guidance note does not apply to all forms of violence against women foreseen under the convention. While respecting the principles of common law, GREVIO is, therefore, not satisfied that courts are required to take into account all the factors listed under Article 46 of the convention as aggravating circumstances for all forms of violence against women.

239. GREVIO invites the Irish authorities to take the necessary steps to ensure that all the aggravating circumstances set out in Article 46 of the Istanbul Convention, insofar as they do not already form part of the constituent elements of the offence, can be taken into consideration in the determination of the sentence, in relation to each of the offences provided for in the convention.

11. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

240. The use of mediation in divorce proceedings, including on matters related to custody and visitation rights, is addressed in Chapter V, in relation to custody, visitation rights and safety.

241. As regards the use of alternative dispute resolution processes in criminal proceedings, GREVIO was informed that mediation is not used unless the defendant is a minor and that, in these cases, it is not mandatory.

VI. Investigation, prosecution, procedural law and protective measures

242. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

243. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

244. The Garda Síochána operates in Ireland with a total of 14 500 police officers, 72% of whom are men and 28% are women. GREVIO welcomes the setting up of 27 specialist investigative units (DPUs) in the country, who are responsible for investigations into serious cases of domestic violence, sexual violence, rape and crimes against children and are entrusted with providing assistance to those non-specialised police officers who continue to investigate these offences. DPUs are staffed by 350 police officers, 50% of whom are women.

245. Officers from DPUs have received specialised training and, as confirmed both by the authorities and women's rights organisations, their expertise has allowed to reduce the duration and improve the quality of investigations. Moreover, although no data are available to confirm this, GREVIO was informed that reporting rates have also increased due to the good reputation they enjoy. GREVIO acknowledges the important contribution of the new DPUs, noting, however, that their expertise could be further strengthened to encompass other forms of violence against women such as FGM and forced marriage.

246. More generally, as already noted in this report,¹⁹⁹ initial training and in-service training on certain aspects of violence against women and domestic violence have been provided in recent years to all police officers. GREVIO notes, however, that such training appears to have focused primarily on domestic violence and rape and much less, if at all, on other forms of violence outside of the intimate partner context (such as stalking, FGM or forced marriage). In addition, reports point to a persistent insufficient awareness of police officers working outside the DPUs of a gendered understanding of violence against women, as victim-blaming attitudes and the trivialisation of violence have been reported. GREVIO observes the importance of ensuring sufficient training for police officers operating in all police stations, beyond the DPUs, as they are generally the first responders to such crimes. Moreover, given the elevated number of reports of violence against women and the inability of the DPU to investigate all such crimes, police officers at local police stations, in practice, also investigate cases of domestic violence, rape and other forms of violence against women.

247. As regards the reporting of acts of violence against women to the police, GREVIO has been informed that since the passing of the DV Act and the entry into force of the new provision on coercive control, there has been an increase in reporting for this offence. The authorities also informed GREVIO that reported instances of domestic violence more than doubled between 2016 and 2021. Moreover, internal police policies, including the Domestic Abuse Intervention Policy (the police policy on domestic violence), foresee mandatory call-backs to victims of domestic violence within seven days of reporting, the implementation of which has seen a steady increase. GREVIO welcomes this

199. See Chapter III, Training of professionals.

measure, noting, at the same time, that the practice of calling back a victim should not replace the taking of urgent measures in situations of immediate danger, such as the issuing of emergency barring orders. GREVIO further notes positively as a measure to prevent secondary victimisation and increase reporting that, under Article 17b of the Victims of Crime Act, victims of gender-based violence have the right to request to be interviewed by a woman. Finally, GREVIO welcomes and encourages plans made under the third DSGBV Strategy and implementation plan to ensure that every police division has a fully staffed and trained DPU and to increase the provision of dedicated victim interviewing rooms with a view to reducing secondary victimisation.

248. Nonetheless, GREVIO's attention has been drawn to persisting levels of low reporting for most forms of violence against women, with domestic violence having been identified among the most under-reported crimes in Ireland.²⁰⁰ Such under-reporting has been attributed to the above-mentioned persistent victim-blaming attitudes and minimisation of violence. GREVIO notes, in particular, the low reporting of violence against women offences by victims with disabilities, migrant women, Roma and Irish Traveller women and women in prostitution, due to barriers and lack of trust in institutions.²⁰¹ Indeed, most police stations are inaccessible for those with physical disabilities and, more generally, reports indicate that accessing complaint mechanisms are particularly arduous for women with disabilities living in institutional settings.²⁰²

2. Effective investigation and prosecution

249. GREVIO notes that the lack of comprehensive data on the number of reports received on all forms of violence, investigations opened and prosecutions initiated allows GREVIO to form only a partial picture of the response given by the police to reports, and of whether investigations are effective and proactive. Nevertheless, the data made available by the police indicate that most investigations into violence against women concern domestic violence and sexual violence/rape. While these forms of violence are statistically more prevalent, GREVIO nonetheless considers that other forms of violence against women such as stalking, FGM and forced marriage – which a number of reports suggest exist in Irish society – may currently be overlooked.

250. GREVIO notes positively that a specialised unit was established in 2021 within the DPP Office to prosecute sexual offences, staffed by prosecutors who have experience in this area but who have only benefited, much like other prosecutors, from trauma-informed training. The specialist unit was set up with a view to ensuring enhanced expertise in these types of prosecutions and improving victims' experiences. This notwithstanding, GREVIO was informed that offences of rape and sexual violence continue to be prosecuted in other units due to the insufficient capacity of the specialised unit. GREVIO further welcomes the setting up of a Domestic Violence Group comprised of 17 representatives from different sections of the DPP Office. The aim of this group is to co-ordinate prosecution policy on domestic violence and facilitate the exchange of information and experience on the prosecution of domestic violence offences. The group also meets regularly with the police to share knowledge and support training provided on the evidence required to prosecute cases of domestic violence.²⁰³ Despite the foregoing, GREVIO understands that most prosecutors working on violence against women offences are not specifically trained in this area, including on a gendered understanding of the different forms of violence against women.

251. GREVIO further welcomes the adoption and use of comprehensive policy guidelines providing in-depth guidance as to how the police should proceed when investigating domestic violence and sexual violence/rape, which set the standards the police are expected to comply with. These include the police policy on domestic violence and the "Investigation of Sexual Crime, Crimes against Children and Child Welfare" (the police policy on sexual violence). The police policy on

200. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 110. See also The Experiences of Victims of Crime with the Garda Síochána interim report, Su Anson, Leanne Cochrane, Olivia Iannelli and Julia Muraszkievicz, October 2020, p. 27.

201. See the shadow report submitted by the Irish Human Rights and Equality Commission, December 2022, p. 91.

202. See in this respect the NGO submission from Disabled Women Ireland, pp. 21-22.

203. See the state report, Appendix 1.

domestic violence reflects a gendered understanding of violence against women as it explains the nature of this form of violence and its tendency to escalate. Moreover, it refers to the specific vulnerability of women with different types of disabilities, which GREVIO particularly welcomes, and the need to comply, as far as possible, with requests to be interviewed by an officer of the same sex. Furthermore, the policy sets out the requirement to: appoint an inspector in each police division with responsibility to ensure that all reports related to offences of domestic violence are recorded in the police database; provide the victim with full information, including the support services available; and ensure that the victim is called back within a week. Information is equally provided on the evidence that the police should collect, including witness statements, the taking of photos and documentation of injuries and the types of protection orders/emergency barring orders that are available to victims. GREVIO notes, however, that while attending police officers are required to assess the risk level of the report, including whether the perpetrator has access to firearms, the policy does not set the formal obligation to carry out a formal risk assessment, a shortcoming that GREVIO considers should be remedied. As regards the police policy on sexual violence, these guidelines underscore the need for police officers to show empathy and to interview the victim, using specialist interviewers, in a private and comfortable setting, where they are minors or persons with disabilities. They equally require officers to record all incidents of sexual violence and rape and to comply, as far as possible, with requests to be interviewed by an officer of the same sex. The policy helpfully specifies that false allegations of sexual violence are not common and thus that officers should not display any concern about the veracity of the report. Furthermore, the guidelines lay out the actions to be undertaken by the police as regards evidence collection, in line with the National Guidelines on Referral and Forensic Clinical Examination Following Rape and Sexual Assault. The actions described include the taking of a statement from the victim, physical evidence and photographic evidence of injuries (with the authorisation of the victim), the use of rape kits, where needed, and the immediate referral to SATUs. The policy equally refers to the need to provide information on other support services available. Finally, GREVIO notes that the policy addresses how to proceed in cases of delayed complaints on sexual violence.

252. As regards police responsiveness to reports made by victims, despite the guidance provided by the police policy on domestic violence and the police policy on sexual violence, delays in the response given to such complaints have been reported. Of particular concern are confirmed reports of the police having cancelled and not recorded hundreds of emergency calls made to the police between 2019 and 2020, during the Covid-19 pandemic, pertaining to incidents of domestic violence and sexual violence, which prompted an independent inquiry by the Policing Authority.²⁰⁴

253. GREVIO has observed that over-reliance on the victim's testimony can lead to cases being dropped where the victim withdraws her statement or refuses to testify, as is statistically frequent in cases of violence against women. For this reason, GREVIO notes positively the guidance provided under the internal policies of the police to comprehensively collect evidence in cases of violence against women. In the same vein, GREVIO welcomes legislation allowing the initial statement made by the victim to the police to be admitted as evidence if, for example, she refuses to testify or denies having made such statement. This possibility is available in serious cases of domestic violence and in cases of rape, with the permission of a court, but is not available for less serious offences. Despite this, women's rights organisations have stated that, in practice, few prosecutions progress without the victim's testimony.²⁰⁵

254. GREVIO also recalls, particularly in cases of rape, the negative impact that the obligation to disclose counselling notes taken by therapists and support services has on victims and on the prospects for the report to proceed along the criminal justice chain.²⁰⁶ In cases of rape, the police will, in fact, systematically request the victim to waive her right to privacy regarding those specific records and failure to do so can compromise the continuation of the investigation/prosecution. GREVIO has issued a finding in this connection in Chapter IV of this report.

204. See Chapter V, Civil remedies against the state.

205. See Article 16 of the Criminal Justice Act.

206. Provided under section 39 of the 2017 Criminal Law (Sexual Offences) Act – see Chapter IV, General obligations.

255. As regards the investigation of instances of violence against women committed online or through technology, while in principle the police are resourced with cybercrime units capable of analysing evidence relating to these cases, reports point to an insufficient number of police officers trained to investigate these crimes and of an existing three-year backlog in the analysis of electronic devices, thereby accruing delays in investigations.²⁰⁷²⁰⁸

256. Concerning investigations into institutional abuse, GREVIO was informed that around 20 investigations are currently pending for crimes committed in the context of the Magdalene Laundries and that several others were closed because the suspect was deceased, the victim withdrew her statement or there was a lack of evidence. As regards crimes committed in the context of Mother and Baby/County Homes, an appeal was launched by the police in April 2021 for victims to disclose such offences. The police received 90 reports of offences committed in the period between 1948 and 1985. However, the Police Commissioner announced that he could not open investigations into these matters because the information collected by the Commission of Investigation into Mother and Baby Homes was anonymised. Moreover, GREVIO understands that the police is statutorily barred from accessing the commission's archive, pursuant to the inquiry's underpinning legislation, and that this prevents them from initiating investigations *ex officio*.²⁰⁹ GREVIO points to the importance of ensuring that the police have access to such information so that the state can exercise, where possible, its due diligence obligation to investigate, punish and provide reparation for acts of violence against women. This is of particular relevance in cases of sexual violence, particularly where Article 58 of the convention would be applicable, or in other cases in which the statute of limitations for the prosecution of the related offences has not lapsed.

3. Conviction rates

257. As previously mentioned, regrettably, the insufficient collection of statistical data on the number of reports received by the police, the investigations opened, indictments made, final convictions handed down by courts and the sanctions imposed for all forms of violence against women currently renders an assessment of attrition rates and the identification of gaps in the criminal justice response to violence against women impossible.

258. GREVIO notes with concern that reports point to victims of violence against women who testify/participate in criminal justice proceedings experiencing secondary victimisation. More specifically, victims have reported feeling that the severity of the violence was being dismissed and/or being questioned by those in the criminal justice system, including judges.²¹⁰ Reports also point to instances of negative attitudes of judges towards certain vulnerable groups, such as Roma and Irish Traveller women.²¹¹ Women's rights organisations have also informed GREVIO about the poor capacity of courts in rural areas, leading, for example, to such courts hearing cases of rape just a few times a year, as a result of a lack of resources and a backlog.²¹² More generally, delays in trials relating to cases of violence against women are reported to be commonplace and the need for a substantive increase in the number of judges and the capacity of criminal courts has been publicly recognised by the authorities.²¹³ More specifically, a report issued by the Irish authorities has acknowledged the need to substantially increase the number of judges, as well as to improve case management, with a view to reducing delays and backlogs.²¹⁴ This priority echoes the findings of the

207. See, for example, the NGO written submission from the Rape Crisis Network Ireland and Safe Ireland, p. 119.

208. GREVIO recalls in this respect that, despite its signature in 2022, Ireland has not yet ratified the Budapest Convention on Cybercrime and its Second Protocol on e-evidence. GREVIO underlines the important and positive ramifications that such ratification would have for the criminal justice response to violence against women committed online or through technology.

209. See *Human Rights Quarterly*, "The Manipulation of 'Vulnerability': State Responses to So-Called 'Historical' Abuses in Ireland", Maeve O'Rourke, p. 444.

210. See the NGO submission from the National Observatory on Violence against Women and Girls, p. 15.

211. See the shadow report submitted by the Irish Human Rights and Equality Commission, December 2022, p. 101.

212. Information provided during the evaluation visit.

213. Delays have been further exacerbated following the closure of courts during the Covid-19 pandemic.

214. See the report from the Judicial Planning Working Group, Department of Justice, December 2022.

European Commission for the Efficiency of Justice (CEPEJ), which point to Ireland having the lowest number of judges in Europe.²¹⁵

259. On another point, GREVIO notes that, despite the existence of some guidance from the Supreme Court on sentencing, reports indicate the application of lenient sentences in cases of domestic violence and sexual violence/rape, including the tendency of courts to rely on suspended or conditional sentences. Examples of this approach include prison sentences that are wholly suspended in serious cases of domestic violence, involving threats to kill and attempted murder.²¹⁶ GREVIO would also like to raise the authorities' attention to the risks associated with decisions made by juries in trials related to sexual violence and/rape. GREVIO notes that in these cases there are significant risks that biases may prevail when victims testify if guidance is not provided by judges. Such biases may arise particularly when victims do not conform to stereotypes (for example, if she has not immediately reported the offence, is not consistent or has engaged in what is perceived as "risky behaviour", such as the use of alcohol or drugs).

260. Despite the non-negligible incidence of FGM in Ireland, GREVIO was informed that only one conviction has been handed down for this form of violence – in 2019 the parents of a girl who had been subjected to FGM were convicted and sentenced to a term in prison. Likewise, despite reports indicating that early and forced marriage have allegedly taken place,²¹⁷ GREVIO has been informed that no prosecutions or convictions have been handed down.

261. GREVIO is therefore concerned that, overall, there is an ineffective judicial response to domestic violence, sexual violence/rape, stalking, digital forms of violence against women, sexual harassment, FGM and forced marriage, which must be urgently addressed.

262. Nonetheless, GREVIO welcomes plans made under the third DSGBV Strategy and its implementation plan to consider the feasibility of appointing specialist judges and/or courts for sexual crimes. At the same time, GREVIO takes the opportunity to encourage the authorities to ensure that such specialisation extends to all forms of violence against women.

263. **GREVIO urges the Irish authorities to:**

- a. take measures to reinforce the training of police officers working in all police divisions, beyond divisional protective units, on a gendered understanding of all forms of violence against women and on the obligation to respond promptly to reports concerning these offences;**
- b. ensure that the internal policy on domestic violence requires police officers to systematically carry out a risk assessment when reports are received;**
- c. develop internal policies and guidelines for the investigations of all forms of violence against women beyond domestic violence and rape/sexual violence;**
- d. raise law-enforcement authorities' awareness of the forms of intersectional discrimination faced by some women, including Roma and Irish Traveller women, migrant women, LBTI women and women with disabilities, so that they are better equipped to respond appropriately to their needs;**
- e. reinforce the capacity of the police to respond to and investigate digital manifestations of violence against women and domestic violence;**
- f. take further measures to improve the collection of evidence in all cases of violence against women and ensure that legislation allowing the initial statement made by the victim to the police to be admitted as evidence is applied in practice, so that reliance on the victim's testimony is lessened;**

215. See European judicial systems, CEPEJ Evaluation Report, 2022 Evaluation cycle, p. 70.

216. See for example, *DPP v. Farnan* from 2020. This case was appealed against by the DPP.

217. See the shadow report submitted by the Irish Human Rights and Equality Commission, December 2022, p. 83.

- g. take measures to allow the police to access the Archives of the Final Report of the Commission of Investigation into Mother and Baby Homes and other such commissions so that the state can exercise, where possible, its due diligence obligation to investigate, punish and provide reparation for acts of violence against women;**
- h. take sustained measures to reinforce the capacity of courts that hear cases of violence against women so as to reduce delays and backlogs;**
- i. consider providing guidance to juries adjudicating cases of rape and sexual violence to dispel myths and bias on what is considered normal behaviour for a victim;**
- j. ensure that sentences and measures imposed for the offences covered by the Istanbul Convention are effective, proportionate and dissuasive.**

B. Risk assessment and risk management (Article 51)

264. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

265. GREVIO welcomes the recent adoption by the police of a risk-assessment tool which is employed to determine the victim's risk and to decide on possible measures of protection. The risk-assessment tool contains a number of red flags, including: whether previous acts of physical violence have been committed; controlling behaviour; the presence of mental illnesses and/or alcohol and substance abuse; whether the victim has recently filed for separation or divorce or has otherwise left the perpetrator; whether threats of murder or harm to the victim and/or her children or threats of self-harm or suicide have been made. GREVIO welcomes the inclusion of the above-mentioned risk factors, which are indeed important elements to take into account in order to quantify the victim's risk. It underlines, however, that there are other indicators considered as important red flags in internationally recognised risk-assessment tools, such as the threat to take away children in common, the prior issue of a protection measure, acts of sexual violence and threats to kill the victim's children. A red flag of particular importance under Article 51 of the convention is whether the perpetrator has access to a firearm.²¹⁸ In this respect, while the internal police policy on domestic violence refers to the need to assess whether the perpetrator has access to a firearm, surprisingly this is not explicitly included in the risk assessment.

266. GREVIO considers that compliance with the standard set by the convention under Article 51 would require taking additional measures. First, the risk-assessment tool should be available for all forms of violence against women, not just domestic violence. By way of example, there is no risk-assessment tool to assess the risk that a victim or her daughter/siblings may be subject to FGM, thereby allowing the authorities to take protective measures, such as travel bans, in a timely manner. Moreover, it must be clear in the law and in any protocol/guideline that the risk assessment should also systematically be carried out on the victims' children. As has been detailed by GREVIO in its third-party intervention before the European Court of Human Rights in the case of *Kurt v. Austria*, perpetrators are often also violent towards children with whom they cohabit. Children may be exposed to direct and/or indirect violence, including after the end of an abusive relationship. With fewer opportunities available to subjugate their former partners after separation, many domestic abusers retaliate by abusing their children, leading, in some tragic cases, to their murder. The importance of carrying out a risk assessment for all victims, including children, cannot therefore be over-emphasised.

218. See in this respect pursuant to Article 36, paragraph 2, of the European Convention on Human Rights, *Kurt v. Austria*, Application No. 62903/15, GREVIO/Inf(2020)3, p. 5.

267. GREVIO further observes that under the convention, the assessment of the risk and identification of safety measures should be conducted continuously from the first meeting with the victim all the way to a possible sentence, because victims' risk can change and must, therefore, be assessed during all phases of the procedure. Moreover, the assessment of the lethality of the risk, the seriousness of the situation and the risk of repeated violence should be carried out by all relevant authorities, including prosecutors, the judiciary, social workers and educators, with a view to managing the identified risk and providing co-ordinated safety and support through multi-agency co-operation and co-ordination. GREVIO, however, notes that currently the risk assessment is not integrated into multi-agency co-operation efforts. It welcomes, however, plans under the third DSVB Strategy and implementation plan to introduce a multi-agency risk-assessment protocol for domestic violence and sexual violence.

268. While noting the very recent adoption of a risk-assessment tool in Ireland, GREVIO understands that the tool is currently being piloted in a limited number of police units/divisions and, therefore, is not yet being employed systematically. Indeed, the systematic use of a risk-assessment tool in cases of violence against women is not an obligation under the law, nor does it figure explicitly in the police policy on domestic violence.

269. Finally, GREVIO notes that the authorities have commissioned an independent study into "familicide" and domestic homicide reviews but has yet to introduce a system, such as a domestic violence killings review mechanism, to analyse all cases of gender-based killings of women.

270. GREVIO urges the Irish authorities to take legislative and other measures to ensure that risk assessment and management are systematically carried out in relation to all forms of violence against women covered by the Istanbul Convention by appropriately trained police officers. Risk-assessment tools should be standardised and evidence based and should, *inter alia*, take into account threats made to take away the children in common, threats to kill the victim's children, the prior issue of a protection measure, acts of sexual violence and access to a firearm. The Irish authorities should, in particular, ensure that risk assessments:

- a. are systematically carried out for the victims' children;**
- b. are repeated at all relevant stages of proceedings;**
- c. involve all relevant stakeholders beyond law-enforcement authorities and are a central element of a co-ordinated multi-agency response;**
- d. lead to the development of a safety plan for victims.**

271. GREVIO encourages the authorities to introduce a system, such as a domestic violence killings review mechanism, to analyse all cases of gender-based killings of women, with the aim of preventing them in the future, preserving the safety of women and holding to account both the perpetrator and the multiple agencies that come into contact with the parties.

C. Emergency barring orders (Article 52)

272. Under Article 52 of the convention, in situations of immediate danger and where harm is imminent, the authorities should be granted the power to order the perpetrator to leave the residence of the victim or person at risk for a specific period of time and/or to prohibit the perpetrator from entering the residence or contacting the victim or person at risk.

273. Sections 8 and 9 of the DV Act, covering, respectively, interim barring orders and emergency barring orders, have been enacted to offer victims of domestic violence measures to put them out of harm's way in emergency situations. As is described below, however, both provisions contain significant limitations and gaps in the protection afforded, which is at odds with Article 52 of the convention.

274. Interim barring orders consist in an order requiring the perpetrator to leave the house (if he resides in the same dwelling as the victim and her dependants) and prohibiting him from entering the place of residence. It can also prohibit the perpetrator, at the same time, from using or threatening to use violence against the victim or dependants;²¹⁹ from being at, in the vicinity of or watching the place in which the victim resides; and from following or communicating with, including by electronic means, the victim or the dependant. This measure can be sought, provided that: (a) an application for a full barring order has been made and pending that application;²²⁰ (b) a protection order would not be sufficient to protect the person or dependant;²²¹ (c) there is an immediate risk of serious harm to the victim or a dependant. Furthermore, this type of measure may be granted only to certain categories of victims, such as spouses, civil partners or intimate partners who have an equal or greater legal or beneficial interest in the property at issue. Finally, these measures can be made before district courts, *ex parte* (upon request of the victim, without hearing the perpetrator), and can last eight days or until the court hears the application for the full barring order, if that is earlier.

275. Firstly, GREVIO notes that victims who do not own or have the same or greater share in the property in which they reside are precluded from benefiting from urgent measures under section 8 of the DV Act. While GREVIO understands that this approach is taken with a view to abiding with the right to property enshrined in the constitution, and that emergency barring orders aim to bridge the gap, as will be seen below, GREVIO notes that victims who do not own the property they reside in with the perpetrator, or who have a lesser property interest, find themselves in an extremely vulnerable position. Secondly, GREVIO notes that interim barring orders are not issued *ex officio* by the police or another authority, as victims must apply for such orders themselves, before district courts. In this respect, the authorities have informed GREVIO that under section 24 of the DV Act, the police can seek an emergency court sitting before the district court “where the person has informed the officer that s/he wishes to” apply for the interim barring order and can accompany the victim to court. GREVIO understands, however, that such emergency court sittings and the support provided by the police apply only outside of normal working hours of the district court. Consequently, in all other cases, victims need to present themselves before a court to apply for an interim barring order. While in some cases court clerks will draft victims’ applications, in other cases, it is for the victim to write her own application. GREVIO underscores the profound disconnect between the above-mentioned provisions and how they are applied and the aim and rationale behind Article 52 of the convention. Indeed, emergency barring orders, as interpreted by the convention, are construed as a quick tool for ensuring that in situations of immediate danger the safety of the victim is guaranteed by physically removing the perpetrator rather than placing the burden of hurriedly seeking shelter upon the victim. GREVIO has also consistently clarified that such orders should not depend on the will of the victim and must be ordered *ex officio* as part of the state obligation to prevent any acts of violence covered by the Istanbul Convention that are perpetrated by non-state actors. The current provisions in place, however, both in the law and in practice, do not achieve these aims. Indeed, the burden of applying for an interim barring order is placed upon the victim as these instruments are not ordered *ex officio*, by the police, for example. The victim is thus required to identify her own needs of protection and articulate them before a court at a time in which she is most vulnerable and traumatised. The victim is in fact accompanied by the police to the district court primarily where an emergency court sitting has been requested by the police, outside of court opening hours.

219. Under section 2 of the DV Act, “dependent person”, in relation to the applicant or the respondent or both of them, as the case may be, means any child (a) of the applicant and the respondent or in respect of whom the applicant and the respondent are in loco parentis; (b) of the applicant or in respect of whom the applicant is in loco parentis; or (c) of the respondent or in respect of whom the respondent is in loco parentis and (i) where the child is a child of the respondent, the applicant is in loco parentis to that child, or (ii) where the respondent is in loco parentis to the child, that child is a child of the applicant, who is not of full age, or, if the child has attained full age is suffering from a mental or physical disability to such an extent that it is not reasonably possible for him or her to live independently of the applicant.

220. See the section on protection orders. The scope of barring orders coincides with that of interim barring orders but differs in their duration, which can be up to three years.

221. See the section on protection orders. Protection orders under the DV Act are used to ensure the safety of the victim pending the hearing for a full barring order or a safety order and prohibit the perpetrator from using or threatening to use violence against the victim or dependants; to be at, in the vicinity of, or watching the place in which the victim resides; and following or communicating with, including by electronic means, the victim or the dependant.

276. In addition, GREVIO notes that under Article 52 of the convention, the term “immediate danger” refers to any situation of domestic violence in which harm is imminent or has already materialised and is likely to happen again. This does not require the risk of serious harm (or death) as currently foreseen by section 8 of the DV Act, as this represents an unduly high threshold. GREVIO underlines in this respect that emergency barring orders (interim barring orders/emergency barring orders in Ireland) are a short-term measure that should not be used as a substitute for arrest or detention when there is a risk of repeated and severe violence, including a lethal threat.²²²

277. Moreover, when analysing the complex legislation regulating such orders and, at the same, time, looking at its practical application, it appears that there are serious risks of gaps occurring in the protection of the victim, which may occur after an interim barring order has lapsed and before a longer-term barring order is issued and implemented, as hearings for barring orders may be delayed, for example. More generally, women’s rights organisations have brought to GREVIO’s attention the infrequent issue of interim barring orders by courts and the lack or delayed enforcement of such measures by the police, which strongly impact on their effectiveness.²²³

278. From an analysis of the letter of the law, it appears that interim barring orders can extend to children in need of protection. However, it is not clear whether in all cases where an interim or emergency barring order is issued for victims of domestic violence the situation of child witnesses is examined *ex officio* to determine whether the children should also benefit from such an order. Moreover, GREVIO expresses its concern over reports indicating that exceptions to interim and emergency barring orders can be made to facilitate child contact and visitation with the perpetrator. In this respect, GREVIO notes that one of the purposes of an emergency barring order is to create distance between the abusive partner and the victim in the physical sense as much as in the emotional sense. This is undermined if the victim must facilitate contact or visitation between the abuser and the children.

279. As referred to previously in this section, section 9 emergency barring orders have been included in the DV Act with a view to meeting Ireland’s obligations under Article 52 of the convention, and to complement interim barring orders. The scope and aim of these orders mirror entirely that of interim barring orders, thus the shortcomings identified for the latter apply *mutatis mutandis* to emergency barring orders under section 9 of the DV Act. The distinguishing characteristics of these orders, when compared to interim barring orders, pertain to the beneficiaries and relate, ultimately, to their ability to ensure the protection of victims. Notably, emergency barring orders are granted to victims who live with, and are in an intimate partner relationship with the perpetrator but who do not have a legal or beneficial ownership (or have it to a lesser degree) of the property they reside in. Moreover, section 9 of the DV Act explicitly provides that emergency barring orders last eight days and cannot be renewed unless one month has lapsed since the expiration of the initial emergency barring order, unless exceptional circumstance apply. More concerning yet is that these categories of beneficiaries are barred from applying for full barring orders, entailing, therefore, the inevitable exposure to violence after the eight-day emergency barring order lapses. GREVIO notes that no data are available on how many emergency barring orders were issued in the period under review. Nonetheless, GREVIO has been informed that these orders are rarely granted.

280. GREVIO welcomes the authorities’ plans under the third DSGBV Strategy and its implementation plan to consider the need to review and strengthen the range of emergency orders available to the courts, including orders that may be sought by the police. GREVIO further welcomes plans to possibly introduce police powers to issue a removal order of a perpetrator from the family home in high-risk cases, stressing that such a reform is urgently needed in Ireland.

222. See “Emergency barring orders in situations of domestic violence: Article 52 of the Istanbul Convention – A collection of papers on the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence”, Logar R. and Niemi J. (2017), Council of Europe, Strasbourg.

223. A telling example was provided to GREVIO. A victim had obtained from the district court an interim barring order on a Monday, which was enforced by the police only on Friday, leaving only three days for the actual application of the measure (as it is in force for a maximum of eight days).

281. As regards breaches of the above-mentioned orders and other orders under the DV Act, this is sanctioned under section 33 of the DV Act with either a fine or a term of imprisonment of up to 12 months, or both. Breaches of such orders are recorded, as explained by the authorities, in the police PULSE system. The authorities have acknowledged, however, that such information cannot easily be consulted by family courts. Moreover, reports indicate that the police do not proactively monitor the respect of the interim and/or emergency barring orders, the onus being on the victim to denounce a breach thereof.²²⁴ Moreover, reports equally point to breaches of such orders being met with lenient sentences by courts.²²⁵ GREVIO welcomes plans made under the third DSGBV Strategy and implementation plan to improve the prosecution of breaches of any orders issued under the DV Act.

282. **GREVIO urges the Irish authorities to take the legislative or policy measures needed to bring the legal framework and practice in line with Article 52 of the Istanbul Convention, and in particular to ensure that:**

- a. in situations of immediate danger and where harm is imminent, the authorities are granted the power, *ex officio*, to order the perpetrator to leave the residence of the victim or person at risk for a specific period of time and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk;
- b. the threshold to be met to issue an emergency barring orders is that harm is imminent, has materialised or is likely to happen again, rather than requiring that there is a risk of serious harm;
- c. measures of protection are available to victims, regardless of their property rights, and applied in practice;
- d. no gap in the protection of the victim arises between the expiry of an interim barring order or an emergency barring order and the imposition of an order which ensures protection of the victim in the longer term;
- e. interim and emergency barring orders are extended to children in need of protection;
- f. exceptions to interim, emergency barring orders and other protection/restraining orders are not made to allow contact between the perpetrator and common children;
- g. data are collected on the annual number of interim, emergency barring orders and other protection/restraining orders requested and granted, the number of breaches of such orders and the sanctions imposed as a result of such breaches, while ensuring that this information is visible and promptly available to family courts;
- h. the police proactively monitor and promptly enforce interim, emergency barring orders and other protection/restraining orders;
- i. proportionate sanctions for breaching interim, emergency barring orders and other protection/restraining orders are effectively applied in practice.

D. Restraining or protection orders (Article 53)

283. Under Article 53 of the convention, victims of all forms of violence against women should be able to obtain a protection order irrespective of, or in addition to, other legal proceedings. Protection orders should thus be available to the victim under civil law, whether or not they choose to set in motion any other legal proceedings, such as criminal or divorce proceedings.

224. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 117.

225. See the shadow report from the Irish Human Rights and Equality Commission, December 2022, p. 98.

284. GREVIO notes at the outset that protection orders are not available for all forms of violence against women but only in cases of domestic violence, under the DV Act. GREVIO welcomes the fact that in the period under review legislation was being discussed in parliament to allow for civil restraining orders in cases of stalking, including outside the context of intimate partner violence.²²⁶

285. Under sections 7, 6 and 10, respectively, the DV Act provides for barring orders, safety orders and protection orders. Barring orders have the same beneficiaries²²⁷ and scope²²⁸ as interim barring orders, as described in the previous section. Unlike interim barring orders, however, they have a maximum duration of three years, are renewable and are issued if there are reasonable grounds for believing that the safety or welfare of the applicant or a dependant so requires. Safety orders can be applied for by spouses and civil partners or intimate partners and prohibit perpetrators from making threats to use violence, watching and following the person or communicating with her and dependants, including by electronic means. Safety orders last up to five years and are renewable and are issued if there are reasonable grounds for believing that the safety or welfare of the applicant or a dependant so requires. Finally, protection orders are used to ensure the safety of the victim pending the hearing for a full barring order or a safety order, where there are reasonable grounds for believing that the safety or welfare of the applicant or a dependant so requires, due to possible delays in court sittings to hear the barring or safety orders. They prohibit the perpetrator from using or threatening to use violence against the victim or dependants; from being at, in the vicinity of or watching the place in which the victim resides; from following or communicating with, including by electronic means, the victim or the dependant.

286. GREVIO notes that all of the above-mentioned orders are available, regardless of whether criminal proceedings have been instituted. Nevertheless, the authorities have informed GREVIO that a victim can obtain such orders as a preliminary or ancillary measure in divorce or separation proceedings. GREVIO underlines in this respect that many victims who would like to apply for protection orders are not prepared to initiate a divorce for various complex reasons, including fear and trauma. Legal frameworks should nevertheless still offer them protection.

287. Moreover, with the exception of protection orders, safety orders and barring orders are not available *ex parte* as they are issued only after having heard the perpetrator. In this respect, GREVIO notes that protection orders should, where necessary, be issued on an *ex parte* basis with immediate effect. This means that a judge or other competent official should have the authority to issue a temporary restraining or protection order based on the request of one party only. It should be noted that in accordance with the general obligations provided for under Article 49, paragraph 2, of the Istanbul Convention, the issuing of such orders must not be prejudicial to the rights of the defence and the requirements of a fair and impartial trial, in conformity with Article 6 of the European Convention on Human Rights.

288. GREVIO further notes that no fees are levied against the victim when she applies for a protection order.

289. GREVIO notes that the considerations expressed in the previous section on emergency barring orders – as regards sanctions for breach of orders under the DV Act, gaps in the monitoring and enforcement of the orders and the need to protect children – also apply, *mutatis mutandis*, to this section.

226. In the period under review the Criminal Justice (Miscellaneous provisions) Bill 2022 was being discussed by parliament.

227. Spouses, civil partners or intimate partners who have an equal or greater legal or beneficial interest in the property at issue.

228. They require the perpetrator to leave the house (if he resides in the same residence as the victim and her dependants) and prohibit him from entering the place of residence and prohibit him from: using or threatening to use violence against the victim or dependants; being at, in the vicinity of or watching the place in which the victim resides; following or communicating with, including by electronic means, the victim or the dependant.

290. **GREVIO strongly encourages the Irish authorities to take measures, including legislative amendments, to ensure the availability and the effective application of restraining and/or protection orders in relation to all forms of violence against women, including for the prevention of female genital mutilation, forced marriage and stalking. Existing gaps should be closed, to ensure that protection orders:**

- a. **are available under civil law for women, irrespective of, or in addition to, other legal proceedings, including divorce proceedings;**
- b. **are available *ex parte* – without the presence of the violent party – on the condition that the defendant has been summoned and is allowed to appeal against the decision.**

E. *Ex parte* and *ex officio* proceedings (Article 55)

Victim support in legal proceedings

291. With a view to empowering victims and to encouraging them to go through with criminal proceedings, paragraph 2 of Article 55 requires parties to ensure that victims' organisations, specifically trained domestic violence counsellors or other types of support/advocacy services may assist and support victims during investigations and judicial proceedings.

292. Under the Victims of Crime Act, victims have the right to be supported and accompanied by a support worker or other person of their choice during questioning by the police and during criminal proceedings.²²⁹ Likewise, under section 26 of the DV Act, a victim can be accompanied in court by an individual, including a support worker of his/her choice, when s/he applies for civil orders under the DV Act. However, this prerogative may be refused by the competent court if it deems that it is in the interests of justice to do so. GREVIO considers that this provision leaves a very wide margin of appreciation to judges and queries in which cases, and for what reasons, it would not be in the interests of justice to allow victims to be accompanied in court. GREVIO notes that it is not clear whether victims can benefit from victim support in other proceedings, such as proceedings on compensation or divorce proceedings.

293. **GREVIO invites the Irish authorities to allow for victim support not only in criminal proceedings but also in related civil proceedings, such as those instituted to settle a compensation claim, and in proceedings related to divorce or custody cases involving domestic violence.**

F. Measures of protection (Article 56)

294. Ireland has transposed into its legal framework the Victims of Crime Directive through the Victims of Crime Act. The act enshrines victims' right to, *inter alia*: receive comprehensive information on the criminal justice system, their rights and the range of services that they may access from their first contact with the police; be provided with information, upon request, concerning the progress of the investigation and any subsequent court proceedings; be informed, upon request, of any decision not to institute a prosecution in relation to the offence committed against them and a right to request a review of that decision; receive, upon request, information on the release, temporary release or escape from custody of an offender who is serving a sentence for an offence committed against the victim; interpretation and translation, where it is necessary to enable them to understand and be understood, during their participation in the criminal justice process. GREVIO welcomes these statutory provisions, noting at the same time that under Article 56 of the convention, information on the progress of the investigation and/or proceedings should be provided systematically, not upon the request of the victim. This applies all the more to information concerning

²²⁹ A support worker is understood as a volunteer of, or an individual employed under a contract of service or under a contract for services by, an organisation that provides support to victims of crime.

cases in which the perpetrator escapes or is released temporarily or definitively, particularly when the victim and her family might be in danger.

295. Furthermore, the Victims of Crime Act 2017 provides for special measures to be taken in court, upon the request of the public prosecutor, where there is a need to protect a victim from secondary and repeat victimisation, intimidation or retaliation. These special measures also apply to proceedings on domestic violence or other forms of violence against women and include: enabling the victim to give evidence through a live television link, through a screen or other similar device; allowing the victim to give evidence through an intermediary; the exclusion of the public from the hearing; and the ability to prevent the cross-examination of the victim on her private life, where it is unrelated to the charge.²³⁰ GREVIO has also been informed by the authorities that under the Criminal Procedure Act 2021, a preliminary trial hearing has been introduced for indictable offences, allowing for decisions on special measures of protection to be taken prior to the beginning of the trial. This new procedural development has generally been assessed, including by women's rights organisations, as positive and beneficial for reducing delays, notably by allowing for certain matters to be addressed in advance of the trial and reducing the need for adjournments.

296. GREVIO notes, therefore, that the provision of special measures relies on the initiative and request of the prosecutor. Moreover, despite the above-mentioned statutory provisions, reports indicate that special measures of protection such as the use of video links, an intermediary or a screen to provide evidence, are seldomly used in practice for victims of domestic violence and sexual violence who are above 18 years old, and even less so for victims of other forms of violence against women.²³¹ Furthermore, GREVIO has been informed that even where applications are made for such special measures, many courthouses are not equipped with the means needed to hear evidence through a screen or video link. GREVIO has also been informed that courts generally do not have separate entrances or waiting areas for victims and perpetrators. These shortcomings appear to be acknowledged by the authorities, as the third DSGBV Strategy and implementation plan foresee the strengthening of the availability of screens and other means that enable the physical separation of vulnerable witnesses from the defendant and that assist them to participate as witnesses to proceedings.

297. As regards special protection measures for child victims and witnesses of violence, under section 15 of the Victims of Crime Act, child victims are automatically presumed to need special protection measures, including: the recording of interviews conducted by the police and the ability to use such recordings in criminal proceedings as evidence; the appointment of a special representative when a family member or guardian has been charged with, or is under investigation for, violence committed against a child;²³² the conducting of interviews in an appropriate location and by a trained professional; the exclusion of the general public from the trial; and the use of screens or a video link to ensure physical distance from the perpetrator.²³³

298. **GREVIO strongly encourages the Irish authorities to take legislative or other measures needed to ensure:**

- a. the systematic use of protective measures for victims of violence against women and child witnesses, in line with Article 56 of the Istanbul Convention;**
- b. that information on the progress of the investigation and/or proceedings and on the escape or release of the perpetrator is provided systematically to the victim, regardless of an express request to receive such information.**

230. See section 19 of the 2017 Criminal Justice (Victims of Crime) Act.

231. See the NGO submission from the Rape Crisis Network Ireland and Safe Ireland, p. 100.

232. See section 18 of the 2017 Criminal Justice (Victims of Crime) Act.

233. See section 19 of the 2017 Criminal Justice (Victims of Crime) Act.

G. Legal aid (Article 57)

299. Legal aid is regulated by the 1995 Civil Legal Aid Act and is provided by solicitors working in law centres or through referrals to private solicitors, whose fees are paid by the Legal Aid Board. Under this law, victims of domestic violence can benefit from free legal aid (advice and representation) in civil proceedings related to: custody and family issues; the issue of protection orders under the DV Act; and compensation claims against the perpetrator. Such legal assistance is subject to both a merit test (whether the applicant is reasonably likely to be successful in the proceedings) and a means test. More specifically, the threshold for eligibility for legal aid is €18 000 per year and disposable assets of less than €100 000. Although the requirement for the victim to pay a contribution was removed in 2017, reports indicate that contributions ranging between €30 and €150 are still required in certain cases.²³⁴ GREVIO has received information indicating that these eligibility requirements are hindering victims' ability to lodge compensation claims against perpetrators and forcing those on very low incomes to conduct their own cases without advice, including in family law proceedings addressing custody and visitation issues. GREVIO welcomes plans under the third DSGBV Strategy and implementation plan to seek to widen access to legal aid available to women and girl victims of violence, including by raising the income thresholds.

300. The Legal Aid Board does not provide legal aid to victims of domestic violence and violence against women in criminal proceedings, with the exception of cases of rape, aggravated sexual assault and sexual acts with a minor. In these cases, free legal advice is provided to victims once the perpetrator is charged. GREVIO was informed that a review of the legal aid scheme has been undertaken to assess whether to extend the offences in respect of which free legal aid can be provided to victims (to encompass all forms of sexual violence). This review is also due to look into, and potentially introduce, free legal aid before formal criminal proceedings commence, for example at the reporting/investigation stage, which GREVIO encourages and welcomes.

301. As regards the adequate training of legal aid lawyers, GREVIO has been informed that lawyers working for the Legal Aid Board are required to undergo mandatory training each year but that modules on domestic violence and/or violence against women are not mandatory. It is equally of concern to GREVIO that the offer of legal aid does not appear to meet the current demand, due to the insufficient capacity of the Legal Aid Board.²³⁵

302. **GREVIO encourages the Irish authorities to:**

- a. ensure that legal aid in civil proceedings is more accessible for victims of violence against women, in particular by raising the income threshold for eligibility;**
- b. ensure sufficient staffing of the Legal Aid Board and affiliated solicitors, as well as adequate training of legal aid solicitors on violence against women;**
- c. extend the offences in respect of which free legal aid can be provided to victims of violence against women, ensuring that it can be provided as early as at the reporting/investigation stage.**

234. See the NGO written submission from the National Observatory on Violence against Women and Girls, p. 49.

235. See the shadow report submitted by the Irish Human Rights and Equality Commission, December 2022, p.108.

VII. Migration and asylum

303. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Residence status (Article 59)

304. Article 59, paragraph 1, of the Istanbul Convention requires states parties to take legislative or other measures to ensure that migrant women whose residence status depends on that of a spouse or partner can access an autonomous residence permit in the event of particularly difficult circumstances such as domestic abuse.

305. Entry to and residence in Ireland are primarily governed by the Immigration Act 2004. Applications for a change of residence status are made to the Department of Justice's Immigration Service Delivery (ISD). These applications are then allocated to a particular department based on the circumstances of the applicant or the nature of the application. The provisions of the Immigration Act are given practical effect through different types of permission to stay in Ireland, referred to as "stamps", with each stamp entailing different conditions for the holder.

306. The Domestic Residence Permission Unit (DRP) (also known as Unit 2) or the Spouse of Irish National Unit are responsible for considering applications for an autonomous residence permit from a migrant woman whose immigration status is dependent on either an Irish national or a third-country national living in Ireland. Eligibility is assessed against the Victims of Domestic Violence Immigration Guidelines (the Immigration Guidelines).²³⁶ The EU Treaty Rights Division (EUTR) is responsible for considering applications for retention of immigration status from a spouse or civil partner of an EEA national living in Ireland. The European Communities (Free Movement of Persons) Regulations 2015 (the 2015 Regulations), which transpose the relevant EU Directive, apply to these applications.²³⁷

307. Women's rights organisations have alerted GREVIO to migrant women not being aware of the available routes for seeking an autonomous residence permit, in particular the authorities competent to process their requests. GREVIO was informed by the authorities that ISD would soon be undergoing an internal restructuring. GREVIO considers that for this restructuring to be of benefit to applicants it is important that it is supported by awareness-raising efforts about the respective competences of the divisions and the routes available for applying for an autonomous residence permit.

308. As regards migrant women who are dependent on an Irish national or a third-country national living in Ireland, GREVIO was informed by the authorities that the Immigration Guidelines apply to requests for an autonomous residence permit in cases of domestic violence. GREVIO commends Ireland for recognising the particular vulnerability of migrant women experiencing domestic violence and for providing them with access to an autonomous residence permit, irrespective of the duration of the sponsoring relationship, under the Immigration Guidelines. It notes at the outset, however, that such an obligation is not enshrined in the law but is set out in the Department of Justice

236. See the Victims of Domestic Violence Immigration Guidelines, June 2021, available at www.irishimmigration.ie/wp-content/uploads/2021/06/Victims-of-domestic-violence-immigration-guidelines-june-2021.pdf.

237. The European Communities (Free Movement of Persons) Regulations 2015.

Immigration Guidelines. Moreover, GREVIO recalls that Article 59 of the convention contains an obligation to ensure that women victims of all forms of violence covered by the Istanbul Convention, committed and/or condoned by the spouse or partner, be granted such an autonomous permit. This obligation aims to address, for example, cases of forced marriage, where victims are forced to remain married for the probationary period. The Immigration Guidelines, however, ensure autonomous residence permit only to victims of domestic violence.

309. In order to support their application for an independent residence permit, women victims of domestic violence must provide evidence, including a protection or safety order from courts, medical reports indicating injuries, reports made to the police, a letter from support services or doctors, and/or any other element suitable to demonstrate that the applicant is a victim of domestic violence. Although no fee is due upon application, if successful, a registration fee of €300 becomes payable as per the applicable immigration legislation. GREVIO notes with concern that this is a considerable sum which may constitute a barrier to escaping violence for women victims of domestic violence. GREVIO further notes that the Immigration Guidelines refer to autonomous residence permits being subject to “Stamp 3 conditions”, which prohibit the right to work and access to shelters. The Immigration Guidelines further clarify that consideration is given to granting permission to work if it becomes necessary for the victim to support themselves or family members lawfully residing in the state. The authorities have informed GREVIO that, in practice, permits granted under the Immigration Guidelines are always subject to “Stamp 4 conditions” and, therefore, grant the right to work and access to support services.²³⁸ Moreover, the Irish authorities have communicated their intention to publish a revised version of the Immigration Guidelines that would address the shortcomings. GREVIO considers, nonetheless, that for this practice to be truly generalised and for the purpose of legal certainty, it would benefit from being enshrined in a statute. Indeed, lack of access to support services and to the means to sustain herself and her family can considerably discourage a victim from breaking away from violence.

310. According to data provided by the authorities, in 2022, 2021 and 2020, respectively, 59, 28 and 30 women were granted independent residence permits out of, respectively, 68, 38 and 39 applications received. Women’s rights organisations confirm that the DRP has been successful in prioritising and processing applications from women victims of domestic violence, which GREVIO welcomes.

311. GREVIO notes, nonetheless, that specific barriers may be experienced by women victims of violence who are dependent on the residence permit of a beneficiary of international protection. Indeed, section 56 of the International Protection Act provides that a “permission granted to a spouse or civil partner of a beneficiary of international protection to enter and reside in Ireland shall cease to be in force where the marriage or civil partnership ceases”. This provision conflicts with the procedure and rights enshrined in the Immigration Guidelines, and potentially hinders victims who are dependent on the residence permit of a beneficiary of international protection from obtaining an independent residence permit. GREVIO considers that this shortcoming should be addressed to ensure consistency.

312. As regards migrant spouses or civil partners dependant on an EEA national living in Ireland, the 2015 Regulations expressly provide for the retention of immigration status in the event of divorce, annulment or dissolution of the marriage or civil partnership if the applicant has experienced difficult circumstances such as domestic violence.²³⁹ There is no right of appeal against a refusal, but an administrative review can be requested. If retention is granted, no fee is payable by the applicant and the right to work is granted. The EUTR, who is responsible for considering the application, confirmed that there are no published or internal guidelines relating to the threshold or criteria applied to these applications. It was explained that the absence of any guidance allows the EUTR to apply the broadest meaning of “difficult circumstances” and decide applications on a case-by-case basis.

238. Details of Irish permit stamp conditions are available at www.irishimmigration.ie/registering-your-immigration-permission/information-on-registering/immigration-permission-stamps/.

239. See Article 10(2)(b)(iii) of European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548/2015) (the 2015 Regulations): www.irishstatutebook.ie/eli/2015/si/548/made/en/print.

Although GREVIO commends the EUTR's stated intention to exercise wide discretion for migrant victims of domestic violence, stakeholders have reported to GREVIO that this has resulted in inconsistency and a lack of transparency. An additional aspect that is relevant to the situation of migrant spouses or civil partners of EEA nationals is that the 2015 Regulations require notification of any change in residence within seven days of its occurrence.²⁴⁰ GREVIO is concerned that this timescale is unrealistic for women victims of domestic violence but was informed that, in practice, a failure to comply with this requirement does not result in the loss of residence permit and does not prevent a future application for retention under the 2015 Regulations. GREVIO considers that published guidance on the operation and implications of this notification requirement would be of benefit to migrant women victims of violence.

313. GREVIO was unable to identify any domestic legislation or other measures implementing the requirements of Article 59, paragraph 2, of the Istanbul Convention to guarantee that consideration is given to the protection of migrant women from expulsion alongside a perpetrator. Article 9 of the 2015 Regulations, referred to within Ireland's state report, applies only to the death or departure of the sponsoring EEA national and is not specific to expulsion proceedings. Women who fall outside the narrow scope of the 2015 Regulations (as a result of not being the family member of an EEA national) in cases of expulsion of a perpetrator are said to have recourse to an autonomous residence permit under the Immigration Guidelines. GREVIO notes, however, that the Immigration Guidelines make no express reference to the context of expulsion proceedings of the sponsoring perpetrator of domestic violence.

314. Article 59, paragraph 3, of the convention is intended to enable access to a renewable residence permit for all migrant victims of domestic abuse (irrespective of their immigration status) based on their personal circumstances or to support criminal investigations or prosecutions. GREVIO was informed by the authorities that this is done on a case-by-case basis rather than being accessible to victims via any statutory or published policy guidance.

315. There is no domestic legislation or other measure offering migrant women protection from losing their Irish residence permits in the event of forced marriage abroad, as required by Article 59, paragraph 4, of the convention. The authorities will only consider immigration applications made in the territory of the state. The state report indicates that a victim of forced marriage abroad must first obtain an entry visa to return to Ireland to make a valid application to the authorities to regulate her status. GREVIO notes that such a requirement defies the purpose of and intention behind the requirements of Article 59, paragraph 4, of the convention, which is to facilitate the reinstatement of residence status lost as a result of forced marriage abroad.²⁴¹

316. **GREVIO strongly encourages the Irish authorities to:**

- a. **raise awareness among migrant women of the possibility to obtain an autonomous residence permit on the grounds of being a victim of domestic violence and of the relevant procedures;**
- b. **award migrant women an autonomous residence permit where they are victims of the forms of violence covered by the Istanbul Convention committed and/or condoned by the spouse or partner, including, for example, domestic violence and forced marriage. This could be achieved by enshrining the right to obtain such autonomous residence permit in the law;**
- c. **consider adopting internal guidelines specifying the threshold or criteria to be applied to requests for an independent residence permit under Article 10(2)(b)(iii) of the European Communities (Free Movement of Persons) Regulations 2015, with a view to ensuring a more transparent and consistent approach to decision making;**

240. See Article 11(2)(a)(i) of the 2015 Regulations.

241. See the state report, p. 63.

- d. ensure, including by legislative means, that women who are granted an autonomous residence permit on account of being victims of violence can work and have access to specialist support services;
- e. ensure that barriers such as registration fees are removed for migrant women seeking to retain lawful residence status in Ireland while fleeing a situation of domestic violence;
- f. ensure that spouses or civil partners of a beneficiary of international protection who are victims of domestic violence or other forms of violence against women can, in law and in practice, obtain an independent residence permit;
- g. take steps to ensure compliance with Article 59, paragraphs 2, 3 and 4, of the Istanbul Convention.

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

317. The International Protection Act 2015 regulates the conditions for obtaining refugee status, subsidiary protection and temporary protection, and sets out examples of acts which may amount to acts of persecution within the meaning of Article 1(A) of the 1951 Convention relating to the Status of Refugees (the Geneva Convention). These include acts of physical or mental violence, sexual violence or acts of a gender-specific nature.²⁴² Moreover, under section 8(3)(b) of this act, gender-related aspects are to be given due consideration for the purposes of determining membership to a particular social group or identifying a characteristic of such a group. Finally, under section 58 of the same act, when assessing the reasons for persecution, due regard shall be had to, *inter alia*, persons “who have been subjected to rape or other serious forms of psychological, physical or sexual violence”. GREVIO notes that statistics are not collected on the number of asylum claims made on the basis of sexual violence or gender-related forms of persecution, nor the number of decisions granting refugee status, disaggregated by sex and age. It is therefore not possible to assess to what extent refugee status or subsidiary protection are granted on the basis of gender-based violence against women as a form of persecution. In this connection, women’s rights organisations have brought to GREVIO’s attention the very low numbers of women having been granted international protection, if there are any at all, for having been subjected to FGM or being at risk of being subjected to FGM.

318. The International Protection Act 2015 (IPA 2015) introduced a single procedure for the determination of refugee status, subsidiary protection and permission to remain in Ireland and the Department of Justice’s International Protection Office (IPO) is responsible for processing and determining these claims. To make an application for international protection, an applicant must first register at the IPO’s main office in Dublin. Women’s rights organisations have brought to GREVIO’s attention that this office is often overcrowded and lacks privacy. In this respect, GREVIO considers that privacy at the outset of the process for seeking international protection is crucial to support women to disclose experiences of violence. Following registration with the IPO, an applicant must complete a questionnaire, on the same day in English, and in the IPO waiting room. GREVIO notes with regret that previously an applicant had up to six weeks to complete the questionnaire in a language they understood and considers that this change can negatively impact violence against women victims’ ability to seek early advice and support. Moreover, unlike the previous version, the questionnaire, as amended, no longer asks whether the applicant has a preference in relation to the sex of the interviewer but asks a more general question. GREVIO notes that this change may result in applicants not articulating their preference as to the sex of the interviewer/interpreter or even realising that the option to make such a request exists. Moreover, GREVIO notes that there is no systematic approach to the identification of vulnerability or procedural needs prior to the substantive asylum interview. Indeed, the IPAS vulnerability assessment pilot programme, launched in January

242. See section 7 of the International Protection Act 2015.

2021, is designed to assess only accommodation-related special needs and not procedural needs in the context of the asylum process.²⁴³

319. Following registration and completion of the questionnaire, a substantive asylum interview is arranged and appeals against negative decisions can be brought before the International Protection Appeals Tribunal (IPAT).

320. In relation to the requirement of the convention to ensure a gender-sensitive asylum procedure, GREVIO has identified several positive measures, although, as described below, more must be done to remedy gaps. More specifically, under the IPA Act,²⁴⁴ all adult asylum seekers are interviewed separately, are entitled to bring a legal adviser with them and interpreters are provided where necessary. GREVIO was informed by the authorities that, subject to availability, female applicants are interviewed by female caseworkers and, where violence against women is raised in the questionnaire, the IPO endeavours to assign a female interviewer and a female interpreter. Moreover, if there are concerns that the applicant may be a victim of violence against women during the interview, the caseworker will normally offer the applicant an opportunity to adjourn the interview and reschedule it with a female interviewer. Although there is no specialist team within the IPO responsible for applications raising issues of violence against women, GREVIO was informed that such applications are ordinarily passed to more experienced case workers. As regards training, caseworkers and panel members receive mandatory training delivered by the IPO together with the UNHCR, covering gender-sensitive interpretation of persecution and serious harm, as well as gender-sensitive interviewing techniques. Moreover, the Dublin Rape Crisis Centre has delivered specialist training to IPO panel members and caseworkers on interview techniques in cases involving gender-based violence and trauma, with plans to repeat this training on an annual basis and for new recruits. Finally, the UNHCR regularly audits international protection determinations, including IPO decisions and the decisions of IPAT, and provides feedback and training, where necessary, to the relevant staff.

321. GREVIO welcomes the above-mentioned measures, noting, however, that several issues of concern have been brought to its attention.²⁴⁵ GREVIO has been informed of instances of inappropriate and/or inadequate assessments of credibility, questioning, assessment and application of country-of-origin information, and inadequate consideration of gender-related persecution. Moreover, while the authorities have informed GREVIO that the IPO legal panel members have regard to the UNHCR's Guidelines on International Protection No. 1: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees, neither the IPO nor IPAT have specific guidelines on the examination of gender-related asylum claims. Finally, although the UNHCR has delivered briefings to interpreters who work in the field of international protection, interpreters are not systematically trained on issues such as trauma and violence against women. GREVIO welcomes the inclusion in the third DSGBV Strategy and implementation plan²⁴⁶ of the objective to apply gender-specific guidelines and a gender-sensitive interpretation of the IPA Act to ensure that gender is considered at each stage of the application process. However, GREVIO understands that, to date, no progress has been made in relation to this objective.

322. **GREVIO strongly encourages the Irish authorities to:**

- a. collect data on the annual numbers of asylum applications based on gender-related persecution and the related grounds on which they are based, and on the numbers of such applications granted and rejected, disaggregated by sex and age;**

243. See below for more information on this point.

244. See sections 35(5) and 35(6) of the IPA Act and the IPO's Information Booklet for the Applicants for International Protection, November 2022.

245. Information obtained during the evaluation visit.

246. See page 22 of the DSGBV Implementation Plan: www.gov.ie/en/publication/a43a9-third-national-strategy-on-domestic-sexual-and-gender-based-violence/.

- b. take measures to ensure sufficient privacy for vulnerable women when registering their application for international protection and to inform and allow women to be interviewed and assisted by a female interpreter;**
- c. ensure that procedures are in place to identify vulnerability or procedural needs prior to the substantive asylum interview;**
- d. ensure that all those involved in the asylum processes, including interviewers, interpreters, lawyers and IPO Presenting Officers who represent the IPO in appeals, receive adequate training on gender-based persecution and gender-sensitive interviewing techniques;**
- e. develop internal guidelines to ensure that a gender-sensitive interpretation is applied to all grounds of persecution provided for in Article 1(A)(2) of the 1951 Convention relating to the Status of Refugees and that all forms of gender-based violence, including cases of FGM, are recognised as a form of persecution.**

2. Accommodation

323. The International Protection Accommodation Services (IPAS), which sits within the Department of Children, Equality, Disability, Integration and Youth, is responsible for the provision of accommodation to international protection applicants and the right to access international protection accommodation is enshrined in the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018) (the 2018 Regulations).²⁴⁷

324. As regards procedures in place to identify victims of violence against women and protect them through gender-sensitive reception and accommodation, Regulation 7 of the 2018 Regulations provides that, when allocating accommodation, gender and any special reception needs must be taken into account if the asylum seeker is vulnerable. Vulnerability is defined in Regulation 2(5) and includes cases where a person has been subject to torture, rape or other form of serious psychological, physical or sexual violence. In this connection, GREVIO considers that a reference to violence against women as understood by the Istanbul Convention would ensure that victims of all forms of violence against women are identified and considered as vulnerable, including victims of FGM or forced marriage, for example. Regulation 8 requires an assessment to be undertaken to identify any special reception needs within 30 days of the applicant's claim for international protection. However, GREVIO understands that until January 2021, no such needs assessments had been undertaken. In January 2021, IPAS launched a vulnerability assessment pilot programme enabling applicants for international protection to participate in a vulnerability assessment aimed at identifying and meeting any special reception need.²⁴⁸ It initially involved a two-stage process comprising an initial interview that sought to identify whether an applicant fell within a particular vulnerability category²⁴⁹ and, where indicators of vulnerability were identified, a further, more in-depth assessment by an IPAS social worker.²⁵⁰ The approach has recently changed and now comprises a tick-box questionnaire that an applicant is required to complete on her/his own while registering a claim for international protection, often without any support or guidance.²⁵¹ GREVIO considers that this approach lacks the crucial support needed to enable vulnerable women and girls to disclose their experiences relevant to their reception needs. Indeed, GREVIO underscores the importance of ensuring that effective vulnerability screening is routinely undertaken at the earliest opportunity for all international protection applicants with a view to ensuring that the reception/accommodation

247. See European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018), available at www.irishstatutebook.ie/eli/2018/si/230/made/en/print.

248. GREVIO was informed that between 1 February 2021 and 27 January 2023, 1 590 applicants were deemed to be vulnerable, 33% of whom fell within the vulnerability category on account of torture, rape or experiences of other forms of serious, psychological, physical or sexual violence. These data are not disaggregated by sex.

249. These categories include minors, unaccompanied minors, disabled persons, elderly persons, pregnant people, single parents with minor children and victims of human trafficking, persons subject to serious illness, persons with mental disorders and persons who have been subjected to torture, rape or other forms of serious psychological, physical or sexual violence.

250. See the Vulnerability Assessment Pilot Programme, 28 September 2022, available at www.gov.ie/en/publication/58397-resident-welfare/.

251. See the vulnerability assessment questionnaire, available at [www.gov.ie/pdf/?file=https://assets.gov.ie/235798/1ab8a6a2-22df-4a46-8869-edcef79b4b94.pdf#page=null](https://assets.gov.ie/235798/1ab8a6a2-22df-4a46-8869-edcef79b4b94.pdf#page=null).

needs of women and girls who may have experienced violence against women are fully identified and met. Finally, GREVIO notes with concern that Ukrainian women who have received temporary protection after fleeing the aggression against Ukraine by the Russian Federation do not undergo vulnerability screening on arrival or at any stage and are, therefore, allocated accommodation without any regard to vulnerabilities and, consequently, without any referral to specialist support services, where these are needed.

325. As a result of the ongoing and chronic shortage of reception spaces, GREVIO is concerned that even if vulnerability is identified in women and girls, the system is in an acute state of crisis and is unable to meet specific reception needs or offer sufficient protection and safeguards to women and girls. More specifically, in 2022, Ireland registered a significant increase in the number of arrivals seeking international protection, when compared to the applications for international protection received the previous years. A total of 13 651 applications were received in 2022, compared to an average of between 4 000 and 5 000 in previous years. In addition, between February and December 2022, Ireland granted temporary protection to 70 493 Ukrainians (of which 62% were women). This surge in the number of arrivals is compounded by a chronic shortage of accommodation in Ireland, leaving asylum seekers and applicants for international protection in accommodation centres for protracted periods of time or at risk of homelessness. In this respect, the Council of Europe Commissioner of Human Rights has referred to international protection applicants on occasion having been turned away by IPAS because of a shortfall in availability of reception accommodation.²⁵²

326. In the period under review, asylum seekers and applicants for international protection were accommodated in 48 permanent IPAS centres, the majority of which are mixed centres.²⁵³ This included seven state-owned centres, the national reception centre in Baleskin and, in principle, three women-only accommodation centres.²⁵⁴ Further to the surge in the numbers of arrivals and due to capacity issues in Baleskin, the authorities have increasingly used pre-reception accommodation such as hotels, as well as emergency and temporary reception accommodation, such as B&Bs, guesthouses, hostels and even tent accommodation. The authorities have, furthermore, used the conference centre Citywest Transit Hub to accommodate international protection applicants on a temporary basis. Indeed, although the Citywest Transit Hub was intended to be a processing and transit hub for those fleeing the war in Ukraine, it ended up serving also as an accommodation centre for international protection applicants, due to this high number. More specifically, at the time of GREVIO's evaluation visit, the Citywest Transit Hub served as a single-male accommodation centre, although shortly prior to its visit it had operated as a mixed centre. During that time, GREVIO notes that it was strongly criticised by civil society due to overcrowding, lack of privacy and grave risks to children and women. Indeed, the authorities confirmed to GREVIO that women and children were ultimately transferred to alternative accommodation because the Citywest Transit Hub had been assessed as unsuitable for accommodating these categories of applicants. By way of example, only shared bathroom facilities were available with a security guard meant to provide protection. GREVIO notes in this respect that such guards were often male. Moreover, although women and girls were accommodated in a separate section of the conference centre, privacy and security were not fully ensured. GREVIO was informed by the authorities that no reported incidents of violence against women were made at the centre. Nevertheless, GREVIO notes that no protocols were/are in place to ensure the prevention of gender-based violence and reporting of any such instance. Beyond the Citywest Transit Hub, reports

252. See the letter dated 17 May 2023, from Dunja Mijatović, Commissioner for Human Rights of the Council of Europe, addressed to the Prime Minister of Ireland, the Minister for Children, Equality, Disability, Integration and Youth and the Minister for Housing, Local Government and Heritage.

253. See the publicly provided information available at Houses of the Oireachtas, Question 475, Tuesday 22 November 2022, available at www.oireachtas.ie/en/debates/question/2022-11-22/475/. Moreover, according to figures provided by IPAS, as of 22 January 2023, IPAS were accommodating 19 878 international protection applicants. These accommodation spaces comprised: 6 877 spaces in IPAS accommodation centres, 11 314 spaces in emergency accommodation centres (which could be hotels, B&Bs, guesthouses and hostels), 479 spaces in the Baleskin reception centre, 1 109 spaces in Citywest Transit Hub being used as a temporary accommodation centre and 99 spaces in tent accommodation.

254. GREVIO received conflicting information on whether currently women-only accommodation is available in Ireland.

widely criticise reception accommodation in Ireland and point to overcrowding, the sharing of communal areas and of bedrooms with non-family members, as well as sexual harassment and sexual violence.²⁵⁵ Moreover, women's rights organisations have alerted GREVIO to instances in emergency reception centres managed by private security firms in which security staff have offered women better accommodation in exchange for sex.

327. It is therefore of paramount importance to ensure gender-sensitive reception procedures and guidelines in all accommodation centres or facilities managed or supervised by IPAS. GREVIO notes in this respect that the Department of Justice and Equality published in January 2021 a set of national standards applicable to the living conditions in accommodation centres.²⁵⁶ These standards relate to the safety, well-being and support of residents, and apply to IPAS and all service providers contracted to operate and manage reception centres. Although these national standards contain some gender-sensitive provisions, GREVIO is aware of widespread compliance shortcomings with these standards. Only recently, at the end of 2022, was the Health Information and Quality Authority (HIQA) granted responsibility for independent monitoring of these standards. While this is a positive development, GREVIO expresses its concern that the national standards do not apply to emergency and temporary accommodation and pre-reception centres and, therefore, that these accommodation arrangements are not independently monitored, despite the clear and heightened need for such oversight in these settings. Moreover, IPAS's predecessor, the Reception and Integration Agency (RIA), issued in 2014 the policy on Safeguarding RIA residents against Domestic, Sexual and Gender-based Violence and Harassment. This policy aimed to protect women living in accommodation centres from violence and harassment and provided for a reporting procedure. Moreover, it entails the identification of victims' support needs through the IPAS Social Work Team. GREVIO observes that while it is positive that the above-mentioned policy provides for a reporting procedure for incidents of domestic violence and violence against women, the referral pathway appears convoluted and may hamper the ability of IPAS to respond swiftly and to ensure that support measures are implemented to protect the victim. Furthermore, as referred to below, the IPAS Social Work Team is under resourced, thus undermining the effective implementation of the IPAS policy to address violence against women.

328. In view of the above, GREVIO acknowledges the difficulties that a large and unprecedented influx of asylum seekers and applicants of international protection can cause. Nevertheless, GREVIO considers that more must be done to establish and apply gender-sensitive guidelines and policies in all reception centres with a view to ensuring adequate and safe accommodation for women and girls and to responding swiftly and effectively to incidents of violence against women.

329. As regards victims' access to specialist support services, GREVIO understands that while victims accommodated in the different types of accommodation centres are referred to specialist support services, where needed, there are often long waiting lists. GREVIO has also been informed that within IPAS there is a resident welfare team but that only one team member is responsible for international protection applicants. More generally, GREVIO underlines that a lack of effective vulnerability screening coupled with a lack of gender-sensitive guidelines for reception centres and the disparate types of reception accommodation available to asylum seekers and international protection applicants make it unlikely that women victims of violence are identified and receive specialist support services. GREVIO further underscores that this consideration equally applies to Ukrainian women victims of violence/conflict-related sexual violence as they are not screened for vulnerabilities.

255. See Human Rights Committee Concluding Observations: Ireland, 27 July 2022, paragraph 37 and "Asylum Seekers and Refugees Surviving on Hold: Sexual Violence Disclosed to Rape Crisis Centres", Rape Crisis Network Ireland, 2014, p. 18.

256. See National Standards, Department of Justice and Equality, available at www.hse.ie/eng/about/who/primarycare/socialinclusion/intercultural-health/asylum-seekers/national-standards-justice-2019.pdf.

330. GREVIO strongly encourages the Irish authorities to take legal or other measures to:

- a. ensure that the definition of vulnerability, as defined in the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018), captures and refers to all forms violence against women covered by the Istanbul Convention, so that all victims can be offered gender-sensitive accommodation and procedural guarantees;
- b. ensure that vulnerability screening is routinely undertaken at the earliest possible opportunity for all international protection applicants, including for Ukrainian women who have received temporary protection, with a view to ensuring that the reception/accommodation needs of women and girls who may have experienced violence are fully identified and met;
- c. develop and apply gender-sensitive guidelines and policies in all reception and pre-reception centres or emergency accommodation, with a view to ensuring adequate and safe accommodation for women and girls and to responding swiftly and effectively to incidents of violence against women.

C. *Non-refoulement* (Article 61)

331. Section 50 of the IPA Act enshrines in law the prohibition of *refoulement* and the IPO's Information Booklet contains sections advising applicants on the protection from *refoulement*.²⁵⁷

332. GREVIO's attention has been drawn to an increasing number of arrivals being refused "leave to land". The authorities have confirmed that anyone arriving in Ireland without identity documents or a valid entry visa is refused "leave to land" as a matter of course.²⁵⁸ The authorities have clarified, however, that if an individual expresses a wish to seek international protection they will be admitted to the asylum or international protection determination procedure and will have access to reception accommodation and services. Nonetheless, reports refer to anecdotal evidence suggesting that some people may be refused "leave to land" and enter Ireland even when they have grounds for protection.²⁵⁹ This may also be due to the fact that such individuals are not provided with access to legal aid and interpretation at the point of entry when refusal is issued and, therefore, are not aware of their right to claim asylum.²⁶⁰ GREVIO recalls in this connection that adherence to the principle of *non-refoulement* is integral to the protection of women and girls from gender-based violence and should therefore be upheld.

333. With a view to ensuring more transparency, GREVIO invites the Irish authorities to publish guidance and data disaggregated by sex and age on decisions taken to refuse "leave to land", including when applicants have expressed their intention to apply for asylum or international protection.

334. GREVIO further strongly encourages the authorities to uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, particularly when they have been refused "leave to land", including by providing them with information on international protection, legal assistance and interpretation, where necessary.

257. See the IPO Information Booklet, p. 11 and Addendum 4, p. 54, available at www.ipa.gov.ie/en/IPO/IPO%20English%20Information%20Booklet%20Final%20.pdf/Files/IPO%20English%20Information%20Booklet%20Final%20.pdf.

258. Pursuant to section 4 of the Immigration Act 2004.

259. See AIDA, ECRE, Access to the Territory and Push Backs, Republic of Ireland, Country Report, available at www.asylumineurope.org/reports/country/republic-ireland/asylum-procedure/access-procedure-and-registration/access-territory-and-push-backs/.

260. See the Committee against Torture, Concluding observations on the second periodic report of Ireland, CAT/C/IRL/CO/2, August 2017, paragraph 11.

Concluding remarks

335. In the run-up to and following the ratification of the Istanbul Convention, Ireland has taken a range of measures that demonstrate a strong political will to build robust foundations for a society based on zero tolerance towards violence against women, underpinned by gender equality. In particular, the Irish authorities have enacted laws and set up bodies aimed at securing equality between women and men, including the Irish Human Rights and Equality Commission Act 2014 and the Office of the Human Rights and Equality Commission, an independent body which has been at the forefront of protecting and promoting human rights and equality in Ireland. The enactment of the Harassment, Harmful Communications and Related Offences Act 2020, prohibiting, among other conduct, online sexual harassment, demonstrates the authorities' ability to respond quickly to new and emerging forms of violence against women, which GREVIO welcomes. Positive trends have also been identified in this report in the area of training of professionals, particularly when it comes to the police and healthcare staff. More specifically, all police officers are required to attend mandatory initial training on domestic violence and on the new risk-evaluation assessment tool. Moreover, such training is supported by in-depth internal guidelines/policies on how to investigate certain forms of violence against women. As regards healthcare staff, despite the non-mandatory nature of the training provided, several training opportunities, guidelines and manuals on domestic violence, sexual violence and FGM have been developed for this category of professionals, thereby representing a welcome step forward.

336. These positive legislative and policy efforts, however, must be contextualised and seen against the backdrop of unique circumstances and a historical background characterised by the legacies of abuse perpetrated in public institutions and through the practice of symphysiotomy, and by the prominent role played by the Catholic Church in the area of education. Though different in nature, both circumstances have a bearing on preventing and stemming impunity for acts of violence against women. As regards the former, the "legacy" of impunity for violence against women perpetrated in public institutions is endured to this day by thousands of victims. No policy action on violence against women would be complete without addressing in full the abuse perpetrated, including its persisting effects. As regards the latter, the prominent role of the Catholic Church seems to have had a direct bearing on the teaching of the subjects related to gender equality and gender-based violence that are required by the convention and potentially hamper the needed changes in mentalities, which lie at the heart of prevention efforts. It is therefore necessary to bridge the gap between the progressive policies and legislation that Ireland has enacted and the reality on the ground to ensure a coherent legislative framework. For example, legislative and policy efforts in the area of gender equality are overshadowed by anachronistic provisions in the constitution, which perpetuate negative stereotypes about the role of women in society and which, therefore, require urgent action. In the area of education, although the national curriculum encompasses the teaching of Social Personal and Health Education and Relationship and Sexuality Education (modules which partly address the subjects required under Article 14 of the convention), more must be done to ensure that schools do teach these subjects in practice, regardless of the school "ethos". Likewise, in view of the fact that legislation enables parents to withdraw their children from classes on Relationship and Sexuality Education, greater effort must be made to raise parents' and educators' awareness of the importance of this subject, which teaches children about the right to personal integrity and the underlying causes of violence against women and which aims to protect them from harm. Finally, key to ensuring a more effective response to violence against women and fighting impunity is the urgent need to introduce systematic and mandatory initial and in-service training on all forms of violence against women for professionals who work with victims, including judges, prosecutors, healthcare staff and staff working in TUSLA (the Child and Family Agency).

337. With the present report, GREVIO wishes to support the Irish authorities in these endeavours and invites them to keep it regularly informed of developments with regard to the implementation of the Istanbul Convention. GREVIO looks forward to continuing its fruitful co-operation with the Irish authorities.

338. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national languages and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work to prevent and combat violence against women and support victims.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of application of the convention and definitions (Articles 2 and 3)

1. GREVIO urges the Irish authorities to ensure that domestic legislation, policies and programmes comprehensively address all forms of violence against women with due regard to their gendered nature, including sexual harassment outside the workplace, stalking, forced marriage, forced abortion, forced sterilisation in care institutions for women with disabilities and female genital mutilation (FGM). (paragraph 11)

2. With a view to ensuring greater legal certainty and enhancing the implementation of the Istanbul Convention in Ireland, GREVIO strongly encourages the Irish authorities to introduce statutory definitions of domestic violence and violence against women, and/or harmonise the existing legal definitions across all areas of law, in line with Article 3 of the convention. (paragraph 12)

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

3. GREVIO strongly encourages the Irish authorities to pursue efforts to enshrine the principle of equality, including equality between women and men, in its constitution and to eliminate any provision which perpetuates gender stereotypes. (paragraph 16)

2. Intersectional discrimination

4. GREVIO strongly encourages the Irish authorities to:

- a. take measures to strengthen the implementation of measures foreseen in the third DSGBV Strategy to prevent and combat violence that affects women who are or might be exposed to intersectional discrimination, including women with disabilities, Roma and Irish Traveller women, migrant and asylum-seeking women, LGBTI women, women in prostitution and women with addiction issues;
- b. develop and improve accessibility to protection and support services for these groups of women;
- c. support research into the violence experienced by specific groups of women and girls at risk of, or exposed to, intersectional discrimination, in particular women with disabilities, Roma and Irish Traveller women, LGBTI women and women in prostitution. (paragraph 20)

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

5. GREVIO strongly encourages the Irish authorities to ensure that:

- a. consultation processes for devising co-ordinated policies on violence against women afford all women's rights organisations, including local organisations serving hard-to-reach groups and organisations representing women subject to intersectional discrimination, the means to effectively contribute to shaping policy;
- b. clear connections and co-ordination are ensured between the third DSGBV Strategy and its action plan, and other equality and inclusion strategies that address violence against women;
- c. policy actions on FGM are consistent and harmonised and address girls at risk of this form of violence. (paragraph 33)

6. GREVIO strongly encourages the Irish authorities to introduce comprehensive measures and policies that:

- a. effectively quantify the number of victims of institutional abuse committed in Magdalene Laundries, Mother and Baby Homes and County Homes, national schools and through the procedure of symphysiotomy, while avoiding unreasonable requirements and time frames;
- b. provide victims with the necessary support services, including specialist and long-term psychological support to facilitate their recovery, enshrining their rights in law and raising their awareness of the existence of such rights and services;
- c. facilitate and enable their access to justice. (paragraph 34)

B. Financial resources (Article 8)

7. GREVIO urges the Irish authorities to provide greater support for the work of women's rights organisations specialised in preventing and combating violence against women by providing them with sufficient, multi-annual funding that is commensurate with their estimated needs, through transparent and accountable public procedures. Due regard should be paid to funding women's rights organisations operating outside the capital and local organisations serving hard-to-reach groups such as women victims of violence against women from ethnic/national minorities and other organisations serving women subject to intersectional discrimination. (paragraph 39)

8. GREVIO strongly encourages the Irish authorities to:

- a. commission research to assess the estimated total annual costs needed to provide support to victims of all forms of violence against women in Ireland, with a view to identifying the sums needed to bridge the existing gap;
- b. introduce, in all relevant implementing ministries and departments, separate budget and funding lines for policies and measures aimed at combating violence against women and domestic violence;
- c. pursue and step up efforts to implement gender-responsive budgeting in order to allocate appropriate funding and to monitor public spending. (paragraph 40)

D. Co-ordinating body (Article 10)

9. GREVIO strongly encourages the Irish authorities to:

- a. pursue and expedite plans to set up an institutionalised body mandated to co-ordinate and implement present and future violence against women policies, operating in consultation with women's rights organisations;
- b. endow the co-ordinating body with the needed financial and human resources to ensure the sustainability of its work;
- c. ensure that the framework of the future co-ordinating body and the responsibilities retained by the Department of Justice on violence against women policies do not hamper the future

co-ordinating body's ability to gain recognition and support from other relevant government agencies;

- d. entrust the task of evaluating violence against women policies to an entity/entities that can ensure independence and objectivity in the evaluation process;
- e. pending the operationalisation of the new co-ordinating body, ensure the solid co-ordination, implementation and monitoring of progress in the implementation of the third National Strategy on Domestic, Sexual and Gender-Based Violence, based on a set of pre-defined indicators. (paragraph 49)

E. Data collection and research (Article 11)

1. Administrative data collection

d. Data on the asylum procedure

10. GREVIO urges the Irish authorities to:

- a. ensure, as a matter of priority, the systematic collection of comparable data on all forms of violence against women from all relevant administrative sources, including the law-enforcement and justice, healthcare, asylum and social services sectors, and specialist support service providers, disaggregated, at the minimum, by the sex and age of both the victim and the perpetrator, the type of violence, the relationship of the victim to the perpetrator and the geographical location;
- b. take decisive steps to establish a centralised database on all forms of violence against women, pending the setting up of the Domestic, Sexual and Gender-Based Violence Agency;
- c. provide resources to ensure that data collected by any provider of specialist support services are harmonised and used by the state, with a view to reflecting a complete and representative view of prevention and protection efforts;
- d. ensure that data are collected in relation to all forms of violence covered by the Istanbul Convention by the police, prosecutors and courts at all stages of the criminal justice process, from reporting and investigation to the opening of criminal proceedings and their outcome. Such data should be co-ordinated and comparable so that cases can be tracked at all stages of the law enforcement and judicial proceedings;
- e. ensure that the collection, storing and processing of data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, to ensure confidentiality and respect for the privacy of victims, perpetrators and other persons involved;
- f. harmonise data collection between the police, social services and other institutions, and ensure the analysis of cases of violence against women that have resulted in the killing of the woman and, where appropriate, her children;
- g. introduce a data-collection system that records asylum claims on the basis of gender-related persecution, the grounds for persecution considered and the outcome of the claims;
- h. collect data on the decisions on custody/visitation/residence concerning children that have expressly taken into account reports of domestic violence. (paragraph 59)

11. GREVIO further encourages the Irish authorities to co-ordinate efforts aimed at developing a National Equality Data Strategy with those foreseen in the setting up of a co-ordinated data-collection system on all forms of violence against women. (paragraph 60)

2. Population-based surveys

12. GREVIO invites the Irish authorities to carry out population-based surveys on the prevalence of forms of violence against women covered by the Istanbul Convention that so far have not been explored, including sexual harassment, stalking, forced marriage and FGM, and to assess the exposure of particularly disadvantaged groups of women to these forms of violence. (paragraph 64)

3. Research

13. GREVIO invites the Irish authorities to fund studies that address violence against women experiencing intersectional discrimination, in line with the intersectional approach taken by the third Domestic, Sexual and Gender-Based Violence Strategy. (paragraph 70)

II. Prevention

A. Awareness raising (Article 13)

14. GREVIO strongly encourages the Irish authorities to carry out, on a regular basis, awareness-raising campaigns on all forms of violence against women covered by the Istanbul Convention, beyond domestic violence, sexual violence and sexual harassment. The messages of these campaigns should be based on a gendered understanding of violence against women and acknowledge gender inequality as a root cause of this violence. The Irish authorities should in particular:

- a. ensure that targeted awareness-raising campaigns are run to address the specific needs of women and girls subject to intersectional discrimination, including women with disabilities and Roma and Irish Traveller women, and are devised in co-operation with such groups;
- b. ensure that sufficient and sustainable funding is made available for awareness-raising campaigns, including for this purpose to women's rights NGOs;
- c. carry out targeted campaigns aimed at raising awareness about the harm caused to children who witness domestic violence;
- d. ensure that financial resources are made available for awareness-raising activities carried out by women's support services and women's organisations at national, regional and local level. (paragraph 77)

B. Education (Article 14)

15. GREVIO urges the Irish authorities to take legislative and/or other measures to:
- a. ensure that the issues listed under Article 14 of the Istanbul Convention – gender stereotypes, gender equality and the various forms of violence against women – are included in the mandatory school curriculum and taught, in practice, to all pupils at all levels of education, adapted to the evolving capacity of learners;
 - b. strengthen efforts to assess to what extent Social Personal and Health Education (SPHE) and Relationship and Sexuality Education (RSE) are being taught in schools;
 - c. raise parents' and educators' awareness of the importance of sexual education and education on the subjects listed under Article 14 of the convention, to make children more aware of all forms of violence against women and the underlying causes and to protect them from harm;
 - d. ensure that teachers receive mandatory initial and in-service training on the topics addressed in Article 14 of the convention, as well as on identifying and referring victims of violence against women, including girls at risk of FGM and forced marriage. (paragraph 86)

16. GREVIO invites the authorities to take further steps to promote, in non-formal education, equality between women and men, non-stereotyped gender roles, mutual respect and non-violent conflict resolution in interpersonal relationships, as well as in sports, cultural and leisure activities. (paragraph 87)

C. Training of professionals (Article 15)

17. GREVIO urges the Irish authorities to:

- a. introduce systematic and mandatory initial and in-service training on all forms of violence against women for relevant professionals working with victims or perpetrators, including law-enforcement officers, prosecutors, staff working in TUSLA, healthcare professionals and the judiciary, in line with the requirements of the Istanbul Convention;
- b. ensure that the training provided adopts an intersectional approach, raising the awareness of relevant professionals of the disproportionate rates of violence against women experienced by women with disabilities, Roma and Irish Traveller women, women in prostitution and LGBTI women, and of the need to dispel stereotypes surrounding these groups of women. (paragraph 96)

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

18. GREVIO strongly encourages the Irish authorities to:

- a. develop common minimum standards for perpetrator programmes, in line with the principles of the Istanbul Convention, taking account particularly of the need for a gender sensitive approach and for perpetrators to examine and change their stereotypical or misogynistic attitudes and behaviours towards women;
- b. strengthen the capacity and outreach of perpetrator programmes, including by rolling out the programmes throughout the country and providing them with sustainable funding that is sufficient to ensure their long-term functioning and the ability to retain trained staff;
- c. introduce perpetrator programmes in custodial settings;
- d. re-examine and address the reasons underlying the low level of referrals to perpetrator programmes by the police, TUSLA and other institutions/agencies;
- e. use all available means to promote attendance of perpetrator programmes, through mandatory and voluntary referral and by integrating them into the criminal justice system as a tool for reducing recidivism, in addition to sentencing and/or protective measures;
- f. ensure the systematic co-ordination with specialist support facilities for women victims of violence, with a view to ensuring that women victims are adequately informed and protected and that they and their children are kept safe;
- g. ensure the external evaluation of perpetrator programmes, in line with recognised best international practices and principles, in order to assess whether the programmes serve their intended preventive aims. (paragraph 103)

2. Programmes for sex offenders

19. GREVIO encourages the Irish authorities to ensure a wider availability of community- based perpetrator programmes and perpetrator programmes in prison settings for sex offenders, while removing excessively restrictive eligibility requirements for attendees and ensuring the independent evaluation of their impact. (paragraph 106)

E. Participation of the private sector and the media (Article 17)

20. GREVIO encourages the Irish authorities to:
- a. promote the development by the media and journalists of self-regulatory standards, and training in those standards, on the non-stereotypical and non-sexist portrayal of women in the media, including in the context of reporting on gender-based violence;
 - b. raise awareness of equality legislation and self-regulatory standards and the channels for lodging complaints about discriminatory content in the media. (paragraph 110)

IV. Protection and support

A. General obligations (Article 18)

21. GREVIO urges the Irish authorities to take the necessary legislative and other measures to adopt institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies, including the police, prosecution services, the judiciary, TUSLA, social services, healthcare services and educational establishments, to ensure adequate protection and support for victims of domestic violence and their children, as well as for victims of all forms of violence against women. These multi-agency co-operation structures should be based on a gendered understanding of violence against women and should aim to empower victims. In particular, authorities should:

- a. develop protocols detailing co-ordination measures to be taken by all agencies and civil society organisations providing support to victims of all forms of violence against women;
- b. provide professionals in the police, TUSLA, social services, healthcare services and other relevant institutions with the required knowledge and skills to co-ordinate their activities in assisting individual victims, including creating safety plans and assessing and managing the risks posed by the perpetrator;
- c. ensure that protection and support services are made available as far as possible on the same premises;
- d. ensure that data-protection considerations do not hinder the sharing of information between the relevant services and NGOs, which is necessary to ensure the protection and support of victims;
- e. remove without delay, including through legislative means, the obligation and practice to disclose victims' counselling/therapy notes as part of court proceedings relating to acts of violence against women. (paragraph 119)

B. Information (Article 19)

22. GREVIO encourages the Irish authorities to:
- a. provide easily accessible information to all women victims of violence, including on the support services and legal measures available for all forms of violence against women, beyond domestic violence and sexual violence;
 - b. ensure that trained interpreters on violence against women are made available for asylum-seeking and migrant women, and for women with hearing impairments at police stations or other first points of entry for victims of violence against women. (paragraph 123)

C. General support services (Article 20)**1. Social services**

23. GREVIO urges the Irish authorities to take legislative or other measures to ensure that:

- a. women victims of domestic violence can qualify for social housing, regardless of whether they co-own property with the perpetrator;
- b. bureaucratic obstacles that prevent Roma and Irish Traveller women victims of domestic violence from accessing long-term social housing are addressed, with a view to finding solutions. (paragraph 129)

2. Healthcare services

24. GREVIO strongly encourages the Irish authorities to take measures to:

- a. ensure that dedicated and comprehensive binding protocols are in place to identify, treat and further refer victims of domestic violence, sexual violence/rape and FGM and that training is provided to the relevant staff on the application of these protocols;
- b. guarantee that frontline medical staff operating in hospitals and healthcare centres issue victims with a medical report documenting their injuries;
- c. reinforce the capacity and availability of mental health services for women victims of violence. (paragraph 133)

D. Specialist support services (Article 22)

25. GREVIO strongly encourages the Irish authorities to:

- a. ensure adequately staffed and immediate short and long-term specialist support services to victims of all forms of violence against women, in an appropriate geographical distribution, while catering to the specific needs of vulnerable women subject to intersectional discrimination;
- b. strive to locate a range of protection and support services in the same premises;
- c. ensure specific training for TUSLA, healthcare and any other relevant professionals on the risk of girls being subject to FGM in Ireland, or of being brought abroad for the purpose of carrying out this harmful practice, so that this form of violence can be prevented. (paragraph 144)

E. Shelters (Article 23)

26. GREVIO urges the Irish authorities to:

- a. increase the number and capacity of appropriate, easily accessible and specialist shelters providing safe accommodation to victims of all forms of violence against women, in line with the standards set by the Istanbul Convention and in an adequate geographical distribution, with the aim of achieving the standard set in the Explanatory Report to the Istanbul Convention of one family place per 10 000 head of population;
- b. review existing laws and regulations and remove requirements preventing access to shelters for certain groups of victims, including those who do not reside in the specific county where the shelter is located or who cannot prove a local connection with such a county;
- c. ensure that shelters can accommodate and cater for the needs of women subject to intersectional discrimination, including women with disabilities, Roma or Irish Traveller women, migrant and asylum-seeking women and victims with teenage male children. (paragraph 150)

27. GREVIO further encourages the Irish authorities to:

- a. develop clear pathways from shelters to longer-term accommodation, suitable for ensuring the safety of victims and their children;
- b. ensure that migrant women victims of domestic violence who move out of a direct provision centre to a shelter do not lose their right to receive the payments associated with their status, so as not to deter them from seeking protection. (paragraph 151)

F. Telephone helplines (Article 24)

28. GREVIO encourages the Irish authorities to continue to support and strengthen the national telephone helplines so that they can provide assistance and advice to victims of all forms of violence against women, while tapping into and supporting through funding the specific expertise of local helplines. (paragraph 157)

G. Support for victims of sexual violence (Article 25)

29. With a view to further improving the response to sexual violence and rape, GREVIO strongly encourages the Irish authorities to:

- a. increase the number of SATUs and RCCs in Ireland so that the standard of one sexual violence referral centre or rape crisis centre per 200 000 inhabitants is met;
- b. ensure more frequent specialist training for nurses on sexual violence, so that it is possible to promptly recruit specialist nurses when posts become vacant at SATUs;
- c. ensure, through funding, that a complete range of specialist support services, including legal advice, are available in RCCs and SATUs. (paragraph 163)

H. Protection and support for child witnesses (Article 26)

30. GREVIO strongly encourages the Irish authorities to ensure the availability of age-appropriate psycho-social counselling for child witnesses of all forms of violence covered by the Istanbul Convention and to ensure, through legislative or other means, that it is not subject to the prior approval of both parents. (paragraph 170)

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

31. GREVIO urges the authorities to take measures to:

- a. proactively and systematically inform victims of the civil remedies available against state authorities that have failed in their duty to take the necessary preventive or protective measures;
- b. ensure that in law and in judicial practice, women victims of violence can bring civil law actions for damages for negligent/grossly negligent behaviour of police officers;
- c. compile relevant statistics on the number of claims made against the authorities for failure to respect their due diligence obligation to prevent, investigate and punish acts of violence, and the number of remedies granted as a result. (paragraph 179)

2. Compensation (Article 30)

32. GREVIO strongly encourages the Irish authorities to take all the necessary measures to ensure that wider use is made of the power of criminal courts to grant compensation to women victims of violence, including through training of criminal court judges and by examining and addressing the reasons for the low number of compensation orders issued in criminal proceedings. the Irish authorities should, in particular:

- a. ensure that compensation orders may also provide for compensation of the moral damages incurred by the victim;
- b. collect data on the number of women victims of violence who have requested and obtained compensation from the perpetrator in criminal and civil courts. (paragraph 182)

3. Custody, visitation rights and safety (Article 31)

33. GREVIO urges the Irish authorities to ensure that in the determination of custody and visitation rights of children, all incidents of violence covered by the scope of the Istanbul Convention are taken into account and that in the exercise of any visitation or custody rights, the rights and safety of the victim and her children are safeguarded. To that end, the authorities should:

- a. issue dedicated guidelines for judges and legal practitioners and provide adequate training to ensure that they are able to recognise and take into account that being exposed to all forms of violence against a mother jeopardises the best interests of the child and renders the child a victim in his/her own right;
- b. pursue current efforts to improve co-ordination and co-operation between family courts and criminal courts, as well as with specialist services that assist victims of violence and their children and with other relevant professionals, and/or ensure that family courts conduct their own screening;
- c. incorporate risk-assessment and management procedures into the determination of custody and visitation rights and restrict these rights when this is necessary to guarantee the safety of the mother and child;
- d. inform all relevant professionals that are consulted on and/or that issue decisions on custody and visitation rights of the absence of scientific grounds for the so-called “parental alienation syndrome”, through adequate training and awareness raising;
- e. ensure that children are not removed from non-violent parents and placed in foster care;
- f. provide safe premises where supervised visits can take place, and ensure a sufficient number of professionals trained in violence against women to accompany the supervised visits;
- g. take measures to ensure that mediation is not proposed or recommended by solicitors or experts employed by courts in proceedings dealing with separation, custody and visitation rights where there is a context of domestic violence, and that victims are not pressured, even indirectly, to participate in such mediation. (paragraph 194)

B. Criminal law

1. Psychological violence (Article 33)

34. GREVIO encourages the Irish authorities to provide training and issue guidelines so that the legal provision of coercive control is interpreted and applied in line with the standards of the Istanbul Convention. (paragraph 199)

2. Stalking (Article 34)

35. GREVIO strongly encourages the Irish authorities to provide training and issue dedicated guidelines to ensure that the level of seriousness required for behaviour to qualify as stalking, in any future stalking offence, is in line with Article 34 of the convention. (paragraph 203)

3. Sexual violence, including rape (Article 36)

36. GREVIO urges the Irish authorities to take the necessary legislative or other measures to ensure a clear and unambiguous legal framework on sexual violence, including rape, in line with the standards set by Article 36 of the Istanbul Convention, so that the legal implications of such acts are foreseeable for perpetrators and victims alike. In particular, the authorities should:

- a. align the provision on rape more closely with Article 36, paragraph 1a, of the convention, to ensure that non-consensual anal or oral penetration of a sexual nature with any bodily part or object, is criminalised;
- b. ensure that acts of a sexual nature that fall short of penetration are criminalised on the basis of the lack of consent given by the victim, as foreseen by Article 36, paragraph 1b, of the Istanbul Convention;
- c. introduce criminal legislation to cover the intentional conduct set out in Article 36, paragraph 1c, of the Istanbul Convention;
- d. reform and strengthen the law on consent in rape cases, by no longer allowing the use of the “honest belief” defence and by requiring that the defendant’s belief that he had obtained the consent of the victim must be objectively reasonable;
- e. ensure proportionate and dissuasive sanctions for all sexual acts without the consent of the victim, irrespective of personal characteristics, bearing in mind that where the circumstances of the act are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act. (paragraph 211)

4. Forced marriage (Article 37)

37. GREVIO strongly encourages the Irish authorities to:

- a. ensure that the offence of forced marriage criminalises the intentional conduct of forcing a child into a marriage, as well as the intentional conduct of luring a child to the territory of another state with the purpose of forcing the child into a marriage;
- b. adopt the necessary legislative measures allowing forced marriages to be voidable, annulled or dissolved without any undue financial or administrative burden placed on the victim. (paragraph 216)

5. Female genital mutilation (Article 38)

38. GREVIO invites the Irish authorities to criminalise the conduct described in Article 38, paragraphs b and c, of the Istanbul Convention. (paragraph 220)

6. Forced abortion and forced sterilisation (Article 39)

39. GREVIO strongly encourages the Irish authorities to:

- a. criminalise forced abortion and forced sterilisation, in line with Article 39 of the Istanbul Convention;
- b. ensure that in any procedures authorising the sterilisation of legally incapacitated women, less invasive birth control options are considered, with due regard for the best interests and self-determination of the woman concerned;

- c. ensure that women with intellectual disabilities who undergo consensual sterilisation can make their decision on the basis of sufficient information provided in an accessible manner and presented to them by professionals trained on gender and disability issues. (paragraph 223)

7. Sexual harassment (Article 40)

40. GREVIO urges the Irish authorities to review the legislation and ensure that sexual harassment experienced in all areas of life is subject to criminal or other legal sanctions, in line with Article 40 of the Istanbul Convention. (paragraph 230)

8. Sanctions and measures (Article 45)

41. GREVIO encourages the Irish authorities to improve data collection regarding sanctions imposed for the different forms of violence against women covered by the Istanbul Convention, in particular by disaggregating such data on the basis of the sex of both the offender and the victim and the relationship between them. (paragraph 234)

10. Aggravating circumstances (Article 46)

42. GREVIO invites the Irish authorities to take the necessary steps to ensure that all the aggravating circumstances set out in Article 46 of the Istanbul Convention, insofar as they do not already form part of the constituent elements of the offence, can be taken into consideration in the determination of the sentence, in relation to each of the offences provided for in the convention. (paragraph 239)

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

43. GREVIO urges the Irish authorities to:

- a. take measures to reinforce the training of police officers working in all police divisions, beyond divisional protective units, on a gendered understanding of all forms of violence against women and on the obligation to respond promptly to reports concerning these offences;
- b. ensure that the internal policy on domestic violence requires police officers to systematically carry out a risk assessment when reports are received;
- c. develop internal policies and guidelines for the investigations of all forms of violence against women beyond domestic violence and rape/sexual violence;
- d. raise law-enforcement authorities' awareness of the forms of intersectional discrimination faced by some women, including Roma and Irish Traveller women, migrant women, LGBTI women and women with disabilities, so that they are better equipped to respond appropriately to their needs;
- e. reinforce the capacity of the police to respond to and investigate digital manifestations of violence against women and domestic violence;
- f. take further measures to improve the collection of evidence in all cases of violence against women and ensure that legislation allowing the initial statement made by the victim to the police to be admitted as evidence is applied in practice, so that reliance on the victim's testimony is lessened;
- g. take measures to allow the police to access the Archives of the Final Report of the Commission of Investigation into Mother and Baby Homes and other such commissions so

- that the state can exercise, where possible, its due diligence obligation to investigate, punish and provide reparation for acts of violence against women;
- h. take sustained measures to reinforce the capacity of courts that hear cases of violence against women so as to reduce delays and backlogs;
 - i. consider providing guidance to juries adjudicating cases of rape and sexual violence to dispel myths and bias on what is considered normal behaviour for a victim;
 - j. ensure that sentences and measures imposed for the offences covered by the Istanbul Convention are effective, proportionate and dissuasive. (paragraph 263)

B. Risk assessment and risk management (Article 51)

44. GREVIO urges the Irish authorities to take legislative and other measures to ensure that risk assessment and management are systematically carried out in relation to all forms of violence against women covered by the Istanbul Convention by appropriately trained police officers. Risk-assessment tools should be standardised and evidence based and should, inter alia, take into account threats made to take away the children in common, threats to kill the victim's children, the prior issue of a protection measure, acts of sexual violence and access to a firearm. The Irish authorities should, in particular, ensure that risk assessments:

- a. are systematically carried out for the victims' children;
- b. are repeated at all relevant stages of proceedings;
- c. involve all relevant stakeholders beyond law-enforcement authorities and are a central element of a co-ordinated multi-agency response;
- d. lead to the development of a safety plan for victims. (paragraph 270)

45. GREVIO encourages the authorities to introduce a system, such as a domestic violence killings review mechanism, to analyse all cases of gender-based killings of women, with the aim of preventing them in the future, preserving the safety of women and holding to account both the perpetrator and the multiple agencies that come into contact with the parties. (paragraph 271)

C. Emergency barring orders (Article 52)

46. GREVIO urges the Irish authorities to take the legislative or policy measures needed to bring the legal framework and practice in line with Article 52 of the Istanbul Convention, and in particular to ensure that:

- a. in situations of immediate danger and where harm is imminent, the authorities are granted the power, ex officio, to order the perpetrator to leave the residence of the victim or person at risk for a specific period of time and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk;
- b. the threshold to be met to issue an emergency barring orders is that harm is imminent, has materialised or is likely to happen again, rather than requiring that there is a risk of serious harm;
- c. measures of protection are available to victims, regardless of their property rights, and applied in practice;
- d. no gap in the protection of the victim arises between the expiry of an interim barring order or an emergency barring order and the imposition of an order which ensures protection of the victim in the longer term;
- e. interim and emergency barring orders are extended to children in need of protection;
- f. exceptions to interim, emergency barring orders and other protection/restraining orders are not made to allow contact between the perpetrator and common children;
- g. data are collected on the annual number of interim, emergency barring orders and other protection/restraining orders requested and granted, the number of breaches of such orders

and the sanctions imposed as a result of such breaches, while ensuring that this information is visible and promptly available to family courts;

- h. the police proactively monitor and promptly enforce interim, emergency barring orders and other protection/restraining orders;
- i. proportionate sanctions for breaching interim, emergency barring orders and other protection/restraining orders are effectively applied in practice. (paragraph 282)

D. Restraining or protection orders (Article 53)

47. GREVIO strongly encourages the Irish authorities to take measures, including legislative amendments, to ensure the availability and the effective application of restraining and/or protection orders in relation to all forms of violence against women, including for the prevention of female genital mutilation, forced marriage and stalking. Existing gaps should be closed, to ensure that protection orders:

- a. are available under civil law for women, irrespective of, or in addition to, other legal proceedings, including divorce proceedings;
- b. are available ex parte – without the presence of the violent party – on the condition that the defendant has been summoned and is allowed to appeal against the decision. (paragraph 290)

E. Ex parte and ex officio proceedings (Article 55)

1. Victim support in legal proceedings

48. GREVIO invites the Irish authorities to allow for victim support not only in criminal proceedings but also in related civil proceedings, such as those instituted to settle a compensation claim, and in proceedings related to divorce or custody cases involving domestic violence. (paragraph 293)

F. Measures of protection (Article 56)

49. GREVIO strongly encourages the Irish authorities to take legislative or other measures needed to ensure:

- a. the systematic use of protective measures for victims of violence against women and child witnesses, in line with Article 56 of the Istanbul Convention;
- b. that information on the progress of the investigation and/or proceedings and on the escape or release of the perpetrator is provided systematically to the victim, regardless of an express request to receive such information. (paragraph 298)

G. Legal aid (Article 57)

50. GREVIO encourages the Irish authorities to:

- a. ensure that legal aid in civil proceedings is more accessible for victims of violence against women, in particular by raising the income threshold for eligibility;
- b. ensure sufficient staffing of the Legal Aid Board and affiliated solicitors, as well as adequate training of legal aid solicitors on violence against women;
- c. extend the offences in respect of which free legal aid can be provided to victims of violence against women, ensuring that it can be provided as early as at the reporting/investigation stage. (paragraph 302)

VII. Migration and asylum

A. Residence status (Article 59)

51. GREVIO strongly encourages the Irish authorities to:

- a. raise awareness among migrant women of the possibility to obtain an autonomous residence permit on the grounds of being a victim of domestic violence and of the relevant procedures;
- b. award migrant women an autonomous residence permit where they are victims of the forms of violence covered by the Istanbul Convention committed and/or condoned by the spouse or partner, including, for example, domestic violence and forced marriage. This could be achieved by enshrining the right to obtain such autonomous residence permit in the law;
- c. consider adopting internal guidelines specifying the threshold or criteria to be applied to requests for an independent residence permit under Article 10(2)(b)(iii) of the European Communities (Free Movement of Persons) Regulations 2015, with a view to ensuring a more transparent and consistent approach to decision making;
- d. ensure, including by legislative means, that women who are granted an autonomous residence permit on account of being victims of violence can work and have access to specialist support services;
- e. ensure that barriers such as registration fees are removed for migrant women seeking to retain lawful residence status in Ireland while fleeing a situation of domestic violence;
- f. ensure that spouses or civil partners of a beneficiary of international protection who are victims of domestic violence or other forms of violence against women can, in law and in practice, obtain an independent residence permit;
- g. take steps to ensure compliance with Article 59, paragraphs 2, 3 and 4, of the Istanbul Convention. (paragraph 316)

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

52. GREVIO strongly encourages the Irish authorities to:

- a. collect data on the annual numbers of asylum applications based on gender-related persecution and the related grounds on which they are based, and on the numbers of such applications granted and rejected, disaggregated by sex and age;
- b. take measures to ensure sufficient privacy for vulnerable women when registering their application for international protection and to inform and allow women to be interviewed and assisted by a female interpreter;
- c. ensure that procedures are in place to identify vulnerability or procedural needs prior to the substantive asylum interview;
- d. ensure that all those involved in the asylum processes, including interviewers, interpreters, lawyers and IPO Presenting Officers who represent the IPO in appeals, receive adequate training on gender-based persecution and gender-sensitive interviewing techniques;
- e. develop internal guidelines to ensure that a gender-sensitive interpretation is applied to all grounds of persecution provided for in Article 1(A)(2) of the 1951 Convention relating to the Status of Refugees and that all forms of gender-based violence, including cases of FGM, are recognised as a form of persecution. (paragraph 322)

2. Accommodation

53. GREVIO strongly encourages the Irish authorities to take legal or other measures to:

- a. ensure that the definition of vulnerability, as defined in the European Communities (Reception Conditions) Regulations 2018 (S.I. No. 230 of 2018), captures and refers to all forms violence against women covered by the Istanbul Convention, so that all victims can be offered gender-sensitive accommodation and procedural guarantees;
- b. ensure that vulnerability screening is routinely undertaken at the earliest possible opportunity for all international protection applicants, including for Ukrainian women who have received temporary protection, with a view to ensuring that the reception/accommodation needs of women and girls who may have experienced violence are fully identified and met;
- c. develop and apply gender-sensitive guidelines and policies in all reception and pre-reception centres or emergency accommodation, with a view to ensuring adequate and safe accommodation for women and girls and to responding swiftly and effectively to incidents of violence against women. (paragraph 330)

C. Non-refoulement (Article 61)

54. With a view to ensuring more transparency, GREVIO invites the Irish authorities to publish guidance and data disaggregated by sex and age on decisions taken to refuse “leave to land”, including when applicants have expressed their intention to apply for asylum or international protection (paragraph 333).

55. GREVIO further strongly encourages the authorities to uphold their obligation to respect the principle of non-refoulement of victims of violence against women, particularly when they have been refused “leave to land”, including by providing them with information on international protection, legal assistance and interpretation, where necessary. (paragraph 334)

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

The Department of Justice
The Department of Children, Equality, Disability Integration and Youth
The International Protection Accommodation Services
The Department of Social Protection
The Department of Enterprise, Trade and Employment
The Department of Health
The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
The Department of Education
An Garda Síochána
The Office of the Director of Public Prosecutions
The Probation Service

Public bodies

The Legal Aid Board
Central Statistics Office
Tusla - The Child and Family Agency
The Housing Agency
The Irish Human Rights and Equality Commission
The Ombudsman for Children
The Broadcasting authority
Courts Service
An Garda Síochána Ombudsman Commission

Non-governmental organisations, civil society and lawyers

Haven Horizons
Sisi - Survivors Informing Services and Institutions
Dublin Safer Families Service
Move Ireland
Mens Development Network
Safe Ireland
Dublin Rape Crisis Centre
Cork Sexual Violence Centre
Women's Aid Ireland
Women's Collective Ireland
Pavee Point Traveller and Roma Centre
Irish Family Planning Association
Galway Rape Crisis Centre
Ruhama
National Women's Council
National Observatory on Violence against Women and Girls
Irish Refugee Council of Europe
Abbey Law Solicitors
AKIDWA

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.