

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



**Report submitted by Ireland  
pursuant to Article 68, paragraph 1  
of the Council of Europe Convention  
on preventing and combating violence  
against women and domestic violence  
(Baseline Report)**

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**An Roinn Dlí agus Cirt**  
**Department of Justice**

**Report by the Irish government on the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)**

**September 2022**



**Rialtas na hÉireann**  
**Government of Ireland**

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## I. Introduction

Parties are requested to use this questionnaire as a basis for preparing their 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 (hereafter “the Convention”), as provided for under its Article 68, paragraph 1. All legal provisions cited refer to the articles of the Convention unless otherwise specified. For further guidance on the meaning of any of the questions, the drafters of the report are invited to consult the text of the [Convention](#) and its [Explanatory Report](#).

Unless otherwise indicated, all requests for data and information apply to the years 2017 and 2018<sup>1</sup>. All financial data should be provided in euros. Any available administrative and judicial data requested in the present questionnaire should be disaggregated by sex, age and type of violence as well as the relationship of the perpetrator to the victim, geographical location and any other factors deemed relevant, for example disability.

### A. General Principles of the Convention

Throughout the preparation of their reports, Parties are invited to bear in mind the general principles set out in Chapter I of the Convention; principles which apply to all substantive articles contained in Chapters II to VII.

- 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.
- The principle of *equality between women and men* must be embodied in the constitution or other appropriate legislation and effectively realised in practice.
- *Discrimination against women* must be prohibited, including through the use of sanctions, where appropriate, and laws and practices which discriminate against women must be abolished.
- The Convention must be implemented *without discrimination on any ground* and the potential for, and effects of, multiple discrimination should be borne in mind.
- *Special measures* which are necessary to prevent and protect women from gender-based violence are not considered as discrimination.
- The Parties must include a *gender perspective* in the implementation and the evaluation of the impact of the Convention and implement policies promoting equality between women and men and the empowerment of women.

### B. Scope of application of the Convention and key definitions

In light of the scope of the Convention set out in its Article 2, paragraph 1, reports submitted by Parties to the Convention should focus on measures taken in relation to all forms of violence against women, including domestic violence, which affects women disproportionately. The term “*violence against women*” used throughout this questionnaire thus refers to all forms of violence against women criminalised (or, where applicable, otherwise sanctioned) under Chapter V of the Convention, which are *psychological violence, stalking<sup>2</sup>, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion,*

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<sup>1</sup> Requests for data and information will always apply to the two complete calendar years prior to receiving the questionnaire.

<sup>2</sup> Stalking includes engaging in unwanted communication “through any available means of communication, including modern communication tools and ICTs” (Explanatory Report, paragraph 182).

*forced sterilisation and sexual harassment*. It also refers to *domestic violence against women*, which is defined as physical, sexual, psychological or economic violence which occurs 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. Parties are reminded that, for the purpose of the Convention, the term “*women*” includes girls under the age of 18.

As provided for in Article 2, paragraph 2, Parties are required to pay particular attention to women victims of domestic violence, when applying provisions of the Convention to *all* victims of domestic violence.

Parties are also required to provide information on steps taken to secure the continued applicability of the Convention in situations of armed conflict (Article 2, paragraph 3).

### **C. State obligations and due diligence**

When drawing up their report on the basis of the present questionnaire, Parties must pay particular attention to their *obligations to refrain from engaging in any act of violence* covered by the Convention and ensure that all those acting on their behalf conduct themselves in conformity with this obligation, as required by Article 5, paragraph 1. It should be recalled in this regard that under international human rights law, the state has both negative and positive duties: public officials must respect the law and refrain from the commission of wrongful acts and must also protect individuals from their commission by non-state actors<sup>3</sup>.

Reports submitted by Parties should contain all relevant information on measures taken to exercise *due diligence* to prevent, investigate, punish and provide reparation<sup>4</sup> for any acts of violence covered by the Convention perpetrated by non-state actors<sup>5</sup>, as required by Article 5, paragraph 2. Parties are required to respond to all forms of violence covered by the Convention in a way that allows the relevant authorities to act in compliance with this obligation. Failure to do so incurs state responsibility for an act otherwise solely attributed to a non-state actor.

### **D. Bodies, agencies, institutions and organisations involved in the preparation of the report submitted by the Party in application of Article 68, paragraph 1**

Please indicate which official body is responsible for co-ordinating the collection of information in response to this questionnaire and the preparation of the report.

Please also specify:

- a. which government agencies contributed to the preparation of the report (including at regional/local levels);

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<sup>3</sup> The European Court of Human Rights (ECtHR) has established that the positive obligation to protect the right to life (Article 2, European Convention of Human Rights) requires state authorities to display due diligence, for example by taking preventive operational measures, in protecting an individual whose life is at risk (Explanatory Report, paragraph 58).

<sup>4</sup> The term “reparation” may encompass different forms of reparation under international human rights law such as restitution, compensation, rehabilitation, satisfaction, and guarantee of non-repetition (Explanatory Report, paragraph 60).

<sup>5</sup> The term “non-state actor” refers to private persons, a concept which is already expressed in point II of [Recommendation Rec\(2002\)5](#) of the Committee of Ministers of the Council of Europe on the protection of women against violence (Explanatory Report, paragraph 60).

The Criminal Policy function of the Department of Justice co-ordinated the collection of the information in response to this questionnaire.

The following government Departments and agencies contributed:

- The Department of Justice
- The Department of Children, Equality, Disability Integration and Youth
- The Department of Education
- The Department of Enterprise, Trade and Employment
- The Department of Health
- The Department of Social Protection
- The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media
  
- An Garda Síochána
- Central Statistics Office
- Courts Service
- Garda Síochána Ombudsman Commission
- Health Service Executive
- Office of the Director of Public Prosecutions
- The Legal Aid Board
- The Probation Service
- Tusla - The Child and Family Agency

- b. which other bodies, institutions or organisations were consulted when preparing the report (national human rights institution, non-governmental organisations (NGOs) and other civil society actors, etc.).

The following Non-Governmental Organisations contributed;

- Dublin Rape Crisis Centre
- Men's Development Network
- MOVE Ireland
- Women's Aid

## II. Integrated policies and data collection

(Chapter II of the Convention, Articles 7 to 11)

Please provide information on the adoption of comprehensive and co-ordinated policies on violence against women, the financial resources dedicated to the implementation of these policies, and support of the work of NGOs and other civil society actors, in particular women's organisations, the establishment of effective co-operation with these organisations, as well as data collection.

- A. Please provide details of the strategies/action plan(s) and any other relevant policies adopted by your authorities to address violence against women, as referred to in Article 7. Please describe in particular:

1. which forms of violence are covered;
2. the timeframe(s);
3. how the human rights of victims are placed at the centre of these policies;

4. how policies are co-ordinated to offer an effective holistic and comprehensive response;
5. measures taken to implement them at regional/local levels;
6. progress made in their implementation.

## Department of Justice

### Second National Strategy on Domestic Sexual and Gender-based Violence

The Second National Strategy on Domestic, Sexual and Gender-based Violence 2016 – 2021 was a whole of Government response to Domestic Sexual and Gender-based Violence and contained a range of actions to be implemented by Government Departments and agencies. The bulk of the Strategy's actions were aimed at changing societal attitudes through awareness raising to help prevent domestic and sexual violence, improving services to victims and holding perpetrators to account. The community and voluntary sector, working in collaboration with the State agencies, played a crucial role in ensuring the delivery of a successful strategy.

The strategy was a living document and had actions added on an ongoing basis. There were 74 actions with fourteen having been added since its publication in 2016. Some of the most important aspects were:

- Implementation of two Freephone 24-hour co-ordinated, integrated national helpline services for Domestic Violence and Sexual Violence respectively, in collaboration with Women's Aid and Dublin Rape Crisis Centre. Provision of these helplines was a requirement for Ireland to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention) which occurred on 8 March 2019.
- The commencement of the Domestic Violence Act 2018 on 1 January 2019 which addresses all aspects of domestic violence, threatened violence and intimidation in a manner that provides protection to victims.
- The enactment of the Criminal Law (Sexual Offences) Act 2017 which introduced a statutory definition of consent to a sexual act. It also addressed a number of evidential issues to protect child and adult victims of sexual assault from any additional trauma arising from the criminal process.
- The enactment of the Criminal Justice (Victims of Crime) Act 2017 which provides a wide range of measures to protect and inform victims during the progress of their case through the Criminal Justice system.
- The carrying out of a National Awareness Raising Campaign to change societal behaviours and activate bystanders to prevent domestic violence. This is a multi-annual campaign which in the first three years will focus on domestic violence with the focus of the campaign then shifting to sexual violence in 2019.
- The establishment of Divisional Protective Service Units in all 28 policing divisions nationwide.
- The creation of measures aimed at combatting sexual violence and harassment in higher education institutions.

### **Third National Strategy on Domestic Sexual and Gender-based Violence**

The third national strategy on Domestic Sexual and Gender-based Violence was launched on 28 June 2022 and has been developed in close collaboration with the National Women's Council of Ireland and Safe Ireland (the umbrella body for women's refuges). It is intended as a whole-of-government strategy to combat domestic, sexual and gender-based violence (DSGBV) and has a particular focus on prevention, as well as ensuring that the criminal justice system and other services better support victims. It aims to bring about the attitudinal and system changes needed to ensure that there is zero tolerance in Irish society for DSGBV.

The Strategy was developed in partnership with the sector to ensure it is targeted, comprehensive and effective in achieving all of the goals set out. It is structured around the four pillars or goals of the Istanbul Convention on preventing and combating violence against women and domestic violence; Prevention, Protection, Prosecution and Policy Co-Ordination. The Strategy was envisaged as setting out a high-level vision and objectives for Irish society in this area, as well as bringing about practical changes on issues that impact on victims. It will last for the period 2022 to 2026. The Strategy is accompanied by an implementation plan for 2022 to 2023 which sets out how each of the high-level aims and objectives will be achieved, which Departments and agencies are responsible for them, and the timeframe for progress during this initial period, so that it is targeted, ambitious and deliverable.

Both the high-level actions and the detailed implementation actions have been negotiated and agreed bilaterally in negotiations with each lead department and agency.

### **The Second National Action Plan to Prevent and Combat Human Trafficking**

The Second National Action Plan to Prevent and combat Human Trafficking in Ireland was launched in October 2016 by the Tánaiste and Minister for Justice and Equality, Frances Fitzgerald, T.D. Core to the plan is a victim centered and human rights based approach with the ultimate aims of preventing human trafficking, ensuring an effective criminal justice response and delivery of supports to victims. The Second National Action Plan seeks to build on the work carried out to date and set out a strategy for the coming years. This plan leverages and builds on international and domestic experience and provides for new initiatives in order to address human trafficking in all its forms.

Part 1 of Second National Action Plan outlines the structures and policies to be put in place to address human trafficking and support its victims. Part 2 of the Plan outlines the priorities identified to further address this issue and set out clear targets for delivery.

There is a list of 65 actions in the Second National Plan whose Goals and Priorities are to:

- Prevent trafficking in human beings
- Identify, assist and protect and support victims of trafficking in human beings
- Ensure an effective criminal justice response
- Ensure that Ireland's response to human trafficking complies with the requirements of a human rights based approach and is gender sensitive.
- Ensure effective co-ordination and co-operation between key actors, both nationally and internationally
- Increase the level of knowledge of emerging trends in the trafficking of human beings
- Continue to ensure an effective response to child trafficking.

Delivery on the commitments in this Plan is reliant on a range of bodies across Government and State Services. It is also important to recognise the role played by civil society in responding to this issue; they too have a crucial role to play. Partnership between the State



and civil society will continue to be central to the States approach to tackling this heinous crime and supporting its victims.

Work has commenced on the development of a new National Action plan with an intention to launch in Q4 2022. The current action plan retains many pertinent and worthwhile goals but some new European wide approaches to tackling trafficking had developed in recent years and will be accounted for in particular;

- A greater recognition of a gender element to trafficking and gendered tailored responses.
- A greater focus on integration of identified victims and not just to address the immediate crime itself

## An Garda Síochána (AGS) – Irish Police Force

### 1. which forms of violence are covered;

Not accounting for a variety of legislation covering crimes with an ingredient of violence, there are primarily two policies in place in An Garda Síochána that are relevant here:

- HQ Directive 23/2017 (An Garda Síochána Policy on Domestic Abuse Intervention 2017)

This HQ Directive had an amendment (HQ Directive 002/2020) in January 2020 'The Domestic Abuse Intervention Policy at section 12.6(c): conducting 'In-Person Call-Backs' to victims of Domestic Abuse'.

- HQ Directive 48/2013 Garda Síochána Policy on the Investigation of Sexual Crime, Crimes against Children and Child Welfare 2013

### 2. the timeframe(s);

Since 2018 policies issued within An Garda Síochána are subject to a one-year review, twelve months from the date of issue. Subsequent reviews occur every three years. An Garda Síochána Policy and Governance Coordination Unit (PGCU) issues reminders to policy owners advising that reviews are due. The draft policies referred to above will be subject to these review periods. As An Garda Síochána Policy on Domestic Abuse Intervention was issued in 2017, it falls outside of this review. However, the timeframe of this policy will continue until it is replaced by a new policy.

### 3. how the human rights of victims are placed at the centre of these policies;

May 31<sup>st</sup> 2019, An Garda Síochána published **HQ Directive 19/2019** which introduced a suite of material in order to formalise the human rights principles that were already operated within An Garda Síochána, namely: a '*Human Rights Framework*', '*Human Rights Screening Tool*' and '*A Human Rights Based Approach to Policing – Operational Guidance Document*'. These documents are there to ensure that the development of all policies, procedures and guidance is supported by a comprehensive framework of human rights standards for use in embedding relevant human rights principles in Garda policy and relevant documents, and to ensure they are drafted in a human rights compliant manner. They also provide a framework of human rights standards against which all policies, procedures, guidance, training, training material,

decision making, operational orders and practice are to be measured against when reviewing and monitoring human rights compliance.

**Human Rights Framework** - The Human Rights Framework is a comprehensive human rights resource for An Garda Síochána. It is a reference point for policy drafters, training and operational personnel for identifying key human rights engaged in any particular circumstance. In particular, it provides a detailed overview of human rights law, the relevance of human rights to policing and it addresses each right on a right by right basis. The Human Rights Framework is supported by the Human Rights Screening Tool.

**Human Rights Screening Tool** – The Human Rights Screening Tool provides a structure for the development, implementation and monitoring of human rights compliance consistently across the three pillars of policy, training and operations. This Screening Tool is to be utilised in conjunction with the Human Rights Framework by those developing and implementing policy, developing and implementing training material, developing and implementing operational orders and inspection by supervisory officers, inspection and review teams or other agreed processes ensuring key human rights principles are embedded throughout the documents. The Human Rights Screening Tool provides a set of questions which act as prompts to ensure that human rights standards, which are provided for in the Human Rights Framework, are met in accordance with legal obligations. The Human Rights Screening Tool is accompanied by guidance notes on a question by question basis.

**A Human Rights Based Approach to Policing** – Operational Guidance Document - Garda Personnel in their daily duties be it operational or administrative, will apply human rights standards in accordance with the Human Rights Framework. In doing so, they will be guided by this Operational Guidance Document. This Guidance Document provides general guidance to Garda Personnel so that they may be aware of how human rights are to be observed in the course of their work. It sets out what human rights based policing actually entails and provides specific guidance to applying human rights standards.

**Garda Decision making Model** – The Garda Decision Making Model places human rights and ethics at the core of all decision making. This means that human rights, which includes the rights of victims, must be front and centre of all policies and procedures, operations and training where the rights of victims may be engaged.

Compliance with HQ Directive 19/2019, and its accompanying associated documents, is mandatory for all Garda personnel.

4. how policies are co-ordinated to offer an effective holistic and comprehensive response;

All new and revised Policies/Procedures within An Garda Síochána are developed, implemented, monitored, and reviewed in accordance with the overall Policy Development Process outlined in HQ Directive 36/2018. A Policy Proposal Form (PPF) initiates and governs the Policy Development Process. Consequently, the Policy and Governance Coordination Unit (PGCU) project manages the Policy and guides it through each development stage to ensure that these documents meet the standards and requirements set out in the Policy Framework Initiative. This process ensures new policies are consistent with surrounding Policy already in existence in An Garda Síochána. The PGCU, employ three governing principles which embody the Policy Development Process, as follows:

- 1) Evidence-based Policy making - is a conscientious approach to intentionally use external oversight body reports and recommendations (i.e. Garda Inspectorate, Policing

Authority, the Commission on the Future of Policing in Ireland), other external policing analysis reports and relevant research and data including international best practice to inform the Policy Development Process. Empirical data suggests that Evidence-based Policies, by and large, are those found to be effective in prior rigorous studies in achieving missions and goals, which include the reduction of crime.

2) Operational Functionality - aims to ensure effectiveness in an operational environment which includes the utilisation of comprehensible and easily understood language to provide direction which is clear, intelligible and unambiguous. This involves assessing the viability of the Policy in an operational context and ensuring it helps in achieving the organisations Mission Statement. It should leave scope for decisions to be made by personnel themselves and that their initiative is not hampered.

3) Situational Analysis - Policies need to have clearly defined objectives and if required, solutions or options, with a justification for each of the solutions. This includes the identification of existing Policies and related documents which are being implemented in the same area. This will include the Policy ownership area as well as other Policy areas. The identification of existing and future relationships and interdependencies among such Policies should be assessed as a whole.

The structure, grammar, format, capitalisation and editing is in accordance with a 'Policy writer guidance' document issued from the Policy & Governance Coordination Unit.

#### 5. measures taken to implement them at regional/local levels;

Once a HQ Directive is issued to introduce a new or revised policy to the organisation, compliance is mandatory for all personnel in An Garda Síochána. Breaches of policy may be dealt with under relevant disciplinary processes for Garda members and Garda staff.

With reference to the HQ Directive 23/2017 (An Garda Síochána Policy on Domestic Abuse Intervention 2017) and HQ Directive 002/2020 Conducting In-Person Call-Backs' to victims of Domestic Abuse each District Officer will have a direct supervisory responsibility for the implementation of this Policy. Each Divisional Officer will nominate an Inspector to oversee the implementation of this Policy and evaluate its effectiveness within that Division.

#### 6. progress made in their implementation.

Monitoring compliance with policy is the responsibility of the policy owner. The PGCU has issued guidance to policy owners outlining the methods available to monitor compliance including spot checks, inspection and review process, use of specialist sections (GIAS or GPSU), PAF, risk register, PULSE KPI reports etc. With reference to the HQ Directive 23/2017 (An Garda Síochána Policy on Domestic Abuse Intervention 2017) and HQ Directive 002/2020 Conducting In-Person Call-Backs' to victims of Domestic Abuse each District Officer will have a direct supervisory responsibility for the implementation of this Policy within their respective operational hubs. The ongoing monitoring of Policies is via local governance structures.

## Probation Service

The Probation Service is the lead agency (Ireland) with the primary purpose of the assessment and management of people who have offended and are subject to supervision in the community. Through offender rehabilitation, the Probation Service is committed to creating safer communities and fewer victims.

A number of policies/strategies guide and support our work to address violence against women, in particular the *Probation Service Policy and Guidelines on Domestic Violence 2016*. In addition, the Probation Service recently implemented *Probation Service Policy and Guidelines on Intimate Partner Abuse 2022*. These documents outline the roles and responsibilities of Probation Service staff in the assessment, supervision and rehabilitation of perpetrators of domestic abuse. While this work is, in the main, with the people who have committed domestic violence offences, a central focus of our work is the impact of offending on victims, with victim safety being the central consideration of all interventions.

The Probation Service Strategy on Domestic Violence 2015-2017 sets out four key goals and related actions based on the Second National Strategy on DSGBV as follows:

- The assessment and supervision of perpetrators of domestic violence
- Liaison and collaboration with NGOs in the delivery of perpetrator programmes.
- Supporting victims of DSGBV
- Raising awareness of DSGBV with stakeholders and partners.

The Probation Service are still implementing the strategy's goals post 2017 and will be updating the strategy to reflect the new actions and goals contained in the new Department of Justice Third National strategy on Domestic Sexual and Gender-based Violence launched in June 2022.

*The Victims Charter 2020* commits the Probation Service to take account of victim concerns when preparing Court reports, strongly encouraging offenders to take responsibility for the hurt, damage and suffering they have caused to their victims. The charter also commits the Probation Service to explore ways in which offenders can make good the harm they have caused, to make sure offenders address any lifestyle issue or attitude that has contributed to their offences against the victim and to ensure that community based programmes are sensitive to victim concerns and aim to prevent reoffending.

During February 2022, The Probation Service also published a *Policy on Victim Engagement*, which further supports stated commitments under the Victims Charter.

As a public body, the Probation Service also has a responsibility to promote equality, prevent discrimination and protect human rights of its service users and anyone affected by its policies and plans (Irish Human Rights and Equality Act 2014)

The Probation Service has in place two national leads on 1) domestic abuse; and 2) Victim's rights/needs who work in conjunction with operational staff groups and women's advocacy organisations to inform and scope priorities. All policies and guidelines are distributed nationally and progress on implementation measured through quarterly work plan reviews.

## Office of the Director of Public Prosecutions (ODPP)

The Office of the DPP recognises the importance of combatting violence against women, and that victims of domestic, sexual and gender based violence (DSGBV) are disproportionately

female. There has been substantial and ongoing work in this area in relation to our core prosecution function of directing and prosecuting on criminal offences.

The Office of the DPP recognises that women, who are called to give evidence for the prosecution of offences of violence, require information about that system to meaningfully participate in it. To that end, substantial work has gone into the writing of accessible information materials for the victim. The Office of the DPP also recognises that these women may be, by virtue of the offences committed against them, traumatised. The Office of the DPP has been engaged in delivering training to our prosecutors on trauma and its effects for those prosecutors who interact directly with the victim in the District Court, Circuit Court and Central Criminal Court and also more indirectly in the Directing Division and the Victims Liaison Unit. Finally, because there many other stakeholders in the Criminal Justice System working to effect positive change for the victim, the Office of the DPP has engaged in cross sectoral work.

## **ODPP Policy on DSGBV – Appendix 1**

### **Health Service Executive (HSE)**

#### **HSE Policy on Domestic, Sexual and Gender-based Violence**

The HSE acknowledges that Domestic Violence and/or Sexual Violence is a serious health, social and human rights issue. Central to strategic planning and provision of prevention and intervention initiatives regarding Domestic Violence and/or Sexual Violence are the principles which underlie such an approach. Human rights is a core principle described as Domestic Violence and/or Sexual Violence is a human rights issue affecting both men and women; however, the vast majority of victims are women.

The policy is designed to dovetail into the National DSGBV Strategies developed by the Department of Justice. The success of this strategy relies on a multi-agency approach, so that everybody plays their part in helping families create safer lives for themselves. The policy focuses on a strengths-based approach to addressing Domestic Violence and/or Sexual Violence and is about delivering on 8 Key High-Level Goals and Actions

A HSE DSGBV sub-group has been established to coordinate the HSE response to DSGBV at a national and regional level.

The focus for implementation of the policy has been on training of frontline healthcare staff. A national training programme was developed in 2018 and the [HSE National Domestic, Sexual and Gender-Based Violence Training Resource Manual](#) was developed to support staff in recognising, responding and referring. A review of current approaches and outcomes of DSGBV in priority settings was carried out with staff during 2019-2020 and most recently received ethical approval to carry out a review with survivors of DSGBV. The outcomes of this review will inform the future direction of the HSE response to DSGBV.

- B.** Please provide an account of financial resources allocated to the implementation of the above-mentioned policies, as required by Article 8, with an indication of the sources of financing (amount of financing allocated and its percentage of the total annual state budget; amount of financing allocated and its percentage of regional budgets; amounts from other sources).

### **Tusla, the Child and Family Agency**

Tusla, the Child and Family Agency, are the primary State funder of services supporting victims of domestic and sexual violence including, for example, by the provision of funding for rape crisis centres, refuges and other support service to victims of such crimes.

In 2020, a total of €25.3m was made available from the Department of Children, Equality, Disability, Integration and Youth (DCEDIY, Tusla parent Department) to Tusla to fund DSGBV services. In 2021, a total of €30m was made available from DCEDIY to Tusla to fund DSGBV services. This includes a €2.7m increase in core funding to €28m, with an additional €2m of once-off contingency funding also being made available to help services cope with the ongoing effects of Covid-19. This represented in total for 2021 a €4.7m increase over the original 2020 figure allocated to Tusla.

DCEDIY secured an increase of €41m for Tusla under Budget 2022 which includes the budget for Domestic, Sexual and Gender Based Violence (DSGBV) services.

Since 2014, this part of Tusla's budget has almost doubled from €17.5m to €30m in 2021.

## Department of Justice

	<b>2020 €000</b>	<b>2021 €000</b>	<b>2022 €000</b>
Funding for Prevention of Domestic, Sexual and Gender Based violence	2,556	4,389	8,100
Funding for Services to Victims of Crime	1,892	3,800	4,900
<b>Total</b>	<b>4,448</b>	<b>8,189</b>	<b>13,000</b>

The Government in Budget 2022 provided over €13m to the Department of Justice to support victims of crime and to combat domestic, sexual and gender based violence. This is an increased allocation of €5m and will enable the Department to roll out specific awareness raising and training programmes to combat domestic, sexual and gender based violence. An additional €1m is being provided to the Garda vote to refurbish and upgrade the Divisional Protective Service Units, and an additional €1.1m will be used to put in place a legal advice and legal aid service in court for victims of sexual violence. This will allow for better support and protection for vulnerable victims. An additional €785,000 in direct supports to NGOs and specific domestic violence intervention programmes is also being provided and will support a number of front line activities.

Separately, €4.9m has been allocated to support victims of crime. This includes the retention of emergency COVID-19 funding to address the impact of the pandemic on support services.

The Department also provides funding to support the work of An Garda Síochána to combat such violence, with Budget 2022 increasing the total Garda budget to over €2 Billion.

Under the new DSGBV Strategy the intention is to explore the potential for the introduction of standardised multi-annual funding structures, processes and service agreements that consider the full economic costs of DSGBV service delivery. In this regard, the Department currently funds a number of NGOs that provide supports for victims of crime planned on a multi-annual basis.

Reflecting the Government's commitment to make this the most ambitious Strategy to date, and in particular to make a real impact on the provision of refuge units and other associated support services, will require additional expenditure.

The overall cost of implementing the entire Strategy is estimated to be in the region of €363m.



It plans to deliver 141 new units of refuge accommodation on a phased basis at a capital cost estimated at €70.5m and running costs of €33m over the lifetime of the strategy.

Other additional running and development costs (e.g. project management and capacity building supports, current costs for provision of step down facilities and safe homes) are estimated to cost some €10m over the five-year life time of the Strategy.

These figures are in addition to Tusla's 2022 current funding allocation of €30m per annum for refuges, rape crisis centres and associated helpline services. This equates to €150m over the lifetime of the Strategy.

The Strategy will provide enhanced support for victims within trial and other criminal justice processes, victim awareness and trauma-informed training for front-line and other staff and legal professionals, legal aid for victims, national awareness campaigns and other communications campaigns, and an expansion of existing perpetrator programmes to create a national programme of interventions for men who have been violent. These costs will come to some €74m over the lifetime of the Strategy, of which some €51m is already, on the basis of the 2022 allocations, provided for in my Department's Vote.

The establishment and running costs of the DSGBV Agency are estimated at €3.5m in a full year or some €11.5m in total over the lifetime of the Strategy.

Finally, the Garda Commissioner has advised that the deployment of Body Worn Cameras (BWC) can play a significant role in the management of domestic violence situations and in gathering evidence for subsequent use in prosecutions. Accordingly, an estimate of €14m has been included to cover the cost of procuring and deploying this equipment.

#### **Health Service Executive (HSE)**

€72,000 has been allocated since 2019.

#### **Department of Health (DOH)**

Under the Women's Health Action Plan DOH have committed €0.25 million as an additional investment in Sexual Assault Treatment Units.

- C. 1.** How is the work of **NGOs and other civil society actors**, in particular women's organisations, recognised, encouraged and supported, as required by Articles 8 and 9?<sup>6</sup>

Responsibility for DSGBV and Victims of Crime falls under the remit of Community Safety Policy, Criminal Justice Policy in the Department of Justice with regard to policy, and the Transparency function with regard to awareness raising campaigns. The Second and Third DSGBV strategies are/were monitored by a group consisting of Government Department and agency representatives, NGOs and members of the legal profession. There were 13 NGO groups sitting on the monitoring committee for the Second DSGBV strategy. Monitoring the implementation of the Strategy was an action within the Strategy and the placing of an annual report of the strategy in the Oireachtas library, after being noted by Government, is also an

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<sup>6</sup> Support for NGOs and other civil society actors means allocating appropriate financial resources for the activities by such actors and recognition of their work by, "for example, tapping into their expertise and involving them as partners in multi-agency co-operation or in the implementation of comprehensive government policies which Article 7 calls for" (Explanatory Report, paragraphs 66 and 69).

action and a requirement of the Istanbul Convention on preventing and combating violence against women and domestic violence.

As part of the Second DSGBV strategy there is a national awareness campaign underway entitled "What would you do?" which was launched in November 2016. The Department met with six NGO members of the monitoring committee of the DSGBV strategy to discuss the campaign on the following dates; 22 Jan 2019, 27 Sep 2019, 20 Dec 2019, 20 Feb 2020, 24 Aug 2020 and 09 Oct 2020.

The Department also chairs a steering committee of the national domestic violence intervention programme entitled 'Choices' which is funded by the Department. This committee includes representatives from the service providers of the programme including from the MOVE and MEND organisations who work with men who engage in domestic violence.

A new Bi-Annual Victims' Forum for state, social and community groups has also been established. Topics include subjects relevant to victims' rights advocates and the criminal justice system and invitations are extended to DSGBV NGOs funded under the Departments' Victims of Crime grant scheme.

A human trafficking stakeholder's forum was established in July 2020 with NGO and relevant statutory agencies to facilitate structured dialogue between all stakeholders on how Ireland's response to human trafficking can be further enhanced and coordinated. Part of the forum's work plan was to carry out a review of the Second National Action Plan on Human Trafficking and development of a Third Plan of Action, focusing on whether there is need for a third plan of action, and if so, what are the most effective aspects of the current Action Plan that should be carried through.

2. Which measures are taken to ensure effective co-operation with these organisations at national and regional/local levels?

The Second National Strategy on Sexual, Domestic and Gender-Based Violence 2016 - 2021 was monitored by a Committee consisting of Government Department and agency representatives, non-governmental organisations and members of the legal profession. The Committee met four times per year, with two of these meetings to monitor updates on the strategy and two which focused on wider thematic issues related to the domestic, sexual and gender-based violence sector.

The new Third National Strategy on DSGBV was launched on 28 June 2022 and will feature a similar monitoring committee framework. The first meeting is scheduled for Q4 2022 following completion of Q3 2022. Updates will be provided and discussed with regard to the implementation plan 2022/23 which accompanied the full Strategy..

**D. Please provide details on the **body(ies) established or designated in application of Article 10.****

1. Have your authorities established or designated one or more official bodies<sup>7</sup> for the co-ordination and implementation of policies and measures to prevent and combat all forms of violence covered by the Convention?

If so, for each body, please indicate the

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<sup>7</sup> The term "official body" is to be understood as any entity or institution within government (Explanatory Report, paragraph 70).



- a. name;
- b. administrative status;
- c. powers and competences;
- d. composition (in particular, please specify if NGOs active in combating violence against women are members);
- e. annual budget;
- f. human resources (namely number of staff, their general professional backgrounds and any training on the Convention received); and
- g. main results obtained since its establishment.

Responsibility for DSGBV and Victims of Crime falls under the remit of Community Safety Policy, Criminal Justice Policy in the Department of Justice with regard to policy, and the Transparency function with regard to awareness raising campaigns. Tusla, the Child and Family Agency, are the primary State funder of services supporting victims of DSGBV including, for example, by the provision of funding for rape crisis centres, refuges and other support service to victims of such crimes.

2. Have your authorities established or designated one or more separate body(ies) for monitoring and evaluating policies and measures to prevent and combat all forms of violence covered by the Convention?

If so, for each body please indicate the

- a. name;
- b. administrative status;
- c. powers and competences;
- d. composition (in particular, please specify if NGOs active in combating violence against women are members);
- e. annual budget;
- f. human resources (namely number of staff, their general professional backgrounds and any training on the Convention received); and
- g. main results obtained since its establishment.

Please see D 1.

- E. 1. Please specify the entities<sup>8</sup> collecting relevant **data** and the type of data collected by each of them.

An Garda Síochána collect data on all incidents reported to them; this includes crime and non-crime incidents.

2. With regard to each type of data, please indicate if the data is disaggregated by sex, age, type of violence as well as the relationship of the perpetrator to the victim, geographical location, and any other factors deemed relevant, for example disability.

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<sup>8</sup> Please specify if data are collected by all publicly funded agencies which are mandated in your country to assist victims and prevent violence. If so, please explain which data are collected, for example, by:

- a. law enforcement agencies/criminal and civil justice services (including the police, prosecution services, courts, and prison and probation services);
- b. health care services (for example doctors, accident and emergency services, hospitals);
- c. social services, social welfare and specialist victim services (state and NGO); as well as
- d. other official bodies generally mandated for data collection, such as the statistical office/bureau.

### **An Garda Síochána (AGS)**

Information necessary for the investigation, detection and prosecution of crime incidents is collected. This includes demographic information on suspected offenders and victims of crime. It is possible to disaggregate data by sex, age (based on recorded date of birth) and the geographic location where the crime occurred. Since July, 2021, a new, mandatory field has been added to the Garda incident recording system (PULSE), to record the victim offender relationship. This is completed as part of the victim assessment process and is available for all such incidents recorded since July, 2021. New hate related discriminatory motives were introduced on PULSE in October, 2020. Since that time, where an incident is hate related, the following discriminatory motives may be recorded: anti-age, anti-colour, anti-disability, anti-ethnicity, anti-gender, anti-nationality, anti-race, anti-religion and anti-sexual orientation. Additionally, also as part of the victim assessment process, any particular needs of victims of crime are identified, such as, need for translation services or any other specific needs, including visual and literacy.

3. How is this data collated and made public at national level?

### **An Garda Síochána (AGS)**

Data is collected by the Garda Síochána for internal, operational purposes. The Garda Síochána publishes a variety of statistics/reports on their website.

Crime incident information is also shared with the Central Statistics Office (the official source of crime statistics in Ireland) for the purpose of collating and publishing crime statistics and other reports on crime trends.

- F. Please give information on any research supported by your government in relation to Article 11 paragraph 1b in the years 2020-2021

### **Department of Justice**

During the period in question, i.e. 2020 – 2021, there were three relevant pieces of research being undertaken by the Research and Data Analytics unit of the Department of Justice. They were ...

- **Empirical research on the processing of sexual offence cases**
- **Sexual Violence Survey (SVS)**
- **Evaluation of domestic violence intervention programmes:**

### **DOJ Research – Appendix 2**

- G. Please provide information on any **population-based survey(s)** conducted on violence against women as required by Article 11, paragraph 2.

For each survey, please indicate

1. the form(s) of violence covered;
2. its geographic reach (state-wide, regional, local);
3. its main results; and
4. whether the results were made public (with an indication of the sources).

## Central Statistics Office (CSO)

Sexual Violence Prevalence Study (SVPS)

Sexual Abuse and Violence in Ireland Report (SAVI) (2002)

ESRI report on domestic violence (2004/2005)

### CSO Surveys – Appendix 3

## III. Prevention

(Chapter III of the Convention, Articles 12 to 17)

In light of the overarching general obligations in the area of prevention provided for in Article 12, paragraphs 1 to 6, please provide an account of preventive action taken, including to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men. Such preventive action must address the specific needs of persons made vulnerable by particular circumstances and place the human rights of all victims at their centre. It must also encourage all members of society, especially men and boys, to contribute actively to preventing all forms of violence, and include the promotion of programmes and activities for the empowerment of women. Please also indicate which measures have been taken to ensure that culture, custom, religion, tradition or so-called honour are not considered as justification for any acts of violence.

Please bear in mind that the above principles apply to all preventive measures taken in accordance with the obligations contained in Chapter III.

- A. What **campaigns and programmes** on any of the forms of violence covered by the Convention have your authorities promoted or conducted in accordance with Article 13, paragraph 1?

**Department of Justice, Department of Education and HSE Awareness Raising – Appendix 4**

- B. What steps have your authorities taken to include **teaching material**<sup>9</sup> in formal education curricula at all levels of education, and/or in non-formal education, as required by Article 14, paragraph 1?

### Department of Education

In addition to updating the curriculum, the National Council for Curriculum and Assessment (NCCA) began work in 2020 to develop support materials for teachers and these are now published across three Toolkits on [www.curriculumonline.ie](http://www.curriculumonline.ie) – one for primary teachers, one for junior cycle/lower secondary and one for senior cycle/upper secondary teachers.

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<sup>9</sup> The term “teaching material” refers to material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in inter-personal relationships, gender-based violence against women and the right to personal integrity.

The toolkits' purpose is to support effective teaching and learning of SPHE/RSE linked to the curriculum and to provide guidance on how SPHE/RSE may be approached in a comprehensive way that meets the needs of young people today. There are resources to help teachers in teaching about rights and responsibilities in relationships, how to recognise healthy, unhealthy and abusive relationships, how to interact safely and respectfully online, gender stereotypes, gender and sexual diversity, sexual consent and much more.

Sample **new** teaching resources and guidance materials published in the **primary toolkit** and that promote gender equality and help challenge unhelpful social norms and stereotypes include:

- Guidance on [Using inclusive and respectful language](#) which highlights the importance of inclusive language related to relationships and sexuality, and includes a section on adopting a gender inclusive approach and environment.
- [Teaching about consent](#) aims to support primary teachers in teaching about consent as a core principle relevant to all interpersonal relationships and [Helping your child to learn about consent](#) offers practical advice for parents on how they can support their child's learning.

Sample **new** resources and guidance materials published on the **post-primary toolkits** include:

- [Gender identity and gender expression e-resources for second level schools](#) was designed to help teachers to understand and support diversity of gender identities.
- [LGBTQI+students' experiences of RSE: Guidance for SPHE teachers](#) provides support for teachers in creating a more LGBTQ+ inclusive classroom.
- [Relationships and Sexuality Education Unit 1](#): This unit was designed by the HSE for First Year students learning RSE (2020) and includes lessons on healthy relationships, gender stereotypes, and other relevant topics. Units 2 and 3 to follow in 2022.

Recently, the NCCA collaborated with [Barnardos](#) in producing a short animated video - [Supporting children and young people living with Domestic Violence and Abuse](#) - which aims to develop teachers' awareness and understanding of Domestic Violence and Abuse (DVA) and help them support children and young people in their class who might be experiencing DVA.

The NCCA Toolkits will be expanded during 2022-2023 to include further age and stage appropriate guidance for teachers on how to address a range of topics within the SPHE classroom so that teachers feel more confident in addressing important and sensitive issues with children and young people.

## **Department of Children Equality Disability, Integration and Youth (DCEDIY)**

### Early Learning and Care and School Age Childcare sector training:

Equality, Diversity and Inclusion training that forms part of the suite of continuing professional development training offered to the Early Learning and Care and School Age Childcare sector in Ireland focuses on 3 aspects that support young children's learning under the pillar of Prevention: "... including to promote changes in the social and cultural patterns of behaviour of women and men with a view to eradicating prejudices, customs, traditions and other practices which are based on the idea of the inferiority of women or on stereotyped roles for women and men.

These include the Anti-Bias approach taken to understanding equality diversity and inclusion based on the 9 grounds of Irish legislation<sup>10</sup> including understanding gender bias. This approach builds adult's and children's comfort with difference, understanding of personal rights, fairness and standing up for others. It also supports introducing a specific 6 step conflict resolution approach where children are supported by the educator to name their feelings, articulate their cause of conflict, propose a solution, agree the solution, follow through on implementing the agreement and discuss their feelings on the resolution. Two thirds of Irish Early Learning and School Age Childcare services have so far availed of the training.

- C. Please indicate (using Table 1 in the Appendix) the categories of professionals who receive **initial training** (education or professional training) as required by Article 15<sup>11</sup>. Additional information which you consider relevant in this context may be provided in narrative format.

### **An Garda Síochána (AGS)**

Education can be divided up and categorised into two areas, **The Foundation Training Programme** which covers the training of Trainee Gardaí and **Continuous Professional Development**, the in service training of sworn members of An Garda Síochána and Garda Staff.

#### **The Foundation Training Programme**

Within the Foundation Training Programme Trainee Gardaí cover Domestic Abuse in accordance with HQ 23/2017, the Domestic Abuse Intervention Policy 2017. This training sits within the Policing with Communities Module and Trainee Gardaí must pass an assessment to successfully complete the module. The training covers An Garda Síochána Policy on Domestic Abuse Intervention 2017, HQ 23/17 includes relevant legislation, developments arising from the National Strategies on the prevention of Domestic, Sexual and Gender based Violence and to comply with the Istanbul Convention and the EU Victims Directive (2012/29/EU). Delivery of this training is done by way of online lectures, classroom based workshops with an overriding learning pedagogy of Problem Based Learning.

#### **Continuous Professional Development**

On attestation at the end of Phase I of the Foundation Training Programme all Garda members must complete a mandatory E-Learning module on Domestic Abuse on the LMS. Members must complete 14 modules and is structured as follows:

- a. Understanding of Domestic Abuse
- b. Domestic Violence Act 2018
- c. High Risk Indicators
- d. Coercive Control
- e. Call Procedures
- f. Post Incident Engagement
- g. Criminal Process
- h. File Preparation
- i. Data Quality
- j. Risk Evaluation Background
- k. Risk Evaluation Tool completion

<sup>10</sup> gender, marital status, family status, age disability, sexual orientation, race, religion, and membership of the Traveller community

<sup>11</sup> This comprises training on the prevention and detection of violence against women, standards of intervention, equality between women and men, the needs and rights of victims, prevention of secondary victimisation, multi-agency co-operation.

### Health Service Executive (HSE)

Training is available to all frontline health and social care professionals.

- D. Please indicate (using Table 2 in the Appendix) the number of professionals per year who have benefitted from **in-service training** on violence against women. Additional information which you consider relevant in this context may be provided in narrative format.

### AGS

As of 16th June 2022, 12,129 Garda personnel which includes Gardaí and Garda staff have completed the training as of 16<sup>th</sup> June 2022. A breakdown of the ranks and grades of personnel is listed below:

Grade / Rank	Sum of Number trained
Clerical Officer	50
Executive Officer	33
Garda	9770
Higher Executive Officer	1
Inspector	335
Reserve Garda	57
Sergeant	1813
Superintendent	70
<b>Grand Total</b>	<b>12129</b>

Induction Training for Divisional Protective Service Units (DPSU) is also provided. Topics which form part of the learning include Legislation and Policy, HQ Directives, Crime Allocation Document information and the Protective Services Unit Fact Sheet.

Garda incident recording system (PULSE) has recently released version 7.7. This version of PULSE includes additional features which can be utilised when recording domestic violence orders. The content takes approximately ten minutes to complete. As of 16th June 2022, 11,088 Garda personnel which includes Gardaí and Garda staff have completed the training, the rank and grade breakdown is set out hereunder:

Grade / Rank	Sum of Number trained
Clerical Officer	91
Executive Officer	32
Garda	8759
Higher Executive Officer	1
Inspector	306
Reserve Garda	104
Sergeant	1691
Superintendent	102
Temporary Clerical Officer	2
<b>Grand Total</b>	<b>11088</b>

### HSE

A breakdown of the professionals undertaking training during 2018-2019 is not available, however 1,500 staff received training until face to face training was suspended during the COVID-19 pandemic

**E.** Please provide information on action taken to set up or support programmes for **perpetrators of domestic violence** as referred to in Article 16, paragraph 1. In particular, please provide details on:

1. the overall number of existing programmes, their geographical distribution, the implementing institution/entity/body (prison service, probation service, NGOs, other), their compulsory or voluntary nature, as well as the number of places and the number of perpetrators enrolled annually;
2. the measures taken within the framework of these programmes to ensure that the safety of, support for and the human rights of women victims are of primary concern and that they are implemented in close co-ordination with specialist support services for women victims;
3. how a gendered understanding of violence against women has been incorporated in these programmes;
4. funding sources and annual amounts for these programmes; and
5. measures taken to evaluate their impact.

Since 2005, the Department of Justice has funded the delivery of domestic violence perpetrator programmes in Ireland through Move Ireland, the Men's Development Network and the North East Domestic Violence Intervention Programme. In 2016 the Department of Justice initiated a process to standardise the delivery of training. This initiative's objective was to ensure a consistent process of intervention by each of the agencies was attained and that standards and quality of facilitation across the organisation was also achieved.

The Choices Programme is a National Domestic Violence Perpetrator Programme (DVPP) and it has been in place since 2017. An advisory committee consisting of the Department of Justice, Tusla (the Child and Family Agency), the Probation Service and service delivery representatives meets on a quarterly basis. This meeting provides updates on programmes and serves as an opportunity for communication between the Department and the service agents.

#### **Choices Perpetrator Programmes – Appendix 5**

**F.** Please provide information on action taken to set up or support programmes for sex offenders as referred to in Article 16, paragraph 2. In particular, please provide details about:

1. the overall number of existing programmes, their geographical distribution, the implementing institution/entity/body (prison service, probation service, NGOs, other), their compulsory or voluntary nature, as well as the number of places and the number of perpetrators enrolled annually;
2. the measures taken within the framework of these programmes to ensure that the safety of, support for and the human rights of women victims are of primary concern and that they are implemented in close co-ordination with specialist support services for women victims;
3. how a gendered understanding of violence against women has been incorporated in these programmes;



4. funding sources and annual amounts for these programmes; and
5. measures taken to evaluate their impact.

### Probation Service

1. [Safer Lives programme \(Community based programme\)](#)
2. [Building Better Live \(Exploring Better Lives / Practicing Better Lives\) Prison Based Programmes](#)

### Offender Programmes - Appendix 6

- G.** What action has been taken to encourage the private sector, the information and communication technology (ICT) sector and the media, including social media, to participate in the elaboration and implementation of policies as set out in Article 17, paragraph 1?

The Government is committed to make digital and media spaces safer by introducing robust regulation through legislation. This is a key objective in the Third National Strategy on Domestic Sexual and Gender based Violence which was approved by Government and launched in July 2022.

The 2022-2023 [Implementation plan](#) for the strategy includes a commitment to enact the Online Safety and Media Regulation Bill and establish Coimisiún na Meán (the media commission) – objective 1.5.

### The Online Safety and Media Regulation (OSMR) Bill – Appendix 7

- H.** Please specify which self-regulatory standards such as codes of conduct for the ICT sector and the media, including social media, exist in the area of violence against women and/or gender equality (for example to refrain from harmful gender stereotyping and spreading degrading images of women or imagery which associates violence and sex).

- **Broadcasting Authority of Ireland**
- **Press Council**
- **Regulatory modernisation**

### Media Standards – Appendix 8

- I.** What measures have been taken to encourage the establishment of protocols or guidelines, for example, on how to deal with sexual harassment in the workplace; and to raise awareness of human resources staff on issues of violence against women, including domestic violence?

### Department of Children, Equality, Disability, Integration and Youth (DCEDIY)

#### Development of Domestic Violence Leave:

The Irish Programme for Government contains a commitment to undertake an investigation into the provision of paid leave and social welfare supports to victims of domestic violence. DCEDIY are currently finalising policy proposals on the provision of domestic violence leave for consideration by Government and has examined both international models of domestic



violence leave and best practice in this regard. A report is being prepared based on this work which will be brought to Government shortly. The report will include recommendations on how best to support employees experiencing domestic abuse, including leave. Legislative proposals to introduce an entitlement to the leave will be brought forward at the same time.

### **Department of Enterprise, Trade and Employment**

The Department of Enterprise, Trade and Employment (DETE) intends to ratify International Labour Organisation (ILO) Convention 190 on Violence and Harassment by the end of 2022. Officials are currently in the process of engaging legal counsel to carry out a gap analysis requested by in-house legal Counsel. On their advice, it has been recommended that a comprehensive gap analysis should be carried out to assess if there are any gaps in the State's legislation with the articles of the Convention and to ensure that the obligations placed on the State by those articles are fully met, this was deemed necessary due to the range and complexity of legislation covered by the Convention.

C190 is the first international treaty to address violence and harassment in the world of work. The Convention was adopted in June 2019, by the International Labour Conference of ILO, and came into force on 25 June 2021. Ireland committed to being an early ratifier.

The Code of Practice on Sexual Harassment and Harassment at Work was prepared by the Irish Human Rights and Equality Commission ('IHREC') as guidance for employers and employees on how to prevent harassment and sexual harassment at work, and how to put procedures in place to deal with it. The Code is legally admissible in evidence in proceedings before the courts, the WRC and the Labour Court.

The Employment Equality Acts 1998–2015 outlaw discrimination in a wide range of employment and employment-related areas. These include recruitment and promotion; equal pay; working conditions; training or experience; dismissal and harassment including sexual harassment. The Workplace Relations Commission (WRC) investigates or mediates claims of unlawful discrimination under equality legislation. Employees can bring a discrimination claim under the Employment Equality Acts 1998–2015 using the WRC's online complaint form.

**J. Please indicate any other measures taken or planned to prevent violence against women.**

### **Third National Strategy on Domestic, Sexual and Gender-based Violence**

The Third National Strategy on Domestic, Sexual and Gender-based Violence (DSGBV) 2022 - 2026 was launched on 28 June 2022 and contains actions that will contribute to changing societal attitudes in respect of DSGBV; holding the perpetrators of violence to account; and improving services to victims based under the four pillars of the Istanbul framework;

1. Prevention Goal: Working towards the eradication of the social and cultural norms that underpin and contribute to gender-based violence.
2. Protection Goal: Ensure that victims/survivors (adults and children) have immediate and longer-term access to safety, support and advocacy they need, with agencies held accountable for the protection of victims/survivors
3. Prosecution Goal: The Civil, Criminal, and forthcoming Family Law and Justice systems effectively and consistently implement and enforce both the law and judicial proceedings, which vindicate the rights of the adult and child victim/survivor.
4. Co-ordination Goal: The State offers a comprehensive, co-ordinated, authoritative, monitored and evaluated set of responses to DSGBV which will be informed by engagement with both key stakeholders and service users operating and interconnected at National level and regional/local level, with independent oversight.

Under the **preventative goal** the high level objectives included on which the Department of Justice will focus on –

- Awareness raising to enhance the understanding of adults of all forms of DSGBV and educate society to recognise the harm and prevent the human rights abuse that is DSGBV while making clear the pathways to safety and sanctions.
- Enabling frontline professionals and support staff to have the necessary analysis, skills, and expertise to identify potential DSGBV dangers and make appropriate preventative interventions.
- Making public spaces safer to reduce opportunities for SV and gender-based violence and promote public awareness of existing legislation that is in place as well as creating awareness of the harm caused by online abuse, pornography and of prostitution and commercial sexual exploitation

Under the **protection goal** the high level objectives included on which the Department of Justice will focus on –

- Ensuring availability of accessible quality specialist and general DSGBV services across the state so that all people who experience DSGBV have access to integrated services.
- Enabling victims/survivors of DSGBV to live in safe accommodation as a priority
- Ensuring a victim/survivor centred approach through the creation of clear integrated local pathways (building on the mapping of the victim/survivor journey work) for adults and child (female and male) victims/survivors to access the DV and SV information, services and supports they need.
- Ensuring women in prostitution have access to safety, health care, support and exit routes.
- Recognising the child as an individual victim/survivor impacted by DSGBV

Under the **prosecution goal** the high level objectives included on which the Department of Justice will focus on –

- Ensuring professionals/front line workers involved in DSGBV work in the courts, and in the justice, legal and policing systems have the skills and analysis of DSGBV to equip them with the necessary expertise they require.
- Working to reduce attrition rates and enhance access to the legal system for individuals experiencing DSGBV
- Reducing demand for prostitution.
- Strengthening the policing and prosecution of domestic, sexual and gender-based violence
- Ensuring perpetrators of DSGBV are held to account and prevented from victimising/re-victimising.

Under the **coordination goal** the high level objectives included on which the Department of Justice will focus on –

- Creating a central focal point for DSGBV Strategy, services, Implementation & Monitoring with regional interagency structures to oversee and delivery services on the ground.
- Ensuring an effective, robust research and evaluation strategy
- Developing enhanced coordination of data collection strategies
- Progressing the development of comprehensive legislation and policies (to cover all forms of DSGBV)
- Ensuring issues of policy intersectionality are highlighted and prioritised
- Ensuring there is a priority focus on DSGBV services being accessible to everyone who needs them

- Recognising the voice of the victim/survivor both adults and children and young people) and provide an opportunity for their voices to be heard at different levels
- Developing standardised funding structures and processes across governmental departments to allow for adequate funding for the sector and avoid duplication of funding

The actions can be measured, are time-bound and achievable. The first implementation plan which will run for 18 months has also been published and beginning in 2024 will move to an annual implementation cycle.

The strategy will be a 'living document', in that as more resources become available, and with the establishment of the new DSGBV agency, actions will be amended or additional actions will be added as we make progress.

A particular feature of this strategy is the wide range of actions to be undertaken providing services to victims after the event and protections for victims when navigating the criminal justice system. The Strategy builds on the O'Malley report implementation plan, "[Supporting a Victims Journey](#)", and ensuring that all actions to be taken and all new initiatives to be examined, will be done so from a victim-centred approach.

A fundamental aim of the new strategy is to change societal attitudes to DSGBV. The previous strategy adopted a new approach with single multi annual national awareness raising campaigns. The Strategy builds on these successes - with awareness raising campaigns already in the process of being scoped regarding consent, intimate image abuse and public awareness of victim's rights.

The aims of the campaigns are to bring about a change in long established societal behaviours and attitudes in relation to domestic and sexual violence, and to activate bystanders where it is safe to intervene. The anticipated outcomes are:

- More recognition and understanding of the incidence of domestic and sexual violence among the general public;
- Bystander intervention if safe to do so;
- A decrease in domestic and sexual violence;
- Increased reporting by victims and others; and
- Perpetrators/potential perpetrators will be made aware of sanctions for offending.

## Measures taken or planned to prevent violence against women – Appendix 9

- **DSGBV Agency**
- **General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022**
- **Criminal Justice (Miscellaneous Provisions) Bill 2022**
- **Criminal Procedure Act 2021**
- **Other Recent Legislation**

## IV. Protection and support

(Chapter IV of the Convention, Articles 18 to 28)

Please provide general information on measures taken to offer appropriate protection and support to women victims and child witnesses of any form of violence covered by the Convention as required by Article 18, paragraphs 1 and 2. This includes measures to ensure multi-agency co-operation and effective referrals to general and specialist support services. Please bear in mind the general principles set out in Article 18, paragraph 3 that must be applied to all measures taken in implementation of Chapter IV of the Convention. These are the need for a gendered understanding of violence against women, a focus on the human rights and safety of victims, and an integrated approach to protection and support services. All protective and supportive measures must also aim at avoiding secondary victimisation, address the specific needs of vulnerable persons, including child victims, and aim at the empowerment and economic independence of women victims. In addition, general and specialist support services must be offered irrespective of the victim's willingness to press charges or testify against the perpetrator.

### Note:

Please refer to the answers provided by the Office of the Director of Public Prosecutions (ODPP) on Information to Victims provided in **II. A Integrated Policies and Data Collection: Strategies/action plan(s) to address violence against women**

- A. Please provide details on action taken to ensure that women victims of all forms of violence covered by the Convention receive **information on support services and legal measures available to them**, as required by Article 19. The information must be adequate<sup>12</sup>; timely<sup>13</sup> and in a language they understand<sup>14</sup>.

### Second and Third National Strategies on DSGBV

Please see sections III A and III J

### Appendix 10

- **Criminal Justice (Victims of Crime) Act, 2017**
- **Victims Charter and Victim's Awareness Raising Campaigns**

### An Garda Síochána (AGS)

The Garda Victim Information Booklet provides victims of crime with an overview of their rights within the criminal justice system. The booklet also contains a list of national victim support services. Victims are directed to the Information Booklet on first contact with the reporting Garda member. The booklet is available in 39 languages, as well as audio and Braille. The

<sup>12</sup> "Adequate information" is understood as information that sufficiently fills the victim's need for information. This could include, for example, providing not just the name of a support service organisation, but issuing a leaflet that contains its contact details, opening hours and information on the exact services it offers (Explanatory Report, paragraph 124).

<sup>13</sup> "Timely information" refers to information that comes "at a time when it is useful for victims" (Explanatory Report, paragraph 124).

<sup>14</sup> This obligation is limited to languages that are most widely spoken in the Party (Explanatory Report, paragraph 124).

booklet is available in hard copy but it is also available in all languages on the Garda website specifically to make the information available to victims who may not have made a report to the Gardaí yet.

- B. 1.** Please provide a short description of the measures taken to ensure that the following **general support services**<sup>15</sup> (as referred to in Article 20, paragraph 1) take the situation of women victims systematically into account, employ measures and interventions to ensure their safety, and are equipped to meet their specific needs and to refer them to the appropriate specialist services:
- a. financial support services;
  - b. housing services;
  - c. legal counselling services;
  - d. psychological support services;
  - e. education and training services;
  - f. employment services; and
  - g. any other relevant service.

### **Tusla, Child and Family Agency**

Since 2015 Tusla, the Child and Family Agency, has established a national Domestic Sexual and Gender Based Violence Services (DSGBV) programme. The Domestic, Sexual and Gender Based Violence Services programme administers and provides funding for services to victims and survivors of these forms of violence. Currently, Tusla provides funding to almost 60 frontline service provider organisations, distributed throughout Ireland, which deliver a range of specialist support services within their communities. These include:

- Domestic Violence refuges and Safe Home services providing safe emergency accommodation
- Community based Domestic Violence services
- Rape Crisis/Sexual Violence Services

The Tusla DSGBV Services programme administers statutory funding provided to these organisations, facilitates co-ordination at a national level, promotes equity, enhances service delivery and supports on-going enhancement of these organisations responses to victims and survivors.

The services programmes purpose is to prevent domestic, sexual and gender based violence where possible, to provide care to victims and survivors, to protect them as far possible from further victimisation and to promote their safety and well-being.

It seeks to challenge inequalities by promoting equality of access to our funded services for all victims and survivors of domestic, sexual and gender based violence and to achieve a fair distribution of resources to meet the needs of victims and survivors of domestic, sexual and

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<sup>15</sup> “General support services” are understood as “help offered by public authorities such as social services, health services and employment services, which provide long-term help and are not exclusively designed for the benefit of victims only but that serve the public at large” (Explanatory Report, paragraph 125).

gender based violence and to provide services that are of high quality and in line with best evidence-based practice as it is currently understood.

The services programme is committed to ensuring that the voices of victims and survivors of domestic, sexual and gender based violence are heard and that they are empowered to participate in meaningful ways in decisions about their lives and about the service they require.

## **Department of Social Protection (DSP) (a.+ b.)**

### **Appendix 11**

- **Provision of Rent Supplement to victims of domestic violence.**
- **Other supplementary welfare allowance (SWA) schemes supports'**
- **Combined approach and financial resources**

## **Department of Health (DOH)**

The Department of Health and the Health Service Executive (HSE) are committed to providing the appropriate supports to address the health needs of victims of DSGBV. The HSE National Social Inclusion Office works in partnership with other government departments and agencies (including the Department of Children, Equality, Disability, Integration and Youth, the Department of Justice and TUSLA) to respond to the health needs of victims of domestic, sexual and gender-based violence.

The HSE provides supports for victims of DSGBV in Mental Health services, Acute Hospital Services and Emergency Departments, Primary Care Services, GPs and Sexual Assault Treatment Units (SATUs).

The Department of Health began engagement with the Department of Justice on the development of the Third National Strategy on DSGBV, which was published in 2022.

## **Health Service Executive (HSE) (g.)**

Women health service and anti-human trafficking team in place within the HSE, further details below at D. NGOs funded to provide specialist supports to women including victims of FGM, victims of trafficking and victims of torture.

## **Legal Aid Board (LAB) (c.)**

The Legal Aid Board is responsible for the provision of civil legal aid and family mediation services in Ireland. It also provides certain services in relation to victims of crime most notably free legal advice and aid in relation to complainants in serious sexual offence cases. The Board makes training available to staff who deal with victims of domestic violence and victims of sexual violence to ensure they are aware of the needs of victims. There is signposting as required into other appropriate services. In 2020 the report of a major review (the "O'Malley Review") of the role of victims in the investigation and prosecution of sexual offences recommended specialised training for all involved in the sector and the Legal Aid Board intends to implement this.

2. Please provide information on measures taken in relation to Article 20, paragraph 2, to ensure women victims benefit from appropriate health care and social services. Please also provide information on protocols and guidelines for staff assisting women victims and for their referral to additional appropriate services.

Please see section IV B



3. Please provide information on the annual number of women victims of violence who have been assisted by health and social services.

### Health Service Executive (HSE)

The annual number of women victims of violence who have been assisted by general health and social services by the HSE cannot be disaggregated.

Within the HSE, Sexual Assault Treatment Units (SATUs) provide clinical, forensic and supportive care for those who have experienced sexual violence. These units are located in Dublin, Cork, Waterford, Mullingar, Galway and Letterkenny. These include forensic examination following reporting to An Garda Síochána, health assessment and care without reporting to An Garda Síochána and health care & forensic examination with safe storage of evidence providing the opportunity for subsequent reporting.

There were 732 patients at the six SATUs in the Republic of Ireland in 2020.  
There were 859 patients at the six SATUs in the Republic of Ireland in 2021.

2020	2021	
278	309	Rotunda Hospital Dublin
111	148	South Infirmary Victoria University Hospital Cork
101	120	Midlands Regional Hospital Mullingar
89	100	Galway University Hospital
77	101	Letterkenny University Hospital
76	81	Waterford Regional University Hospital

- C. What steps have been taken to ensure that victims have information on access to and assistance with individual or **collective complaints mechanisms** (including legal advice) offered at regional or international level (Article 21)<sup>16</sup>?

### Legal Aid Board (LAB)

Victims of domestic violence can access legal advice from the Legal Aid Board through its law centre network or via referral to a private solicitor. In order to improve access to this service, the requirement for a victim of domestic violence to pay a contribution in order to access the service was removed in 2017.

The O'Malley Review (referred to previously) contains further recommendations, which have been accepted by the Government of Ireland, to ensure victims of sexual offences have access to legal advice. It is intended that the range of offences for which legal advice is offered to victims will be expanded and an existing requirement for criminal proceedings to have actually commenced before a victim can access advice will be removed. It is expected that these measures, which require primary legislation, will be implemented in 2023.

<sup>16</sup> Individual complaints can be addressed, for example, to the ECtHR or the United Nations Committee on the Elimination of Discrimination against Women (CEDAW Committee), whereas collective complaints can be addressed to the European Committee of Social Rights of the Council of Europe.

- D. Please provide a description of the measures taken in relation to Articles 22, 23 and 25 to provide or arrange for **specialist women's support services**<sup>17</sup> for all women victims and their children.

For each category of service (women's shelter, rape crisis and sexual assault centre, women's counselling centre, etc.), please provide information broken down by individual women's shelter/rape crisis centre/counselling centre/other service on:

1. their number and geographical distribution (with an indication of the number of places in women's shelters<sup>18</sup>);
2. the number of paid staff per service;
3. their accessibility (for example 24/7 or other);
4. the criteria defining a service as a specialist women's service as well as the standards of intervention, protocols, and any guidelines which are applied in order to ensure a gendered understanding of violence against women and a focus on the safety of the victims;
5. the different groups of victims they are available for (for example women only, children, migrant women, women with disabilities, other);
6. the annual number of women seeking help from these services. Please provide specific information on the annual number of women who requested and those who received, together with their children, accommodation in women's shelters.
7. their funding (source, funding periods and legal basis);
8. who they are run by (for example women's NGOs, other NGOs, faith-based organisation, local government);
9. whether they are free of charge for all women (that is, irrespective of their income);
10. co-ordination between specialist support services and with general support services.

## Appendix 12

- [DSGBV Support services funded by Tusla](#)
- [Rape Crisis Centre funding by Tusla](#)
- [Department of Justice funding for Victims of Crime including Sexual Crimes and Domestic Abuse](#)
- [Breen Report Recommendations for Additional Funding 2021](#)
- [Number of Family Units in Tusla funded Emergency Domestic Violence Refuges \(pre-Covid capacity\)](#)
- [Number of Safe Homes by Tusla funded DSGBV Services in Q1 2022](#)

## Department of Health (DOH)/Health Service Executive (HSE)

<sup>17</sup> Specialist support services refer to dedicated services for victims of the different forms of violence against women made up of "specialised and experienced staff with in-depth knowledge of gender-based violence", including among others counselling centres, shelters, rape crisis centres and sexual violence referral centres.

<sup>18</sup> The Final Activity Report of the Council of Europe Task Force to Combat Violence against Women, including Domestic Violence (EG-TFV (2008)6) recommends safe accommodation in specialised women's shelters is available in every region, at a rate of one family place per 10 000 head of population.



The HSE provides supports for victims of DSGBV in Mental Health services, Acute Hospital Services and Emergency Departments, Primary Care Services, GPs and Sexual Assault Treatment Units (SATUs).

In addition, the HSE Women's Health Service (WHS) and Anti-Human Trafficking Team (AHTT) is a statutory service provided by the Health Service Executive. The WHS operates sexual health clinic services and outreach support to women/trans women involved in the sex industry. The AHTT has responsibility for care planning for both female/male victims of trafficking in all areas of exploitation.

The HSE also support an FGM Treatment Service located in the Irish Family Planning Association (IFPA) in Dublin city centre. It offers free, specialised, medical, psychological, sexual and reproductive care and counselling to all women and girls in Ireland who have experienced FGM. Translation services are also provided free of charge where requested.

- E. Please provide information on measures taken to set up **telephone helplines** to provide advice to callers in relation to all forms of violence covered by the Convention, as referred to in Article 24.

In this context, please specify:

1. if they are state wide;
2. if they are free of charge;
3. if they operate round-the-clock (24/7);
4. how confidentiality and/or anonymity is ensured;
5. if those responding to calls have been trained on all forms of violence against women; and
6. the annual number of calls made to seek help for women victims.

There are two Freephone 24 hour co-ordinated, integrated national helpline services for Domestic Violence and Sexual Violence respectively operating in Ireland implemented in collaboration with two NGOs working in the sector (Women's Aid and Dublin Rape Crisis Centre).

### Appendix 13

- **Sexual Violence – Dublin Rape Crisis Centre**
- **Domestic Violence – Women's Aid**

- F. Please provide information on action taken to ensure that, in the provision of the above-mentioned general and specialist support services to victims, due account is taken of the rights and needs of **child witnesses** of all forms of violence against women as specified in Article 26, including age-appropriate counselling.

### Appendix 14

- **Children First Guidance and Legislation**
- **Children First Act 2015**
- **Children First National Guidance for the Protection and Welfare of Children 2017**

- G.** Please indicate any **other measures**, including measures taken with regard to reporting as provided for in Articles 27 and 28, taken or planned to provide protection and support to victims of violence against women.

## V. Substantive law

(Chapter V of the Convention, Articles 29 to 48)

Please provide information on the legal framework pertaining to violence against women, with particular emphasis on the criminalisation of acts of violence against women, unacceptable justifications for such acts (including crimes committed in the name of so-called honour), sanctions and measures, action taken to provide women victims with adequate civil remedies and to ensure their right to claim compensation as well as to prohibit mandatory alternative dispute resolution processes.

### Office of the Director of Public Prosecutions (ODPP)

Please see previous answers at II A re: ODPP Guidelines and the new Sexual Offences Unit, Domestic Violence Group and Training for Prosecutors.

- A. 1. Please provide information on the relevant **legal framework** in place (for example criminal law, civil law, administrative law) which gives effect to the provisions of the Convention, including action taken to avoid legislative gaps.

The provisions of the Convention are given effect in Ireland in criminal and civil law statutes.

The Domestic Violence Act 2018 consolidates Irish law on domestic violence. The Act provides for a range of legal remedies and reliefs for those experiencing domestic violence. While it is acknowledged that women are disproportionately affected by domestic violence, the Act is gender neutral, providing that all those affected by domestic violence can avail of the statutory remedies regardless of their gender. In addition to civil or protective remedies, the Domestic Violence Act also provides for criminal offences in the area of domestic violence to address the requirements of the Istanbul Convention.

The Act makes provision for emergency barring orders as well as barring orders and safety orders. It provides for evidence to be given through television link in certain proceedings. This Act also provides for the right of an applicant (i.e. the person alleging that they are a victim of domestic violence) to be accompanied in court for certain proceedings and provides for the views of a child to be ascertained in certain proceedings. It provides for the giving of information on support services to victims of domestic violence and provides for the making of recommendations by courts for engagement with certain services by perpetrators of domestic violence. The Domestic Violence Act sets out restrictions on the persons permitted to be present in court during certain proceedings; to prohibit the publication or broadcast of certain matters. It introduced new criminal offences of coercive control and forced marriage. It repealed provisions for exemption, in certain cases, from minimum age requirements for marriage.

There is a large body of criminal law dealing with sexual offences in Ireland. Most victims of sexual offences are women. The main statutes are as follows:

- Criminal Law Amendment Act, 1885
- Criminal Law (Rape) Act 1981;
- Criminal Law (Rape) (Amendment) Act 1990;

- Criminal Law (Sexual Offences) Act 1993;
- Criminal Law (Sexual Offences) Act 2006;
- Criminal Law (Sexual Offences) Act 2017

The Criminal Law (Sexual Offences) Act 2017 updated many aspects of criminal law on sexual offences including in relation to sexual offences against children.

The Criminal Law (Female Genital Mutilation) Act 2012 specifically criminalises FGM.

The Non-Fatal Offences Against the Person Act 1997 criminalises assault, harassment, coercion, threats to kill and cause serious harm as well as a range of other offences. As with almost all laws in the Irish legal system, the Act is gender neutral and apply regardless of the gender of the victim or the perpetrator.

## 2. Does your internal law contain any specific legislation addressing violence against women?

The following statutes specifically address violence against women:

- Criminal Law Amendment Act, 1885
- Criminal Law (Rape) Act 1981;
- Criminal Law (Rape) (Amendment) Act 1990;
- Criminal Law (Sexual Offences) Act 1993;
- Criminal Law (Sexual Offences) Act 2006 ;
- Criminal Law (Sexual Offences) Act 2017
- The Criminal Law (Female Genital Mutilation) Act 2012 specifically criminalises FGM.
- The Non-Fatal Offences Against the Person Act, 1997 criminalises assault, assault causing harm, assault causing serious harm, threats to kill or cause serious harm, coercion and harassment..

Nearly all legislation related to Domestic, Sexual and Gender-based Violence has been drafted in a gender-neutral framework. The only exception to this is the Criminal Justice (Female Genital Mutilation) Act 2012.

The Domestic Violence Act 2018 is the main piece of legislation which addresses domestic violence against women (though it is acknowledged that the Act is not strictly restricted to women in its application, in practice the overwhelming majority of applications relate to violence against women). The Act repealed and re-enacted with modifications previous legislation dating from 1996. The Act provides for a number of civil remedies to protect victims of domestic violence. The main remedies are a barring order which prohibits the perpetrator from entering the victim's home for a period; and a safety order which prohibits the perpetrator using or threatening to use violence against, molesting or putting in fear, the victim, (if they are not living with the victim) from watching or besetting the victim, or from following or communicating with the victim. The act introduced into Irish law the offence of coercive control.

3. Please provide in an appendix a compilation of extracts from or summaries of the relevant legal texts, including specific legislation addressing violence against women. These texts should be provided in one of the official languages of the Council of Europe (English or French), as well as in the original language, where applicable.

- [Domestic Violence Act 2018](#)
- [Criminal Law \(Rape\) Act 1981](#)
- [Criminal Law \(Rape\) \(Amendment\) Act 1990](#)
- [Criminal Law \(Sexual Offences\) Act 1993](#)
- [Non-Fatal Offences Against the Person Act 1997](#)
- [Criminal Law \(Sexual Offences\) Act 2006](#)
- [Criminal Law \(Female Genital Mutilation\) Act 2012](#)
- [Criminal Law \(Sexual Offences\) Act 2017](#)
- [Criminal Justice Act 1964](#)

**B.** What action has been taken to provide relevant professionals with **guidance on how to implement the above legal framework** (for example drawing-up of protocols for police and other law enforcement officials, guidelines for prosecutors, and setting up of special units)?

#### **An Garda Síochána (AGS)**

Divisional Protective Service Units (DPSUs) are now operating in every Garda division nationwide. These units specialise in investigating crimes relating to sexual offences, online child exploitation, human trafficking and domestic abuse. In addition DPSUs assess and triage all of these crime types reported within their functional area and provide support to Detective Units and Uniform members who also continue to carry out these investigations.

Members of the DPSUs have received specialist training in dealing with victims of sexual offences and provide a centre of expertise for these serious and sensitive investigations. All Detective Inspectors and Inspectors assigned to the Garda National Protective Services Bureau (GNPSB) and to each Divisional Protective Service Unit (DPSU) have been provided with training to Senior Investigating Officer (SIO) level. The scenario based training exercise within the SIO course, which was completed on the 10th December 2021, had a specific DPSU themed investigation leadership focus. The scenario based training exercise within the SIO course, had a specific DPSU themed investigation leadership focus.

The Garda National Protective Services Bureau (GNPSB) and Divisional Protective Service Units (DPSU), supported by Divisional Victim Service Offices (DVSO) and front line Gardaí are all resources available to respond to these crimes and support the victims of domestic abuse and sexual crimes.

**C.** Please detail the procedures available to women victims to provide them with **civil remedies**:

1. **against the perpetrators** (Article 29, paragraph 1)<sup>19</sup>;

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<sup>19</sup> Civil remedies against the perpetrator include ordering a person to stop a particular conduct, refrain from a particular conduct in the future or to compel a person to take a particular action (injunctions) (Explanatory Report, paragraph 157).

The Domestic Violence Act 2018 provides for both (1) long term orders and (2) urgent temporary measures to deal with situations of domestic violence. Applications for these protective measures are made to the courts, in most cases the District Court.

## Appendix 15

- Long term orders for protection
- Urgent temporary orders for immediate protection

2. where applicable, **against state authorities** which have failed in their duty to take the necessary preventive or protective measures within the scope of their powers (Article 29, paragraph 2).

In Ireland, the State is not immune from suit with respect to the action of its employees. In addition to a remedy in tort, in Ireland, judicial review is the mechanism by which an application can be made to the High Court to challenge the decision making processes of administrative bodies and lower courts.

### The Garda Síochána Ombudsman Commission (GSOC)

The Garda Síochána Ombudsman Commission (GSOC) is an independent statutory body whose remit is to receive and investigate complaints against members of the Garda Síochána. GSOC is also empowered to investigate any matter, even where no complaint has been made, where it appears that a Garda member may have committed an offence or may have behaved in a manner that would justify disciplinary proceedings. Such behaviour includes any act or omission by a Garda member in the conduct of their duty. GSOC does not have any role in determining civil remedies in such matters.

If in the course of an investigation GSOC identifies policy, training or procedural issues, then the Ombudsman Commission can make systemic recommendations to An Garda Síochána (AGS) to address these issues. The Victims of Crime Act also requires both AGS and GSOC to provide information to victims, which can include information on compensation (section 7 of the Act). In this regard, GSOC has an information pack readily available which can be given to victims at the point of first contact with the organisation. GSOC can also investigate alleged failings by AGS in the provision of such information.

### Legal Aid Board (LAB)

Applications can be taken under the law of tort where a breach of duty of care (including statutory duty) is alleged against a state authority.

- Please provide any available data, broken down by year and by forms of violence, on:
- a. the number of civil law remedies applied for against perpetrators;
  - b. the number of civil law remedies applied for against state authorities;
  - c. the number of civil law remedies granted under categories a. and b.

This information is not available.

**D. Please detail the procedures available to women victims:**

1. to claim **compensation from perpetrators** for any of the offences established in accordance with the Convention (Article 30, paragraph 1);

In some criminal cases, a Judge may include as part of a sentence that an offender must pay compensation to a victim of crime. Under [section 6 of the Criminal Justice Act 1993](#), a judge is entitled as part of sentencing, instead of, or in addition to any other penalty imposed to make a compensation order requiring the convicted person to pay compensation in respect of any personal injury or loss resulting from the offence of which they were convicted to any person who has suffered such injury or loss. The amount of compensation to be paid is at the discretion of the judge who can take into account the means and financial commitment of the offender. The relevant provision in the legislation is set out under – it refers to ‘person’ and does not specify the sex of the perpetrator or victim.

A victim of crime may also bring a private civil case against the offender seeking a court order for damages for any injury and loss caused.

2. to obtain, where applicable, **state compensation** when any such offence involves sustained serious bodily injury or impairment of health (Article 30, paragraph 2).

There are primarily two ways to seek restitution for a crime. These are either mandated by a court order or covered by the Scheme of Compensation for Personal Injuries Criminally Inflicted, also known as “the Criminal Injuries Compensation Scheme”. The court may rule that the perpetrator must compensate the victim in certain criminal circumstances. This can be just one of a number of requirements the court placed on the criminal in order to spare them from serving a prison sentence. Additionally, a civil lawsuit can be filed against the offender to ask the court to impose damages for any harm or loss brought about.

## Appendix 16

- **The Criminal Injuries Compensation Scheme**

Please provide any available data, broken down by year and by forms of violence, on:

1. the number of women victims who claimed compensation from perpetrators;

[This information is not available](#)

2. the number of women victims who obtained such compensation, with an indication of the time given to perpetrators to pay compensation;

[This information not available](#)

3. the number of applications for state compensation;

Data on the number of applications made under the Criminal Injuries Compensation Scheme is not available broken down by sex or gender. The number of applications made under the Scheme for 2020 and 2021 were as follows:

- 2020 - 114
- 2021 - 118

4. the number of women victims who were awarded state compensation, with an indication of the timescale for granting such compensation and amounts.

In 2020 – 41\* women who were victims of crime accepted and received awards under the Criminal Injuries Compensation Scheme.

In 2021 – 37\* women who were victims of crime accepted and received awards under the Criminal Injuries Compensation Scheme.

*\*Please note that this includes a small number of women who received an award by virtue of being a dependent of the victim in a fatal case application*

The length of time in finalising compensation claims may vary considerably depending on the nature of any particular case. Some cases are more complex than others and it is not possible to provide a specific timeframe. Some injuries are more complex medically e.g. it may take time for medical issues to settle and reports from specialist doctors may be required. The length of the police investigation into the incident may vary by case. Where legal proceedings are ongoing, the Tribunal typically awaits the outcome of legal proceedings before making a decision on an application.

**E.** Please detail the procedures in place to ensure that:

1. incidents of violence against women are taken into account in the **determination of custody and visitation rights of children** (Article 31, paragraph 1) as a superseding concern;

#### **Appendix 17 - Protection of Children**

2. women victims and their children remain safe from any further harm in the **exercise of any visitation or custody rights** (Article 31, paragraph 2).

Please provide examples of how these procedures have been implemented.

Please see E. 1

**F.** Please indicate how your internal law criminalises the following forms of violence:

1. **psychological violence**, as defined in Article 33;

Section 39 of the Domestic Violence Act 2018 introduced the offence of coercive control into Irish law. The offence identifies coercive control as coercive or controlling behaviour in the context of a marriage, civil partnership or intimate relationship that causes fear of violence, or



serious alarm or distress that has a substantial adverse impact on a person's day-to-day activities.

A person who is convicted of the offence of coercive control is liable on summary conviction, to a class A fine or imprisonment for a term not exceeding 12 months, or both. Where the person is convicted conviction on indictment the penalty is a fine or imprisonment for a term not exceeding 5 years, or both.

The first convictions for this offence were recorded in 2020.

Harassment is an offence under section 10 of the Non-Fatal Offences Against the Person Act, 1997. Section 10 provides: "Any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with or about him or her, shall be guilty of an offence."

The Harassment, Harmful Communications and Related Offences Act 2020 amended the law and created new offences in relation to harassment and harmful communications, both online and offline.

Section 5 of the Non-Fatal Offences Against the Person Act 1997 criminalises threats to kill and cause serious harm and carries a maximum penalty of 10 years' imprisonment and or an unlimited fine.

## 2. **stalking**, as defined in Article 34<sup>20</sup>;

Stalking is currently prosecuted under section 10 of the Non-Fatal Offences Against the Person Act 1997 as a form of harassment.

The Government has recently published a legislative proposal – the Criminal Justice (Miscellaneous Provisions) Bill 2022 - which expands the definition of harassment and introduces a standalone offence of stalking. It will also introduces a system of civil restraining orders against stalking behaviours.

Offences under both the existing and proposed offences will carry a maximum sentence of 10 years imprisonment.

## 3. **physical violence**, as defined in Article 35<sup>21</sup>;

The Non-Fatal Offences Against the Person Act 1997 provides for non-fatal physical violence offences in Ireland. Section 2 of the Act states that a person shall be guilty of the offence of assault when person who intentionally or recklessly—directly or indirectly—applies force to or impacts the body of another without the other's consent, or who leads the other to reasonably believe that he or she is likely to experience such force or impact in the near future, is guilty of assault. Section 3 addresses physical harm-causing assaults. A person commits an offense when they cause harm to another person during an assault. The Minister for Justice has recently received Government approval to increase the applicable sentence for assault under section 3 to 10 years. Section 4 deals with assault causing serious harm and is punishable by a maximum sentence of life imprisonment and/or an unlimited fine.

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<sup>20</sup> See also Explanatory Report, paragraph 182.

<sup>21</sup> See also Explanatory Report, paragraph 188.

The Government has recently published a legislative proposal – the Criminal Justice (Miscellaneous Provisions) Bill 2022 - which introduces a standalone offence of non-fatal strangulation. This provides that assaults that involve strangulation or suffocation are treated as at least the seriousness of a section 3 assault causing harm, even in the absence of demonstrable physical injury. The Government has also approved a proposal to increase the applicable sentence for assault causing harm to 10 years. This proposal will be included in the Bill, which is expected to become law by the end of the year.

The Criminal Justice (Public Order) Act 1994 provides for an offence of assault with intent to cause bodily harm or to commit an indictable offence. Section 18 of the Criminal Justice (Public Order) Act 1994 creates an offence of assault with intent to cause bodily harm or to commit an indictable offence. This offence covers aggravated assaults when someone assaults another person with the intention of causing bodily harm or committing an indictable offence. A person convicted of this offence could face a maximum penalty of an unlimited fine, or a term of imprisonment for up to 5 years, or both.

4. **sexual violence, including rape**, as defined in Article 36, paragraph 1, having due regard to the definition of consent under Article 36, paragraph 2.

Please also indicate how your internal law criminalises acts of sexual violence, including rape, committed against former or current spouses or partners (Article 36, paragraph 3).

The main statutes that address sexual violence are:

- Criminal Law Amendment Act, 1885
- Criminal Law (Rape) Act 1981;
- Criminal Law (Rape) (Amendment) Act 1990;
- Criminal Law (Sexual Offences) Act 1993;
- Criminal Law (Sexual Offences) Act 2006 ;
- Criminal Law (Sexual Offences) Act 2017

The abolition of marital exemption in relation to rape is in the Criminal Law (Rape) (Amendment) Act 1990 section 5.

In Ireland the offence of rape is represented in the Criminal Law (Rape) Act of 1981. In this Act it is considered a rape offense when a male engages in sexual activity with a woman who does not consent to it at the time, and he is either aware of this fact at the time of the activity or reckless about it.

According to the Criminal Law (Rape) (Amendment) Act of 1990, rape is defined as the invasion of the anus or mouth by the penis (however slight), or the penetration of the vagina by any item carried or used by another person (however slight).

The offence of sexual assault can also be found in the Criminal Law (Rape) (Amendment) Act 1990. Sexual assault is described as indecent assault on any male or female person. (To be known as sexual assault). If found guilty of this offence, the criminal will be liable on conviction to imprisonment not exceeding 14 years if the victim was a child, aged under 17 or in any other case be liable to imprisonment not exceeding 10 years.

Please specify the age, under your internal law, at which a person is considered to be legally competent to consent to sexual acts;

The age of consent in Ireland is 17 years of age provided that the other person is not a person in authority. Under-age consensual non-exploitative sexual activity is not a criminal offence, where the age difference between the parties is no more than two years.

**5. forced marriage**, as defined in Article 37;

**Section 38 of the Domestic Violence Act 2018** introduced the offence of forced marriage into Irish law to address the requirements of Article 37 of the Istanbul Convention.

A person commits this offence where he or she causes someone to enter into a marriage ceremony by means of violence, threats, undue influence or any form of coercion or duress. This includes a situation where a person removes another person from the State for the purpose of causing that other person to enter into a ceremony of marriage through such means.

A person convicted on indictment of the offence of forced marriage can be imprisoned for up to 7 years.

In Ireland a person must be over 18 years of age to be married. Prior to 2019 Irish law had permitted the courts to grant an exemption from this rule in exceptional circumstances, where an exemption was deemed justified by serious reasons and when it was deemed to be in the interests of the parties to the intended marriage. The Domestic Violence Act 2018 repealed the legal provisions permitting such an exemption. Since the Act came into operation on 1st January 2019, all persons must have reached 18 years of age in order to marry in the State.

**6. female genital mutilation** as defined in Article 38;

Since April 2012, there has been a specific criminal law concerning FGM, namely the Criminal Justice (Female Genital Mutilation) Act 2012. It states that neither a reference to customary or ritual reasons for FGM nor the girl's consent can constitute a defence for the accused person. The penalties under the Act are up to fourteen years in prison and/or a fine of €10,000. The principle of extraterritoriality is applicable, making FGM punishable even if it is committed outside the country. The offences of aiding, abetting, counselling or procuring for the commission of FGM are provided for in Irish general criminal law.

**7. forced abortion**, as defined in Article 39a;

Abortion in Ireland is regulated by the Health (Regulation of Termination of Pregnancy) Act 2018. Abortion is permitted in Ireland during the first twelve weeks of pregnancy, and later in cases where the pregnant woman's life or health is at risk, or in the cases of a fatal foetal abnormality. Abortion services commenced on 1 January 2019. While there is no specific statute to address forced abortion, any hypothetical cases may be prosecuted under offences against the person or coercive control legislation. In the case of State intervention, the right of people with intellectual disabilities to make their own decisions was enshrined in law by Ireland's 2015 Assisted Decision-Making (Capacity) Act (see below).

**8. forced sterilisation**, as defined in Article 39b.

In the case of State intervention, the rights of people with intellectual disabilities and forced sterilisation, the Assisted Decision-Making (Capacity) Act came into force in 2016. The Act provides a statutory framework for individuals to make legally-binding agreements to be assisted and supported in making decisions about their welfare, their property and other affairs. A number of new arrangements are covered by the act, including assisted decision-making and co-decision-making. A process is also set out for the court to appoint a decision-making representative for an individual. Advanced healthcare directives are introduced into law for the first time. As well as introducing new decision-making procedures, the act sets out new arrangements for wards of court and for people who wish to make an enduring power of attorney.

**G. How does your internal law criminalise or otherwise address **sexual harassment**, as defined in Article 40?**

Section 14A of the Employment Equality Act, 1998, broadly defines sexual harassment as:

“any form of unwanted verbal, non-verbal or physical conduct of a sexual nature, being conduct which has 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 also worth noting the Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012, which provides a non-exhaustive list of examples.

This may include unwanted physical contact such as unnecessarily touching, patting or pinching or brushing against another employee's body, assault or coercive sexual intercourse. This includes unwelcome sexual advances, propositions or pressure for sexual activity, continued suggestions for social activity outside the work place after it has been made clear that such suggestions are unwelcome, unwanted or offensive flirtations, suggestive remarks, innuendos or lewd comments. This may include the display of pornographic or sexually suggestive pictures, objects, written materials, e-mails, text-messages or faxes. It may also include leering, whistling or making sexual gestures.

The Employment Equality Act 1998 (Code of Practice) (Harassment) Order 2012 S.I. No. 208 of 2012 sets out a Code of Practice on Sexual Harassment and Harassment at Work (Code of Practice). This Code of Practice is issued as a guideline for employers and employees. The provisions of the code are admissible in evidence in proceedings before an Adjudication Hearing of the Workplace Relations Commission.

The Code, amongst other things, sets out the scope of sexual harassment provisions: "The scope of the sexual harassment and harassment provisions extend beyond the workplace, for example to conferences and training that occur outside the workplace. It may extend to work-related social events."

**H. How does your internal law address **aiding or abetting** in relation to psychological violence, stalking, physical violence, sexual violence (including rape), forced marriage, the performance of female genital mutilation, forced abortion and forced sterilisation (Article 41, paragraph 1)?**

The Criminal Law 1997 states that any person who aids, abets, counsels or procures the commission of an indictable offence shall be liable to be indicted, tried and punished as a principal offender. Psychological violence, stalking, physical violence, sexual violence (including rape), forced marriage, the performance of female genital mutilation, forced abortion and forced sterilisation are indictable offences.

- I. How does your internal law address **attempts** of physical violence, sexual violence (including rape), forced marriage, female genital mutilation, forced abortion and forced sterilisation (Article 41, paragraph 2)?

The law in Ireland governing the imposition of liability for attempting crimes has not, in general, been placed on a statutory footing. An exception is attempted murder under section 11 of the Offences Against the Person Act 1861. Thus, long-established common law rules are the basis for charging most instances of attempting to commit crime

- J. How does your internal law ensure that, in criminal proceedings initiated following the commission of any of the acts of violence covered by the Convention, **culture, custom, religion, tradition or so-called honour** cannot be regarded as justification for such acts nor as mitigating circumstances (Article 42)?

No laws create such a defence. The courts do not regard culture, custom, tradition or so-called honour as a defence or justification for criminal acts.

- K. Please describe how your internal law ensures that the offences established in accordance with the Convention apply notwithstanding the nature of the **relationship of the perpetrator to the victim** (Article 43).

The laws mentioned in the report apply regardless of the relationship, if any, between the perpetrator and the victim. Then, the information about specific aggravating factors can be included if necessary.

- L. For each form of violence covered by the Convention, please specify:

1. the applicable **sanctions**, including sanctions other than criminal, and, where appropriate, when sanctions involve deprivation of liberty which can give rise to extradition (Article 45, paragraph 1);

### Article 33

Under the Domestic Violence Act 2018, the maximum penalty for the offence of coercive control is imprisonment for up to five years.

### Article 34

Stalking is currently prosecuted under section 10 of the Non-Fatal Offences Against the Person Act 1997 as a form of harassment.

The Government has recently published a legislative proposal – the Criminal Justice (Miscellaneous Provisions) Bill 2022 - which expands the definition of harassment to cover any persistent conduct that causes a serious interference in a person's peace and privacy or causes alarm, distress or harm, and introduces a standalone offence of stalking where conduct causes a fear of violence or alarm or distress affecting a person's day-to-day life. It will also introduce a system of civil restraining orders against stalking behaviours.

Offences under both the existing and proposed offences will carry a maximum sentence of 10 years imprisonment.

### Article 35

Under the Non-Fatal Offences Against a Person Act 1997, the offence of physical violence may be an assault, assault causing harm or assault causing serious harm. The maximum penalties differ depending on the seriousness of the assault and range from 6 months' imprisonment up to life imprisonment.

### Article 36

Under the Criminal Law (Rape) Act 1981, the offence of rape has a maximum penalty of life imprisonment

Under the Criminal Law (Rape) (Amendment) Act 1990, the offence of rape or sexual assault carries a maximum penalty of life imprisonment.

### Article 37

Under the Domestic Violence Act 2018, the maximum penalty for the offence of forced marriage is imprisonment for up to seven years.

**Sexual assault, Rape-** Under article 46 of the Criminal Law (Sexual Offences) Act 2017, a court may, in addition to an inflicting an imprisonment sentence may additionally impose or, make a harassment order on a person guilty of a sexual offense. Only when the respondent has acted in such a way that there is a well-founded fear that the victim will be subjected to harassment by the respondent or unwanted contact from the respondent, such as would cause him or her fear, distress, or alarm, or amount to harassment, can the court issue a harassment order. In accordance with the terms and conditions set forth by the court, an order issued under this section may forbid the respondent from contacting the victim by any means or coming within a certain radius of either the victim's place of residence or employment or any other location the victim frequently frequents.

2. the relevant further **measures** which may be taken in relation to perpetrators, such as:
  - a. the monitoring or supervision of convicted persons;

The Sex Offenders Act 2001 deals, inter alia, with the supervision of sex offenders. The Sex Offenders (Amendment) Bill 2021 is currently – as of July 2022 - progressing going through the Irish parliament with the intention of enactment by the end of 2022.

Section 15 of the Domestic Violence Act 2018 provides for a court to deal with applications under the Guardianship of Infants Act 1964, regarding the welfare of a child, including custody and access arrangements, at the same time as domestic violence applications are being dealt with.

- b. the withdrawal of parental rights, if the best interests of the child, which may include the safety of the woman victim, cannot be guaranteed in any other way (Article 45, paragraph 2).

In Ireland, it is not possible to withdraw parental rights, even if in the best interest of the child. The only way a mother can give up her guardianship rights in Ireland, is if the child is placed for adoption.

**M.** How does your internal law ensure that the circumstances referred to in Article 46, insofar as they do not already form part of the constituent elements of the offences, may be taken into consideration as **aggravating circumstances**?

Section 40 of the Domestic Violence Act 2018 provides that where offences involving physical or sexual violence are committed in the context of a marriage, civil partnership or an intimate and committed relationship, that fact shall be an aggravating factor for the purpose of determining the sentence to be imposed on the perpetrator.

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
- (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.

All of the factors in Article 46 are matters which sentencing courts can and do take into account when sentencing.

Factors are as follows:

- a. the offence was committed against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority;
- b. the offence, or related offences, were committed repeatedly;
- c. the offence was committed against a person made vulnerable by particular circumstances;
- d. the offence was committed against or in the presence of a child;
- e. the offence was committed by two or more people acting together;
- f. the offence was preceded or accompanied by extreme levels of violence;
- g. the offence was committed with the use or threat of a weapon;
- h. the offence resulted in severe physical or psychological harm for the victim;
- i. the perpetrator had previously been convicted of offences of a similar nature.

**N. 1.** How does your internal law – in criminal and civil law – prohibit **mandatory alternative dispute resolution processes**, including mediation and conciliation, in relation to all forms of violence covered by the Convention (Article 48)?



The Mediation Act 2017 facilitates the settlement of disputes by mediation and specifies the principles applicable to mediation. Section 3 of the Mediation Act 2017, as amended by section 55 of the Domestic Violence Act 2018, provides that the Mediation Act 2017 does not apply to proceedings under the Domestic Violence Act 2018.

2. Please specify how your internal law ensures that such processes are not otherwise imposed on women victims of domestic violence, for example within the framework of legal separation and divorce proceedings.

Under Irish law, mediation or conciliation are not mandatory within the framework of legal separation and divorce proceedings. While there is an obligation on the legal representatives of the parties in such proceedings to make the parties aware of such processes, there is no obligation on the parties to engage in them, as they are voluntary and are not considered appropriate in cases where domestic violence may be a factor.

Intake procedures for the Legal Aid Board's family mediation services includes screening for domestic violence issues.

**O.** Please provide, on a yearly basis, **administrative and judicial data** on the following matters:

1. in relation to cases resulting in the death of a woman:
  - a. the number of such cases;
  - b. the number of cases in which the authorities had prior knowledge of the woman's exposure to violence;
  - c. the number of perpetrators convicted in relation to these cases;
  - d. the number and type of sanctions and further measures imposed as a result of criminal proceedings (including deprivation of liberty), with an indication, where appropriate, of their suspended execution and average length;
  - e.

An Garda Síochána cannot provide data in relation to cases resulting in the death of a woman. There is currently a review being undertaken into the data in relation to homicides.

1. in relation to acts of violence against women amounting to attempted murder:
  - a. the number of such cases;
  - b. the number of cases in which the authorities had prior knowledge of the woman's exposure to violence;
  - c. the number of perpetrators convicted in relation to these cases;
  - d. the number and type of sanctions and further measures imposed as a result of criminal proceedings (including deprivation of liberty), with an indication, where appropriate, of their suspended execution and average length.

### **An Garda Síochána (AGS)**

An Garda Síochána can answer part a to this question 'the number of cases' in relation to acts of violence against women amounting to attempted murder incidents for years 2020 and 2021.

Part b would require significant work to complete to look at any prior incidents recorded against the same injured party based on the PULSE Person ID. There may be a margin of error in that work also due to the presence of multiple PULSE Persons ID for the same individual.

2. in relation to all other cases of violence against women:
  - a. the number of complaints made by victims and the number of reports by third parties, to law enforcement agencies/criminal justice authorities;
  - b. the number of criminal proceedings and/or any other legal action initiated as a result;
  - c. the number of perpetrators convicted;
  - d. the number of criminal and other sanctions imposed with an indication of the type of sanctions imposed (for example fine, court-ordered participation in perpetrator programmes, restriction of liberty, deprivation of liberty) and, where appropriate, of their suspended execution and average length;
  - e. the number of further measures imposed, with an indication of the type of measures adopted (for example monitoring or supervision of the perpetrator, withdrawal of parental rights);
  - f. the number of perpetrators subjected to further measures referred to in Article 45, paragraph 2.

### An Garda Síochána AGS

An Garda Síochána can answer part a to this question ‘the number of complaints made by victims and the number of reports by third parties, to law enforcement agencies/criminal justice authorities’ in relation to all other cases of violence against women for years 2020 and 2021.

Part b could be answered by analysing all assault and sexual assault incidents (and any other incident types deemed relevant for inclusion) with criminal proceedings commenced recorded for years 2020 and 2021.

Please ensure the above-requested data is disaggregated following the criteria described earlier (see section I. Introduction).

4. the number of cases which resulted in the death of the children of the women victims.

An Garda Síochána cannot provide data in relation to cases resulting in the death of the children of the women victims. There is currently a review being undertaken into the data in relation to homicides.

- P.** Please provide information on any **other measures** taken or planned in relation to substantive law, together with any available data on the recourse to such measures.

The General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022 was published in July 2022. This will implement the recommendations from the O’Malley Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences to enhance the protections available to victims during sexual offences trials.

The Bill will introduce the new offences of stalking and non-fatal strangulation. While both stalking and non-fatal strangulation are already crimes, the changes will make the law in this area clearer and stronger. The new stalking offence covers any conduct that 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. The proposals on non-fatal strangulation will ensure assaults involving strangulation or choking can be prosecuted as a serious offence, even if there are no observable injuries.

The Third National Strategy on DSGBV contains a number of actions in relation to substantive law and the examination of introducing future legislation:

- **Appendix 18**

## **VI. Investigation, prosecution and procedural law and protective measures**

(Chapter VI of the Convention, Articles 49 to 58)

Please provide information on action taken in accordance with the principles set out in Article 49 of the Convention, in order to ensure that:

- i) investigations and judicial proceedings are carried out without undue delay while taking into consideration the rights of women victims during all stages of the criminal proceedings; and
- ii) acts of violence against women are investigated and prosecuted in an effective manner.

To this end, the competent authorities must be able to respond promptly and appropriately to all forms of violence covered by the Convention, issue emergency barring orders or restraining or protection orders and take measures of protection during the investigations and criminal proceedings. Non-governmental/civil society organisations must be able to assist and/or support women victims in legal proceedings (for example as third parties) and appropriate arrangements must be made to facilitate women victims' access to justice.

- A. 1.** Please provide information on measures adopted to ensure a **prompt and appropriate response** from law enforcement agencies to all forms of violence covered by the Convention by offering adequate and immediate protection to women victims (Article 50).

### **Office of the Director of Public Prosecutions (ODPP)**

Please see previous ODPP response on The Prosecution of Offences.

**Other protective measures:** In the Court of Appeal decision *DPP v VE* 2021 [IECA] 122, ground rules established to cross-examine the victim are usefully set out. While a ground rules hearing is not a measure provided for by legislation, it is a measure that is comparable to a special measure as it can assist the victim to give their best evidence. The prosecution can apply to the trial judge to set ground rules.

### **An Garda Síochána (AGS)**

An Garda Síochána Policy on Domestic Abuse Intervention 2017 cites that it is the duty of An Garda Síochána to investigate all incidents of Domestic Abuse, including reports of Domestic Abuse received from a third party. Domestic Abuse cases require special care and attention because of the vulnerable circumstances which may surround the injured party. She / he may not be in a position to make the kind of decisions which would be in her / his best interests, or the best interests of those in her / his care, in particular children. Inappropriate action by

personnel within An Garda Síochána can often confirm the aggressor's perception of invulnerability which, in turn, can lead to further abuse.

Reports of crimes coming within the scope of Domestic Abuse will be dealt with promptly and thoroughly in accordance with this Policy. However, any breaches of the criminal law coming to the attention of the Investigating Garda will be fully investigated. If a report of Domestic Abuse is received from a third party, it must be investigated and the appropriate action taken. Information on Court Orders and support services will be provided in all cases. A domestic abuse related call for service, regenerates a Priority 1 response.

2. Please provide any available administrative data (see section I. Introduction) on the number of interventions carried out annually by law enforcement agencies in relation to violence against women.

An Garda Síochána are unable to provide data on this aspect.

- B.** What procedures have been put in place to ensure that an **assessment** of the lethality risk, the seriousness of the situation and the risk of repeated violence is carried out by all relevant authorities and duly taken into account at all stages of the investigation and the application of protective measures (Article 51)?

### **An Garda Síochána (AGS)**

Due to Ireland's ratification of the Istanbul Convention, Council of Europe Convention on preventing and combating violence against women and domestic violence on the 8<sup>th</sup> March 2019, An Garda Síochána has provided a commitment to initiate the rollout of the Domestic Abuse Risk Evaluation Tool (RET) across the organisation. The Risk Evaluation Tool (RET) is a sequence of twenty-two questions that the first responder must consider asking of a domestic abuse victim, with the view that Garda personnel can ensure appropriate resources and supports are directed to those most at risk. The Risk Evaluation Tool (RET) may be utilised by all Garda members when responding to or engaging with a victim of domestic abuse. Since the 31st March 2021, LMS training has been augmented by online seminars provided by the DAIPU<sup>22</sup> to distinct cohorts of Garda personnel including:

- Assistant Commissioner, Chief Superintendents and Superintendents;
- Domestic Abuse Inspectors, Detective Inspectors and Inspectors;
- Sergeants, CPD, Domestic Abuse intervention Champions, PAF Administrators and Regional Control Room personnel.

All aspects of the implementation, training, communications and guidance documents for the inculcation of the RET in each Region have been prepared and delivered by the Domestic Abuse Intervention and Policy Unit, GNPSB in partnership with the Garda College and IT Operations and Security. It is currently live in the Northern, Southern Region and Eastern Region with training at an advanced stage in the Dublin Metropolitan Region.

- C. 1.** Please indicate which authorities are granted the power to issue an **emergency barring order** when a woman victim (or at risk) of domestic violence is in a situation of immediate danger, as referred to in Article 52 (that is, ordering the perpetrator to immediately

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<sup>22</sup> Domestic Abuse Intervention and Policy Unit (DAIPU)

vacate the residence of the woman victim and/or prohibiting the perpetrator from entering the residence of or contacting the woman concerned).

The court can issue an emergency barring order upon application, where the court is of the opinion that there are reasonable grounds to believe that there is an immediate risk of significant harm to the person applying for the order or a dependent person, if the order is not made immediately. Such applications are normally made in the District Court. (Section 9 of the Domestic Violence Act 2018).

2. Please specify:

a. the time required to issue an emergency barring order;

This is dependent on the court district in which the proceedings are issued but applications can be made *ex parte* for the immediate issue of an emergency order in particularly urgent cases where the victim is in grave danger. It is possible for a police officer of at least the rank of Sergeant to seek an emergency court sitting in certain circumstances.

b. the maximum duration of an emergency barring order;

Section 15 of the Domestic Violence Act 2018 provides that an emergency barring order will have effect for a period not exceeding eight working days.

### Legal Aid Board (LAB)

Note: In answering the below questions the reference to “**emergency barring order**” is understood to refer to an “**interim barring order**”. There is also a remedy available called an “emergency barring order”. This latter category applies to certain victims who ordinarily would not be entitled to apply for a barring order and will be explained under d) below.

An interim barring order can be made for a maximum duration of eight days if made *ex parte* (only the victim represented). If made on notice it continues until the court determines the application for the barring order.

c. if the duration can be extended until a protection order can be issued;

If an emergency barring order has been made against a respondent, no further order can be made by the same applicant, until a period of one month has passed since the initial emergency barring order was made. (Section 16(a) of the Domestic Violence Act 2018)

However, section 16(b) of the 2018 Act provides that another emergency barring order may be made against the respondent within this one month period where the court is satisfied that there are exceptional circumstances which justify making the order.

d. If emergency barring orders can apply to all women victims of domestic violence; if not, please specify any exceptions;

The person applying for an emergency barring order must have lived with the respondent in an intimate relationship or be the parent of the respondent, before making the order (in the latter case the respondent must be of full age and not a dependent).

A spouse or civil partner cannot apply for an emergency barring order.

A person who was in an intimate relationship with the respondent but did not live with them before making the application, cannot apply for an emergency barring order. (Section 9(1) of the Domestic Violence Act 2018).

Normally in cases involving non-marital partners, a barring order (including an interim barring order) cannot be obtained against a perpetrator who has a greater ownership stake in the property than the victim. There is a remedy called an emergency barring order that can be obtained in such circumstances. This lasts for eight days and cannot be extended except in exceptional circumstances.

Barring orders (including interim barring orders) can only be obtained against spouses, civil partners, children, and persons who the victim has been in an intimate relationship with. Emergency barring orders can only be obtained against the last two categories of person.

- e. the type of measures used to enforce emergency barring orders and ensure the safety of the woman victim;

In making an emergency barring order, the court can direct the respondent to leave the place they are residing if they are residing with the applicant or the dependent.

The court can prohibit the respondent from entering the place where the applicant resides, for a period of up to eight working days, whether or not the respondent also resides there.

An emergency barring order can also prohibit the respondent from using or threatening to use violence against the applicant/dependent person and prohibit the respondent from molesting or putting in fear in the applicant or a dependent person.

The court can prohibit the respondent from attending, being in the vicinity of, watching or besetting the place where the applicant or dependent person resides as well as prohibiting them from following/communicating including electronically with the applicant or dependent person.

These provisions are contained in section 9(3) of the Domestic Violence Act 2018.

It is a criminal offence to breach a domestic violence order and is also contempt of court

- f. what sanctions can be imposed in case of a breach of such an emergency barring order;

Section 33 of the Domestic Violence Act 2018 states that a respondent who contravenes an emergency barring order or who refuses to permit the applicant to enter in to and remain in the place to which the emergency barring order relates, commits an offence and is liable on summary conviction to a class B fine, imprisonment for up to 12 months, or both.

- g. the support and advice made available to women seeking such protection.

Legal aid is available in respect of domestic violence remedies to victims satisfying the financial eligibility criteria for civil legal aid.

- 3. Please provide, on a yearly basis, administrative and judicial data (see section I. Introduction) on:

- a. the number of emergency barring orders issued by the competent authorities;

DV Court Orders	Protection Orders	Interim Barring Orders (as understood to be Emergency Barring Orders, see section 2, b)	Safety Orders	Barring Orders
Jan - Dec 2020	6592	1251	2467	1159
Jan - Dec 2021	6917	1141	2461	810

- b. the number of breaches of such orders;

The Courts Service can only provide data in relation to where offence codes provided on the system were used by prosecutors. Prosecutors may have used uncoded free text offences and any such offences would not be included in the data provided.

Report below displays number of offences and the number of persons in the District Court where convictions have been recorded for the period Jan-Dec 2020 & Jan-Dec 2021

Year	No of Offences where convictions were recorded	No of Persons convicted
Jan - Dec 2020	547	393
Jan - Dec 2021	782	530
<b>Total</b>	<b>1,860</b>	<b>1,312</b>

- c. the number of sanctions imposed as a result of these breaches.

Report below displays the number of court orders for imprisonments in the District Court. Please note that a person may receive more than one imprisonment e.g. a person may have more than one offence and received imprisonment on one offence and imprisonment suspended on the other offence.

Court Order	Imprisonment	Imprisonment - Part Suspended	Imprisonment - Suspended	Total
Jan - Dec 2020	164	15	254	433
Jan - Dec 2021	261	17	322	600

- D.** How are **restraining or protection orders** made available to women victims of all forms of violence covered by the Convention (Article 53, paragraph 1)?

Please specify:



1. the procedures in place to apply for a restraining or protection order;

The reference to “protection order” is being interpreted as a reference to a “safety order”. In Ireland a “protection order” is the interim/emergency form of what is known as a “safety order”.

An application is made to the District Court in the district court area where the victim resides.

2. if restraining or protection orders can apply to all victims of violence covered by the Convention; if not, please specify any exceptions;

Eligibility to apply for a protection/restraining order is based on the type of order being applied for under the Domestic Violence Act 2018.

## Appendix 19

- **Safety Orders (Section 6 of the 2018 Act)**
- **Barring Orders (Section 7 of the 2018 Act)**
- **Interim Barring Order (Section 8 of the 2018 Act)**
- **Emergency Barring Orders (Section 9 of the 2018 Act)**
- **Protection Orders (Section 10 of the 2018 Act)**

3. if there are any fees levied against the applicant/woman victim (with an indication of their amount);

There are no fees to make the application. No contribution is payable where legal aid is granted.

Where legal representation is engaged on a private retainer to do so, the lawyer/law firm concerned will likely charge fees.

4. the delay between issuing such an order and when it takes effect;

An order under the Domestic Violence Act 2018 takes effect when the respondent is notified that an order has been made against them. (Section 18 of the Domestic Violence Act 2018)

Production of the relevant order alongside oral communication given to the respondent, is considered to be sufficient notification. Where the respondent is present in the court when the order is made, this is considered to be sufficient notification also.

A safety order takes effect when granted by the court

5. the maximum duration of restraining or protection orders;

The duration of protection orders varies under the Domestic Violence Act 2018, according to the type of order.

A safety order expires five years after the date of making the order, unless a shorter time period is provided by the court in the original order. Where a further safety order is made by

the court on or before the expiration of the original order, this order takes effect from the date of expiration of the earlier order and can also be made for a period of up to five years.

A barring order expires three years after the date of making the order, unless a shorter time period is provided by the court in the original order, or unless the order has been extended or discharged during the three years. Where a further barring order is made by the court on or before the expiration of the original order, this order takes effect from the date of expiration of the earlier order and can also be made for a period of up to three years.

An interim barring order has effect for a period of up to eight working days when applied for *ex parte*. Interim barring orders cease to have effect upon the determination of the court of an application for a barring order.

An emergency barring order will have effect for a period not exceeding eight working days.

A protection order will cease to have effect upon the determination of the court of a subsequent application for a safety order or a barring order.

6. if such orders are available irrespective of, or in addition to, other legal proceedings;

An emergency barring order is a standalone order.

A protection order can only be sought where a safety order or barring order has also been applied for.

An interim barring order can only be sought where a barring order has been applied for.

All of the above orders can be sought whether or not any other criminal or family law proceedings have been commenced.

Safety orders can be applied for simultaneously with other District Court domestic violence or family law remedies.

7. if restraining or protection orders can be introduced in subsequent legal proceedings;

A domestic violence order can be made as a preliminary or ancillary order in divorce or separation proceedings.

8. the criminal and other legal sanctions which can be imposed (including deprivation of liberty, fines, etc.) in case of breach; and

Section 33 of the Domestic Violence Act 2018 states that a respondent who contravenes a domestic violence order, or who refuses to permit the applicant to enter in to and remain in the place to which a barring order, interim barring order or emergency barring order relates, commits an offence. It is also contempt of court.

Upon conviction for the offence of having breached a domestic violence order a class B fine or a term of imprisonment not exceeding twelve months can be imposed by the court at sentencing.

9. the support and advice made available to women seeking such protection.

Legal aid is available in respect of domestic violence remedies to victims satisfying the financial eligibility criteria for civil legal aid.

E. Please provide, on a yearly basis, administrative and judicial data (see section I. Introduction) on:

1. the number of restraining or protection orders issued by the competent authorities;
2. the number of breaches of such orders; and
3. the number of sanctions imposed as a result of these breaches.

Please see section C, 3 above,

F. 1. How does your internal law provide for the initiation of **legal proceedings ex officio** (namely, in order not to place the onus of initiating such proceedings and securing convictions on the women victims) in relation to each of the forms of violence covered by the Convention (Article 55, paragraph 1)?

Ireland operates a common law system including an adversarial justice system in which the decision to prosecute or not to prosecute criminal charges are brought forward by the Office of the Director of Public Prosecutions (ODPP). When a crime victim reports a crime to An Garda Síochána, they take a witness statement from the victim. A witness statement is a written record of the complaint. The Gardaí then investigate the crime. Depending on the investigation and the evidence, they may arrest a suspect.

In serious crimes, the Gardaí send a file to the ODPP and the DPP decides whether or not to prosecute the suspect. In less serious crimes, the Gardaí make the decision, but whoever makes the decision, the prosecution is still taken in the name of the DPP who has the right to tell the Gardaí how to deal with the case.

Investigations and legal proceedings can proceed ex officio of the victims involvement. The engagement or otherwise of the victim is not a requirement to bring forward a prosecution.

- a. Please specify which authorities have the power to initiate such proceedings.

In certain circumstances, the Child and Family Agency can take proceedings for a domestic violence order.

The Director of Public Prosecutions (or for minor offences An Garda Síochána under direction from the DPP) is responsible for initiating criminal proceedings in the vast majority of instances.

- b. Please also indicate, for each of the forms of violence covered by the Convention, what provisions in law, policy or guidelines define when prosecution is or is not in the public interest.

As in other common law systems, a fundamental consideration when deciding whether to prosecute is whether to do so would be in the public interest. A prosecution should be initiated

or continued, subject to the available evidence disclosing a prima facie case, if it is in the public interest, and not otherwise.

There are many factors which may have to be considered in deciding whether a prosecution is in the public interest. Often the public interest will be clear but in some cases there will be public interest factors both for and against prosecution.

There is a clear public interest in ensuring that crime is prosecuted and that the wrongdoer is convicted and punished. It follows from this that it will generally be in the public interest to prosecute a crime where there is sufficient evidence to justify doing so, unless there is some countervailing public interest reason not to prosecute. In practice, the prosecutor approaches each case first by asking whether the evidence is sufficiently strong to justify prosecuting. If the answer to that question is 'no' then a prosecution will not be pursued. If the answer is 'yes' then before deciding to prosecute the prosecutor will ask whether the public interest favours a prosecution or if there is any public interest reason not to prosecute.

In assessing whether the public interest lies in commencing or continuing with a prosecution, a prosecutor should exercise particular care where there is information to suggest that the suspect is a victim of crime. An example would be where it is suggested that the suspect is a victim of human trafficking. Such a person may be suspected of a range of offences from breaches of immigration law to offences related to prostitution. In a case in which there is credible information that a suspect is also a crime victim, the prosecutor should consider whether the public interest is served by a prosecution of the suspect.

Factors which should be considered in assessing whether to commence or continue with such a prosecution include: (i) the nature of the offence allegedly committed by the suspect; (ii) whether there is any information that coercion or duress was exercised against the suspect in the context of the alleged offence; (iii) where there are allegations that the suspect was subjected to duress – whether it is alleged that this included violence or threats of violence or the use of force, deceit or fraud, or an abuse of authority or exploitation of a position of vulnerability; and (iv) whether the suspect has cooperated with the authorities in relation to any offences believed to have been committed against the suspect.

- G.** How does your internal law allow for the continuation of **legal proceedings *ex parte*** (even if, for instance, the woman victim withdraws her statement or complaint) as referred to in Article 55, paragraph 1?

### Legal Aid Board (LAB)

This cannot be done in civil proceedings and they will be dismissed for want of prosecution or struck out if the victim does not want to proceed.

In criminal proceedings the prosecution will need to decide if it can proceed with the proceedings in the absence of the victim's evidence.

- H. 1.** How does your internal law allow for **NGOs or other civil society actors and domestic violence counsellors** to assist or support victims in legal proceedings (Article 55, paragraph 2)?
2. Please specify the conditions for such participation as well as their legal status during these proceedings.

The Criminal Justice (Victims of Crime) Act, 2017 provides the right for victims to receive comprehensive information on the criminal justice system, their role within it and the range of services and entitlements which victims may access from their first contact with State agencies and the right to information on victim support services. Government funding continues to be committed to frontline DSGBV services supporting multiple victim support services which facilitate court accompaniment. DSGBV NGO's typically provide court accompaniment for:

- Application for a protection, barring, safety, custody, access and/or maintenance order
- Family court hearing for barring, safety, custody, maintenance order, access
- Criminal court hearing for assault charges against a spouse/partner
- Family court hearing for judicial separation or divorce

On the day of the court hearing, the court accompaniment will:

- Provide emotional support, both before, during and after the court proceedings
- Support the victim as they face the abusive partner on the day
- Clarify legal terminology
- Help the victim come to terms with the decision of the court
- Inform the victim of possible follow-up proceedings/options
- Identify safety measures with the victim and their children following the court hearing.
- Provide post-hearing support

I. 1. What **measures of protection** are available during investigations and judicial proceedings (Article 56, paragraph 1)?

In accordance with the Criminal Justice (Victims of Crime) Act 2017, all victims receive an assessment of their needs by the reporting/investigating Garda member. Victims with needs flagged (a motive of domestic violence is one flag) will prompt for a Superintendent's consideration. The Superintendent will direct on the appropriate protection measures for the victim. Such protection measure may include crime prevention advice, interview by a member of the same gender as the victim, assigning a Diversity Officer or Family Liaison Officer, for example.

2. Please provide details on all measures referred to in Article 56 paragraph 1, in particular to:

- inform women victims, at least where they and their family might be in danger, when the perpetrator escapes or is released temporarily or definitively;
- enable women victims to be heard, to supply evidence and have their views, needs and concerns presented (directly or through an intermediary), and considered;
- provide women victims with appropriate support services so that their rights and interests are duly presented and taken into account;

- ensure that contact between women victims and perpetrators in law enforcement agency and court premises is avoided whenever possible.

Please see section I. 1

3. Please also describe what special measures are available to offer protection to child victims and child witnesses of violence covered by the Convention (Article 56, paragraph 2).

## Appendix 20

- Child victims and child witnesses

**J.** Please provide details on the availability of **free legal aid for women victims**, as required by Article 57, including eligibility criteria.

In civil cases, legal aid is available for victims to take applications for domestic violence remedies. Applicants must apply to the Legal Aid Board and meet financial eligibility criteria (their disposable income after allowances must not exceed €18,000 per annum and their disposable capital assets not including their home and after allowances must not exceed €100,000 (on hand or in the bank at the time of application and throughout the period they are in receipt of legal aid).

In certain criminal cases legal aid is available to victims. These cases involve the prosecution of certain serious sexual offences. Legal aid is available to victims in two instances:

- Where the accused proposes to question the victim on their past sexual history. Where this happens the jury is sent out and a *voir dire* occurs where the application is made by the accused. Both the victim and the prosecution are entitled to be heard in relation to the application and for this purpose legal aid is available to the victim.
- The other instance occurs where the prosecution or defence is proposing that counselling records of the victim will be made available to the court. Again the victim is entitled to be heard in relation to the application and legal aid is available.

No means or merits criteria apply for this service. The Legal Aid Board will normally be informed by the prosecutor that the victim is in need of representation and will assign a lawyer to the victim. It is important to note that the service is limited to the particular circumstances above and does not involve the provision of service throughout the criminal proceedings.

A legal advice service is available to victims of sexual offences. Currently this service is limited to certain offences and where criminal proceedings have already been instituted. The O'Malley Report recommends removing the latter restriction and widening the range of offences and this is likely to occur in 2023.

**K.** Please provide information on **any other existing investigation, prosecution, procedural law and protective measures** in relation to violence against women, together with any available data on the recourse to such measures.

## Appendix 21

- Pillar 2 of the Third National Strategy on DSGBV containing protective measures
- Pillar 3 of the Third National Strategy on DSGBV containing prosecution measures

## VII. Migration and asylum

(Chapter VII of the Convention, Articles 59 to 61)

Please provide information on the measures taken in relation to migrant women victims of violence as covered by the Convention, whose status makes them particularly vulnerable.

### The Domestic Residence Permission (DRP) Unit

The Domestic Residence Permission (DRP) Unit of the Department of Justice Immigration Service Delivery function processes change of immigration status for victims of domestic violence whose immigration status is currently dependent on the perpetrator of that violence. DRP accept applications by letter or email from individuals, NGOs and legal representatives. DRP grant individual immigration to victims of domestic violence in line with published [guidelines](#). The guidelines are designed to allow a person suffering from domestic violence to attain an independent immigration permission. When we grant independent permission we do so on stamp 4 conditions.

### EU Treaty Rights Division (EUTR)

The EU Treaty Rights Division (EUTR) of the Department of Justice provides that Article 10(2)(b)(iii) of S.I. No. 548/2015 European Communities (Free Movement of Persons) Regulations 2015 which provides for the spouse or civil partner of an EU national to retain their right of residence under the Regulations where the retention of such right is warranted in particularly difficult circumstances – e.g. where the spouse, civil partner or child under 18 years have been subject to domestic violence while the marriage was subsisting.

The above Regulation does not take account of a certain cohort of beneficiaries, namely permitted family members or De Facto partners. In these circumstances, where the regulations do not cover victims of Domestic Violence, we follow the guidelines referenced by DRP above and permission may be granted on a discretionary and case-by-case basis. We are clear in our correspondence to these individuals that their permission is a discretionary one and is not an entitlement/ permission under the Free Movement Regulations. Permission granted is a Stamp 4.

Please also provide information on the measures taken in relation to women asylum seekers who are fleeing gender-based violence.

### International Protection Office (IPO) (Department of Justice)

When assessing applications for international protection involving gender-related persecution, the International Protection Office (IPO) has 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*.

The training on membership of a particular social group that is provided to the IPO's new legal panel members and caseworkers as part of their induction training on international protection covers gender-related persecution.

In interview training provided to Legal Panel Members, who are engaged on contract to assist the IPO in the assessment of applications for international protection, and IPO caseworkers



involved in the assessment of claims, it is highlighted that in the case of vulnerable applicants there may be barriers to disclosure such as shame, dissociation and avoidance. It is pointed out that “free narrative” (providing the applicant with an opportunity to give an uninterrupted personal account of the reasons for applying for protection) can assist vulnerable applicants in providing information in a spontaneous way. The training advises interviewers to adapt their interviewing style to the particular circumstances of the applicant and to seek guidance from their supervisors when preparing for interviews with vulnerable applicants.

As part of the preparation for an interview under section 35 of the 2015 Act, the interviewer examines the information provided by the applicant in his or her Application for International Protection Questionnaire and any documentation, including medical reports, which may have been submitted by the applicant. This preparation informs the interviewer of any factors relating to the applicant’s personal circumstances that may place him or her within a category of persons who are vulnerable.

Trauma and traumatic memory are taken into account when assessing credibility.

Guidance on assessing credibility given to Legal Panel Members and IPO caseworkers advises that credibility assessment must be conducted on an individual basis taking into account the individual and contextual circumstances of the applicant. “Individual and contextual circumstances” of applicants includes their age, maturity, gender, sexual orientation, mental and physical capacity, cultural, education, social and family background, beliefs, and their possible experiences of torture, sexual and gender based violence, trauma and/or medical problems more generally.

### **International Protection Accommodation Services (IPAS), (Department of Children, Equality, Disability, Integration and Youth) (DCEDIY)**

A welfare check is undertaken by an IPAS social worker as a result of IPAS being made aware of that resident having a health or welfare concern. During the course of a welfare check, the social worker maybe made aware that this person has been a victim of violence and a course of action is undertaken to provide the necessary supports.

A vulnerability assessment pilot programme is currently in operation by IPAS. Under this programme, every person who makes an application for international protection is entitled to participate in a vulnerability assessment. The purpose of these assessments is to determine if, by virtue of a particular category of vulnerability, an applicant is deemed to have special reception needs, what those needs are, and what actions are required to address those needs. As participation is voluntary, only applicants who consent to participate in the pilot can be assessed.

IPAS makes every effort to ensure that residents' specific needs are met. All persons identified as vulnerable are directed to relevant services by IPAS’s dedicated Social Work team.

- A. 1.** Please indicate how your authorities ensure that a migrant woman victim may be granted an autonomous residence permit in the following cases:
- a. in the event of the dissolution of the marriage or relationship due to particularly difficult circumstances such as violence, irrespective of the duration of the marriage or relationship (Article 59, paragraph 1);

**DRP** accepts applications and grants independent permission irrespective of the duration of the relationship or marriage.

**EUTR** - as outlined above under Regulation 10(b)(2)(iii).

- b. in the event of the expulsion of the (abusive) spouse or partner on whom her residence status depends (Article 59, paragraph 2);

**EUTR** – The Free Movement Directive is silent on the expulsion of the (abusive) spouse or recognised civil partner on whom her residence depends. However, Regulation 9 provides for the right of retention in the event of departure of the Union citizen where they had been living in conformity with the regulations and where they have a child in education they may remain in the State until the course of education has finished.

As previously mentioned, a certain cohort of beneficiaries may not benefit from the narrow definition provided for in Regulation 9. These cohort are covered under the guidelines referenced by **DRP** above and are granted permission on a discretionary basis. We are clear in our correspondence to these individuals that their permission is a discretionary one and is not a permission or entitlement under the Free Movement Regulations. Permission granted is a Stamp 4.

- c. where her stay in the country is necessary owing to her personal situation (Article 59, paragraph 3a);

**DRP** accepts applications and grants independent permission when it is necessary owing to personal situation.

- d. where her stay in the country is necessary for the purpose of her co-operation in investigation or criminal proceedings (Article 59, paragraph 3b);

**DRP** accepts applications and grants independent permission when it is necessary for the investigation of criminal proceedings.

- e. where she lost her residence status as a result of a forced marriage for which purpose she was removed from her country of residence (Article 59, paragraph 4).

**DRP** handles immigration permission applications for persons in the State. If a person leaves the State for the purpose of a forced marriage the person would need to obtain an entry visa/enter the State for **DRP** to regulate their status. Once in the State, **DRP** would deal with it in the same way as other cases

2. Please provide data on the number of women who have been granted the right to remain in your country for any of the reasons set out in categories A.1.a to A.1.e and separate the data per type of residence status granted (permanent residence status, renewable residence status, other).

**DRP** does not record the reason for giving the independent permission. **DRP** granted the following independent permissions;

Year	Persons Granted Independent permission
------	--

2020	25
2021	29
2022 to May	29

EUTR does not record statistics in such a specific manner so figures for this cohort are not available.

- B. 1. Does your internal law recognise **gender-based violence against women as a form of persecution for asylum claims** as referred to in Article 60, paragraph 1<sup>23</sup>?

Yes it does

2. How do you ensure a gender-sensitive interpretation of the forms of persecution set out in Article 1, A (2) of the 1951 Convention relating to the Status of Refugees<sup>24</sup>?

#### Appendix 22

- International Protection Office (IPO) Guidelines

3. Please provide data on the number of women victims or those at risk who have been granted refugee status on one or more of the Convention grounds, as referred to in Article 60, paragraph 1, compared to the overall number of women who requested asylum in your country.

The International Protection Office (IPO) does not keep statistics specific to the grounds on which protection applications are made or granted.

4. Please provide data on the number of women victims or those at risk who received complementary/subsidiary protection on such grounds.

The International Protection Office (IPO) does not keep statistics specific to the grounds on which protection applications are made or granted.

<sup>23</sup> Article 60, paragraph 1 of the Istanbul Convention refers to Article 1, A (2) of the 1951 United Nations Convention relating to the Status of Refugees, which defines the term “refugee” as “any person who (...) owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

<sup>24</sup> See, for example, United Nations High Commissioner for Refugees' Guidelines on International Protection: Gender-Related Persecution within the context of Article 1, A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees.

Where the IPO finds that a female applicant would be at risk of gender-based violence if returned to her country of origin, the applicant is granted refugee status. Thus, subsidiary protection does not apply.

**C.** Please indicate steps taken to develop:

- a. gender-sensitive reception procedures and support services for asylum seekers
- b. gender guidelines;
- c. gender-sensitive asylum procedures, including refugee status determination and application for international protection, as required by Article 60, paragraph

**See answers above B2**

**Appendix 23**

- **International Protection Accommodation Services (IPAS), (Department of Children, Equality, Disability, Integration and Youth) (DCEDIY) Policy**

**D.** How do you ensure that women whose asylum claims have been rejected are not returned to any country where their life would be at risk or where they might be subjected to ill-treatment (including gender-based violence amounting to ill-treatment), as provided for in Article 61?

When considering to deport, refoulement would be taken into account as part of a consideration under 3(6) of the 1999 Immigration Act and/or in a request to revoke a deportation order under Section 3(11) of the Immigration Act. (it is also considered in the International Protection Act 2015)

**E.** Please indicate **any other measures** taken in relation to the protection of migrant women victims and women asylum seekers in the area of immigration and refugee law.

It is useful to note that there is a slight increase recently in requests for migrant women who are experiencing domestic violence wishing to voluntary return to their Country or Origin. They would be assisted with pre-return counselling and supports from the International Organization for Migration including travel assistance, flight costs and a reintegration grant.





Servicemen and women								
Any other relevant category								

**Table 2: In-service training**

The below information has been submitted by the Department of Health (DOH) and Health Service Executive (HSE)

	NUMBER OF PROFESSIONALS TRAINED	MANDATORY NATURE	AVERAGE LENGTH OF CURRICULUM	PERIODICITY	FUNDING SOURCE	BODY MANDATED TO CARRY OUT/CERTIFY IN-SERVICE TRAINING	TRAINING EFFORTS SUPPORTED BY GUIDELINES AND PROTOCOLS
Police and other law-enforcement officials							
Prosecutors							
Judges							
Social workers		Non mandatory	4 hours face to face		National social inclusion office	Approval sought and received from relevant professional accreditation bodies ( <a href="#">NMBI</a> & <a href="#">CORU</a> )	HSE Policy on DSGBV and second national intercultural health strategy
Medical doctors		Non mandatory	4 hours face to face		National social inclusion office		HSE Policy on DSGBV and second national intercultural health strategy
Nurses and midwives		Non mandatory	4 hours face to face		National social inclusion office	Approval sought and received from relevant	HSE Policy on DSGBV and second national intercultural health strategy



						professional accreditation bodies (NMBI & CORU)	
Psychologists, in particular counsellors/ psychotherapists		Non mandatory	4 hours face to face		National social inclusion office		HSE Policy on DSGBV and second national intercultural health strategy
Immigration/asylum officials	See details at VII B 2						
Educational staff and school administrators							
Journalists and other media professionals							
Servicemen and women							
Any other relevant category							

**Table 3: Training Provision for Engaging with Vulnerable Witnesses in the Context of Sexual Offences**

The Department of Justice commissioned an external consultant in 2021 to analyse and map the existing provision of training for those serving in a front line capacity with vulnerable witnesses throughout the State following the publication of the O'Malley Report implementation plan "Supporting a Victim's Journey". This training mapping exercise was carried out through a process involving key stakeholder meetings, focus groups, 1 to 1 calls and an online survey. Participants in this exercise included representatives of the Garda National Protective Services Bureau, Sexual Assault Treatment Units, Legal Aid Board, Rape Crisis Network Ireland, the Probation Service and more.

# Agency Training Mapping





## **Appendix 1 - ODPP Policy on DSGBV**

### **i. The Direction of Offences**

In her opening address at the Annual National Prosecutors' Conference in November 2021, the Director of Public Prosecutions noted that in 2020 the number of files received by the Office for direction on domestic violence offences had doubled. At the time of her speech, that trend had sustained with a further increase of over 25 per cent projected by the end of that year. Arising from this, protocols in place were augmented by the Office to prioritise files concerning domestic and sexual violence received from the Garda Síochána for direction.

Some of the legislation that we rely on in the direction and prosecution of offences of violence against women is the Non-Fatal Offences against the Person Act 1997, the Criminal Law (Rape) Act 1981, the Criminal Law (Rape Amendment) Act 1990 and the Domestic Violence Act 2018. The commencement of the Domestic Violence Act precipitated Ireland's ratification of the Istanbul Convention. As a result of this Act coming into force, Ireland can now prosecute for the following new offences:

- Offence of Forced Marriage (Section 38 Domestic Violence Act 2018)
- Offence of Coercive Control (Section 39 Domestic Violence Act 2018)

In 2020-2021, the Office directed on 12 prosecutions for the offence of coercive control.

### **ii. The Prosecution of Offences**

In the conduct of trials, where there is a need to protect a victim of the offence from secondary and repeat victimisation, intimidation or retaliation, the Office of the DPP is enabled by virtue of the Criminal Justice (Victims of Crime) Act 2017 to make an application to the judge for a range of special measures. In the prosecution of crimes of violence and domestic violence, the following special measures can support the victim to give their best evidence:

- An application for a screen (Part III Criminal Evidence Act 1992 as amended by Section 30 Criminal Justice (Victims of Crime) Act)<sup>1</sup>
- An application for video link (Part III Criminal Evidence Act 1992 as amended by the Section 30 Criminal Justice (Victims of Crime) Act)
- An application for an intermediary (Part III Criminal Evidence Act 1992 as amended by Section 30 Criminal Justice (Victims of Crime) Act)
- An application to exclude the public/member of the public (Section 20 Criminal Justice (Victims of Crime) Act)
- An application to prevent cross examination of the private life of the victim which is unrelated to the charge (Section 21 Criminal Justice Victims of Crime Act)

<sup>1</sup> Section 30 Criminal Justice (Victims of Crime) Act 2017

### **iii. The Sexual Offences Unit**

In its 2020 annual report, the Office of the DPP noted there was a 12% rise in the amount of files it received on sexual offences in 2019 and a further 8% increase in 2020. Arising from internal planning, a specialised Sexual Offences Unit was established. Phase one of the Unit was established in April 2021. The rationale for this new Unit was to further develop prosecutors with specialised skills in the prosecution of sexual offences and to enhance the service received by the victim.

#### **iv. The Prosecution of Domestic Violence Offences in District Court**

The prosecution of breaches of domestic violence orders was prioritised throughout the course of the COVID-19 pandemic. Time limits for the submission of these files by the Garda Síochána to the Office of the DPP have been relaxed, late files are accepted and representation is provided at short notice. Due to the increase in the volume of these files, hard copy and electronic version of domestic violence files are clearly labelled to ensure that the prosecutor is aware of these files in advance of going to court. In 2020-2021, the Office provided representation in relation to 753 files concerning breaches of domestic violence orders.

Traditionally, DSGBV prosecutions have formed part of a mixed list of criminal cases heard by a Judge sitting in the District Court. Prior to the pandemic, work had begun to develop a specialised list to deal with cases involving DSGBV and vulnerable victims in the Circuit Court, sitting to hear District Court Appeals.

During the pandemic, work also began to develop a specialised list to deal with cases involving DSGBV and vulnerable victims in a Dublin District Court. This was expanded to two other courts.

The advantages of a specialised court are that an experienced and skilled lawyer can prosecute these cases. It also means that the judge, prosecutor and defence are all aware of the legislative provisions applicable to these type of offences, which can assist the victim in giving evidence, including:

- The automatic exclusion of the public for Section 33 Offences (Section 34 Domestic Violence Act 2018)
- An application to exclude the public (Section 20 Criminal Justice (Victims of Crime) Act)
- Prohibition on publication or broadcast of certain matters for Section 33 Offences (Section 36 Domestic Violence Act)
- Anonymity of complainant for sexual assault offences (Section 6 Criminal Law (Rape) Act 1981)

The piloting of a specific court to deal only with the business of DSGBV is still being worked on. The Office of the DPP is also aware of the risk that a court with a specialised list may have unintended consequences such as delayed prosecution of these offences.

#### **v. Pre-trial Consultation**

For trials heard in the Circuit and Central Criminal Court the Office of the DPP invites the victim to a pre-trial consultation. At this pre-trial consultation, information on the process and procedure of the trial is given to the victim. Information on what special measures exist and how they operate is also given. This verbal communication of information can reinforce the written information on the DPP website as well as the booklets given to the victim by the Garda Síochána (see **(xi) Information for Victims** below). During 2020 and 2021, the Office moved to providing these consultations online. Where a trial had to be adjourned because of the pandemic, an online consultation took place to update the victim.

#### **vi. Guidelines for Prosecutors on Victims**

The fifth edition of these Guidelines was published in December 2019. All legal staff are directed to the Guidelines for Prosecutors when they begin working here and use it as a reference guide in carrying out their duties as prosecutors. Chapter 12 sets out the rights of

victims of crime. At paragraph 21a) to l) the responsibilities of prosecutors to the victim are set out.

### **vii. Sentencing**

The role of the prosecutor in the sentencing process is set out in Chapter 8 of the Guidelines at 8.13. The prosecutor will refer the court to Section 40 of the Domestic Violence Act 2018 at relevant sentencing hearings. This legislation provides that the relationship between a defendant and a victim is to be treated as an aggravating factor in sentencing for certain offences.

### **viii. Appeals**

Under section 2 of the Criminal Justice Act 1993, the Director can take an appeal against a sentence where she is of the view that it is 'unduly lenient'. Over the 2020-2021 period, a number of cases of DSGBV were appealed by Director on the basis that the court handed down a suspended sentence, see *DPP v Farnan* 2020 [IECA] 256 and *DPP v Connor* 2020 [IECA] 255. In 2020, the Director also took an undue leniency appeal where a custodial sentence had been imposed in *DPP v Sutton* 2020 [IECA] 280. Such appeals communicate to the sentencing court that the offence was not marked by a serious enough sentence. These cases circulate internally through the ODPP Legal Portal and externally through the Court Service website. They are also often reported in the media which publicises the issue of domestic violence.

### **ix. Other Relevant Case Law**

Under Article 34 of the Irish Constitution, the Director can, where a decision involves a matter of general public importance, ask the Supreme Court to clarify the matter. In 2019 the Office of the DPP asked the Supreme Court to clarify the decision of the Court of Appeal in *DPP v FE* 2018 IECA 53. This resulted in the Supreme Court decision of *DPP v FE* 2019 [IESC] 85. This was delivered in December 2019. This judgment concerned the sentence handed down to the accused in a marital rape case. The Office of the DPP submitted that the rape should have been seen as part of a pattern of violent and abusive behaviour and the sentence should have reflected the totality of that behaviour. The case gave rise to the question of how to determine the appropriate sentence in respect of a person who commits rape against a background of ongoing domestic violence as distinct from a person who commits a single, isolated offence of rape. The Supreme Court held that separate incidents of domestic violence which predated the rape, but formed part of a pattern of offending behaviour should be taken into consideration by the sentencing court when determining the correct sentence to be imposed.

### **x. Domestic Violence Group**

A Domestic Violence Group was established by the Office in 2019. Structurally, the Office is divided into three divisions. Within those divisions, there are sections. The Domestic Violence Group is a cross cutting group comprised of seventeen representatives from different sections of the Office. The purpose of the Domestic Violence group is to drive greater efficiencies in the prosecution of DSGBV offences by acting collectively with all of the Sections / Divisions in the ODPP, together with the relevant stakeholders in the Criminal Justice System. The purpose of the group is to coordinate prosecution policy on domestic violence and create a central space where prosecutors can share information, expertise, experience and 'lessons learned' from the practice of prosecuting domestic violence offences across the office. The group met in person in 2019 and online in 2020 and 2021. A business plan was drafted to capture the work of the group for the next twelve months. One of the key objectives of the group is knowledge management. Progress had been made on this in 2020 with the creation of a domestic violence forum and topic collection on Domestic Violence on the Office's internal

legal portal. This enables information relevant to the issue of domestic violence to be shared by and to staff. Information such as legal information notes, staff instruction notes, judgment summaries and counsel's advices was uploaded to this topic collection during 2020 and 2021. The group regularly meets with members of the Garda National Protective Service Bureau to share practical knowledge and identify areas where progressive changes can be made. Recent work undertaken includes an information document to support training for members of the Garda Síochána on the proofs required to prosecute domestic violence cases involving the breach of an order under section 33 of the Domestic Violence Act 2018. The Domestic Violence group also inputted into the development of a risk assessment tool to be used by the Garda Síochána to identify high risk victims of domestic violence.

## **xi. Information for Victims**

The Office of the DPP appreciates that the provision of accessible, timely information enables the victim to prepare for the process of giving evidence. Work is ongoing to provide accessible written and verbal information to the victim around the trial process.

- **The ODPP website:** Information on the criminal justice system, the prosecutorial system in Ireland, the role of the DPP, the decision to prosecute, going to court as a witness, making a victim impact statement and the appeals process is some of the information which appears on the website. This can allow the victim to acquaint themselves with the criminal justice system at the earliest opportunity. The information on the website is regularly reviewed. A project looking at the provision of information for victims is on-going. Links to relevant organisations for victims are displayed on the ODPP website. A link which can take the victim to crime victims helpline is also displayed. This helpline provides the victim with details of local support services.
- **Information e-booklets on the ODPP website:**
  - The Role of the DPP
  - How we make prosecution decisions
  - How to request reasons and reviews
  - Going to Court as a Witness
  - Releasing my Counselling Records
  - Making a Victim Impact Statement

These information e-booklets have been written in plain English and approved by NALA (the National Adult Literacy Agency). This ensures the booklets are accessible for to all readers. The e-booklets have been translated into Irish and ten<sup>2</sup> other languages. Where a reader wishes to access an e-booklet in another language, the website has a simple drop down menu to allow this.

2 Arabic, French, Latvian, Lithuanian, Mandarin, Polish, Portuguese, Romanian, Russian, Spanish.

- **Hard copy of Booklets to victim:** For the victim giving evidence in a jury trial in the Circuit and Central Criminal Court, the Office of the DPP forwards two hard copy information booklets (the Role of the DPP, Going to Court as a Witness) to the Garda Síochána for onward transmission to the victim.
- **Application for Special Measures at trial:** In sending information booklets to the Garda Síochána, the Office of the DPP prompts them to conduct a Section 15 assessment as to whether the victim may require a court application to be made for special measures. Where this assessment results in a statement outlining a need for



special measures at trial for the victim, the ODPP uses this to ground a court application for this.

- **Information Updates during the trial:** Where jury trials proceeded in 2020 and 2021 the ODPP kept the victim updated on its progress by meeting the victim after court and communicating this information to them.

## xii. Training for Prosecutors

Training our prosecutors is a really important part of our work. The Office of the DPP has its own Training Unit and an active Legal Training Steering Committee. This committee meets regularly throughout the year to ensure that the legal training needs of staff are addressed. Domestic Violence has been a training topic for many years. Some of the work in 2020 and 2021 focused on staff training needs arising from the O' Malley Report.

- **Training for legal staff arising from recommendation in O'Malley Report:** The Review of Protections of Vulnerable Witnesses in the Investigation and Prosecution of Offences (the O'Malley Report') was published in August 2020. It made a recommendation that staff interacting with vulnerable witnesses receive special training. Arising from this recommendation, the Office of the DPP held an external consultation with NGO's in December 2020. This was followed by a consultation in January 2021 with legal staff to scope out their training needs in relation the victim. A pilot training series designed to educate and upskill staff on how trauma can present in victims of violence and domestic violence was rolled out in April and May of 2022.

In 2020 and 2021 the ODPP provided the below training and talks for prosecutors. Most of this training was recorded and could be attended online at a future date.

### In Office Training and Talks:

2020	Domestic Violence Series	Domestic Violence Update
2020	Domestic Violence Series	NGO talk on Domestic Violence Prosecutions: The Victims Perspective
2020	Domestic Violence Series	Prosecution of breaches of domestic violence orders in the District Court
2020	Domestic Violence Series	Talk on Istanbul Convention
2020	Annual Prosecutors Conference	Presentation on Review of the Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences
2020	On line talk	Intimate Relationship Abuse against Young People
2020	Academic talk	Proving an absence of consent in Rape Trials
2020	Academic talk	The Realities of Rape Trials
2020	Academic -talk	No more Silence –Forensic Criminologist Specialising in Homicide, Stalking & Coercive Control
2021	Annual Prosecutors Conference	Talk on Offence of Coercive Control given by lawyer who conducted first trial of the Offence.
2021	Annual Prosecutors Conference	Psychotherapist talk on Understanding Trauma and trauma informed practice
2021	On-site and on line training	Bespoke training on communicating clearly with the victim. Bespoke training on optimal level of empathy with victim

2021	On line training	Intimate Partner Homicide Timeline 5 modules – Coercive Control and Intimate Partner Stalking & The eight stages
2021	On line training	Domestic Abuse Through Coercive Control
2021	On line talk	Psychotherapist – The threat response in Human Beings & Neurobiology of threat
2021	On line launch and talks- NGO	Women’s Aid Annual Report Launch
2021	Online Lawyer	Engaging with People with Disabilities
2021	NGO Event online	Women’s Aid UN Day Opposing Violence Against Women Webinar
2021	NGO event online	Victims’ Rights Alliance webinar series on issues that are pertinent to victims of crime.
2021	UK Police Online event	National Launch Event - The Amber Project.

### xiii. External Work

The Office has been an active participant in cross sectoral reform work on victims in the following way:

- The O’ Malley Working Group:** This group was established by the Department of Justice in August 2018. The work of this group ultimately led to the publication of the O’ Malley report mentioned above at j. A solicitor from the Office of the DPP sat on this group. The group also comprised the Department of Justice, the Garda Síochána, the Probation Service, the Court Service and the academic and author of the report, Tom O’ Malley. The working group was established to explore what reforms might be introduced to protect victims of sexual violence during the investigation and prosecution of sexual offences. A series of recommendations by the group were made.
- Implementation Group for the O’ Malley Report:** Subsequent to the publication of this report, the Minister for Justice published Supporting a Victim’s Journey. This is a plan for how to implement the recommendations in the O’ Malley report. A cross sectoral implementation group was also established. A solicitor from the Office of the DPP sits on a subgroup which deals with training; a second solicitor sits on a subgroup which deals with intermediaries.
- Training provided by the Office of the DPP to NGO’s:** The Office provided training to both Women’s Aid and Safe Ireland on the role of the Office of the DPP. This has assisted NGO’s who support the victim to explain clearly the role of the Office of the DPP in the prosecution of offences. This enables the victim to have a clear understanding of the prosecution system in Ireland.
- Training provided by the Office of the DPP to the Garda Síochána:** The Office has been actively liaising with the Garda Síochána for some years now on the effective prosecution of domestic violence cases. This has included the provision of extensive training to those Senior Gardaí prosecuting domestic violence cases in District Courts around the country.

## Appendix 2 - DOJ DSGBV Research

- **Empirical research on the processing of sexual offence cases** from the time at which a complaint is made until the case comes on for trial, in those cases where a prosecution is initiated. This work focuses specifically on an exploration of examples of international best practice, gaps in institutional data available, the experiences of various state stakeholders (incl. police service, Office for Director of Public Prosecution, the Courts Service) and those of victims of said offences. The action was added to the Department's research programme for 2021 and is currently underway.
- **Sexual Violence Survey (SVS):** In April 2018 the Report of the Scoping Group on Sexual Violence Data recommended that a national survey on the prevalence of sexual violence should be conducted, among other things. The Central Statistics Office was requested by the Minister to oversee the development and delivery of a new national survey on the prevalence of sexual violence in Ireland. The findings of the survey will inform policy in several areas and is due for completion in April 2023. More details here: <https://www.cso.ie/en/surveys/surveysunderdevelopment/sexualviolencesurveysvs/>
- **Evaluation of domestic violence intervention programmes:** This research focuses on two main aims; the first aim is to assess and map the structure and quality of perpetrator programmes at a national level. Within this aim we will (a) map how DVIP practice is being conducted, measured and evaluated in Ireland; (b) assess the level of compliance of perpetrator programmes with the unified model of work and effectiveness of governance structures; (c) Identify evidence-based best practices and areas for improvement among programmes, considering programmes' and participants' characteristics. The second aim is to establish a consistent and standardised evaluation system to monitor a wide range of programme characteristics, processes and outcomes. This aim includes the following activities: (a) Identify which best practices and actions should be extended to other programmes; (b) explore the feasibility and costs of the introduction of specific interventions and best practices to other programmes; and (c) identify/describe/explore how interventions and best practices should be implemented to ensure the effectiveness, consistency and sustainability of the evaluation system. The methodology will include quantitative and qualitative data analysis of several data collection strategies (surveys, interviews, focus groups, etc.). Moreover, the research team will cooperate with local experts and ask for feedback to local stakeholders. This work is currently underway.

### **Appendix 3 - CSO Surveys**

#### Sexual Violence Prevalence Study (SVPS)

A nationally representative survey, which will produce the first official statistics on the prevalence of sexual violence in Ireland, will be conducted in 2022. The only form of violence that will be covered is sexual violence, which would include sexual violence in a domestic setting. It will not include data on physical, psychological or economic harm or suffering to women. This survey will cover the Republic of Ireland and will be asked of men and women who are resident in Ireland and aged 18 years and over. The results will be published in 2023. The results will be disseminated in multiple forms with a publication containing descriptive

statistics, tables of information and infographics, with micro-data available for approved researchers also.

### Sexual Abuse and Violence in Ireland Report (SAVI) (2002)

The 2002 SAVI Report provided the first comprehensive investigation of lifetime experiences of sexual violence and the uptake of related services in Ireland. The SAVI study comprised two components. The first is a major survey of over 3,000 members of the general public about their attitudes and beliefs and their own lifetime experiences of sexual violence. Uptake of services and barriers concerning disclosure to others (including law enforcement, medical and therapeutic services) were considered. A parallel section considered the particular challenges of preventing and managing sexual violence in marginalized groups. Six exemplar groups were considered using varying research approaches – homeless women, the Travelling community, prisoners, women involved in prostitution, people with a learning disability and those using psychiatric services. The SAVI Report was commissioned by the Dublin Rape Crisis Centre and undertaken by the Health Services Research Centre at the Department of Psychology, Royal College of Surgeons in Ireland. Additional support to the study was provided by two Government Departments – the Department of Health & Children and the Department of Justice, Equality and Law Reform.

### ESRI report on domestic violence (2004/2005)

The Economic and Social Research Institute (ESRI), published the first ever large scale study undertaken to give an overview of the nature, extent and impact of domestic abuse against women and men in intimate partner relationships in Ireland. The study was commissioned by the National Crime Council and based on a survey conducted by the ESRI of a nationally representative statistical sample of over 3,000 adult women and men, as well as focus group interviews with Traveller and immigrant women.

The study draws a distinction between severe abuse, defined as a pattern of physical, emotional or sexual behaviour between partners in an intimate relationship that causes, or risks causing, significant negative consequences for the person affected and isolated minor incidents that do not form a pattern of behaviour and do not have a severe impact. The two types of behaviour differ in their impact and in the profiles of those affected. The study focuses on severe abuse which is likely to call for an intervention from the Criminal Justice System and/or place demands on support services for victims.

## **Appendix 4 – Awareness Raising**

### **Department of Justice, Department of Education and HSE Awareness Raising**

#### “No Excuses” Domestic and Sexual Violence Awareness Raising Campaign

The “No Excuses” sexual violence awareness raising campaign is a key action introduced as part of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021. It follows the previous “What would you do?” domestic violence campaign.

The purpose of this campaign is to increase the awareness of sexual harassment and sexual violence; to bring about a change in long established societal behaviours and attitudes and to activate bystanders with the aim of decreasing and preventing this violence.

The campaign features various scenarios of sexual harassment and sexual violence to highlight and help people recognise these behaviours and the many precursors to them. They call on society to reflect on our own reactions and to stop excusing sexual harassment and sexual violence. It is hoped they will help all of society to hold such behaviours and their precursors totally unacceptable. The campaign launched in 2019 after the 3 year “What would you do?” campaign focusing on domestic violence.

The campaign was commissioned as a high impact media campaign to reach a national audience through many mediums (TV, cinema, radio, outdoor, social and digital advertising). The ultimate goal is to reduce and prevent the incidence of sexual harassment and sexual violence, which affects the lives of many people both directly and indirectly.

#### “Still Here” Domestic and Sexual Violence Awareness Raising Campaign

The ‘Still Here’ public awareness campaign was launched at the outset of the COVID-19 pandemic in 2020. It is a public awareness campaign addressing domestic abuse and highlighting the services available to victims of domestic abuse and sexual violence and which will continue notwithstanding the pandemic.

TV and radio ads are aired nationwide, recognising the particular issues that the requirement to stay at home causes for some people. It carried a message to victims of domestic abuse that services are still available despite COVID-19. Similarly, it alerted perpetrators to the fact that domestic abuse will continue to receive the highest priority from the civil and criminal justice system throughout the pandemic.

One of the innovative aspects of the campaign is that it is being conducted in partnership by State services and community and voluntary organisations in the sector who worked together to develop the message that all are promoting. Further information on the organisations

involved in this initiative as well as services and supports for victims is available on [www.stillhere.ie](http://www.stillhere.ie)

While the message of the Still Here campaign has been publicised online and by NGO partners throughout the pandemic, two intensive phases were launched to coincide with increased restrictions on movement. During these phases, the message was reinforced using additional media channels (TV and radio).

The Department has received results of research commissioned to help with measurement of the effectiveness of the campaign and assist with planning for further activity in this area. This identified a very high awareness of the campaign, with around 85% of adults recalling seeing or hearing the adverts.

### Third National Strategy on Domestic, Sexual and Gender-based Violence 2022 – 2026

The new DSGBV Strategy will provide enhanced support for victims within trial and other criminal justice processes, victim awareness and trauma-informed training for front-line and other staff and legal professionals, national awareness campaigns and other communications campaigns, and expansion of our existing perpetrator programmes to create a national programme of interventions for men who have been violent. The Transparency function of the Department of Justice are currently developing awareness-raising campaigns designed to reduce the incidence of DSGBV in Irish society as well as ensuring that all victims know how to access the supports they require

### **Department of Education**

A programme of curriculum redevelopment and updating of Social, Personal and Health Education (SPHE) (which includes Relationships and Sexuality education, RSE) was initiated by the National Council for Curriculum and Assessment in 2020.

A draft revised Junior Cycle SPHE specification has been published for public consultation this summer and this will run until mid-October 2022. This updated Junior Cycle SPHE Curriculum is intended to be implemented in schools from September 2023. Updated SPHE specifications will be finalised for senior cycle and primary education in 2023 and 2024 respectively.

The updated SPHE specifications will support teachers in adopting an approach that is inclusive of and in accordance with principles of equality and human rights. Children and young people will learn how harmful cultural norms and stereotyping can impact on a person's experience of rights and wellbeing and how to critique the influence of the media and social

norms on their understanding of gender and sexual stereotyping. In redeveloping the SPHE Curriculum, the NCCA is highlighting the importance of fostering young people's self-awareness and self-esteem and building the foundational skills and dispositions needed for building caring and healthy relationships and to support them in challenging unequal and abusive relationships. Consent education will be included within the learning outcomes for SPHE, across all levels, based on the principle that consent is a core dimension of all healthy interpersonal relationships.

## **Health Service Executive (HSE)**

HSE supported a consultation process for all staff regarding the development of the third national DSGBV strategy. The HSE has promoted national awareness campaigns and programmes as led by the Department of Justice during the second national DSGBV strategy through staff broadcasts, social media and website sharing of resources.

## **Appendix 5 - Choices Perpetrator Programmes**

### **NEDVIP**

The North East Domestic Violence Intervention programme (NEDVIP) was established in 2005 in Co. Louth, Ireland and is a Court mandated group work programme for men who are violent towards women within an intimate relationship. Men can be referred either by the criminal court or by the social work services as part of a child protection plan.

The programme consists of 4-8 individual pre-programme sessions and 24 group-based sessions ran across 6 modules followed by 6 months 1-1 support. As with all perpetrator programmes in Ireland, NEDVIP uses the 'Choices' Department of Justice approved model of intervention.

25 places were available on what is a rolling programme during 2020 and 2021 respectively. 16 men were referred during 2020 with 7 men completing it. 15 were referred during 2021 with a total of 9 completed this programme. The Probation Service in Louth manages NEDVIP.

A dynamic risk assessment process and a multi-agency approach, which involves the sharing of relevant information between statutory agencies and NGOs, which ensures that risk information is collated and responded to in an appropriate manner, and to facilitate victim safety. Women's Aid Dundalk offer individual counselling and group work to partners/ex-



partners of men on the programme. The perpetrator is held to account for his abusive behaviour via a challenging group work process.

A gendered understanding of violence against women has been incorporated into the CHOICES programme, which includes a gender module made up of three sessions, and a sexual respect module composed of three sessions.

Funding sources/amount: The NEDVIP programme is funded by the Department of Justice and it received the following:

- 2020- €37,531
- 2021- €41,441.36

The Choices programme is currently under IMPACT evaluation commissioned by the Department of Justice. Impact evaluation assesses the changes that can be attributed to a particular intervention by determining the changes in outcomes which can be attributed to the specific intervention based on cause-and-effect analysis.

(NEDVIP has been administered by MOVE Ireland since May 2022)

## **MOVE Ireland**

MOVE Ireland currently run 11 “Choices” programmes in the following counties - Dublin (3), Meath, Louth (recently taken over from NEDVIP), Sligo, Athlone, Galway, Limerick, Kerry and Cork. Depending on the number of referrals annually in each area, the programme is run as a fixed or rolling programme accepting new intakes at different stages where numbers allow. These programmes are considered voluntary but can be part of a court order.

As well as self-referrals, referrals are also accepted from a range of other agencies. The main referrals to the programme are from the Probation Service and from TUSLA as part of a child protection plan for children on the child protection register. Other referrals come from agencies addressing

- mental health issues,
- substance misuse,
- homelessness,
- relationship breakdown via marriage counselling and mediation services,
- and youth justice/ youth counselling services for younger male perpetrators.

Self-referrals are usually triggered by instability in the relationship status, or some form of court order (or threat of) by a partner, or as children are reported to TUSLA where there are concerns for their safety and development owing to the impacts of living with abuse or even after post separation abuse. It is the view of MOVE that more perpetrators could be referred through TUSLA where child protection is an issue. Men from these families are not encouraged to take responsibility for their actions and MOVE are actively developing a range of training options for frontline social workers to build on their skill set in recognising and responding to abuse and violence.

The amount of men referred compared to the amount of men completing in any given year shows a sharp decline, with multiple reasons including men being removed or imprisoned, their inability to undertake a regular programme in a group setting, lack of access to transport for those living in remote areas, men showing the wrong motivation for attending- such as for child access or to avoid legal sanctions.

15 places are open to each area annually and the number on each of these groups varies in each county. Over the 10 groups the total numbers are:

- 2020- 160 referrals in total- 75 with passing assessment and starting a programme.  
*\*Due to Covid only 10 completed in the year and were held over to 2021*
- 2021- 135 referrals in total with 93 passing assessment.  
*\*Due to Covid no men were able to finish the group work within the year and were held over until 2022.*

To generate more referrals from TUSLA and other frontline services, MOVE Ireland organise training for frontline professionals based on the EU funded WWP Engage Training and have run an awareness raising campaign to increase knowledge of the programmes.

There is, an information sharing protocol in place with the Probation Service, where SARA risk assessments undertaken by probation, are included at referral stage. This practice lends itself to a more informed risk management process with open flows of communication between programme coordinators and probation officers. Currently partner views are not generally sought or included at the risk assessment stage. This can lead to transparency issues with some perpetrators and a less accurate assessment. Risk assessment needs to include as many views as is possible to be effective in monitoring, managing and reducing risks and where TUSLA social workers make a referral, MOVE coordinators contribute to a structured professional judgement for “signs of safety” scoring on the nature, severity and likelihood of harm for children and women experiencing violence (for case conferences where child protection is under consideration).

Risk management includes partner support engagement (where partners have agreed to accept support) and their feedback about their relationship/ their view of changes or lack of is represented at the risk management meeting by the support worker. This can inform facilitators working directly with men although these perpetrators are not given information whether or not their partner has engaged. The information can guide topics covered as the programme structure allows for themes to be added pertinent to the specific attendees at any given time.

In addition to consideration of women victims, as outlined below, MOVE Ireland considers that children are victims of violence in their own right. Over the past number of years, MOVE has been represented at the National Childhood Advisory group on Domestic Violence and has sought to include the voice of children in direct work with perpetrators as part of the “Parenting Module”, seeing that abusive fathering is a parenting choice. Our child protection practices have included referrals for children impacted by violence, even though we are not considered a “mandated” service, facilitators and partner contacts treat all disclosures with appropriate actions to reduce risks for children impacted by violence. There is limited confidentiality agreed to all service users and this is to protect children living with abuse. Our work informs the “Signs of Safety” scoring at Case conferences to counter any false optimism and to give a realistic picture from both the perpetrator and the partner where she has accepted support.

The programmes that are run through MOVE Ireland are not all run in close cooperation with women’s victim support services, although there is constructive engagement with women’s services whenever appropriate as evidenced in the following examples:

- The CEO of Women’s Aid has contributed to the Level 8 Accredited Choices Programme Facilitator Training to new facilitators.
- In 2022 Partner contact workers are having a constructive input into the Training of new facilitators to broaden the Choices Training to include training on how perpetrators can manipulate frontline staff and how coercive control patterns may be discerned from the discourse and disclosures that men make to facilitators.
- Women’s services are or have been engaged with 5 of the 11 programmes- COPE Galway, Meath Refuge, Esker House Athlone, Women’s Aid Dundalk and Adapt House Limerick. The Good Shepherd homeless service offers the support in Cork. 3 of these refuges have ceased to offer partner contact support due to their view that the funding offered is not sufficient to manage the risks appropriately- Adapt House withdraw support some years ago and an increased workload over the pandemic saw 2 more of these women’s services ( Meath refuge and Esker house) withdraw their support services, citing worker burnout and inadequate funding to manage risks effectively. (This work now being undertaken privately in Kerry, Limerick, Sligo, Athlone and Meath.
- MOVE employ one part-time partner support worker in Dublin. She has received specific domestic violence training and has many years of offering victim support. She has developed a tailor made group programme (outlined below) to address keys areas of need that women may present with.

- Other areas as outlined are support through refuge linked workers and the Dundalk Women's Aid have just accepted the Dundalk programme and the relationship building is beginning to ensure that a good working partnership is established.
- Cope Galway and MOVE Ireland have established an excellent working relationship and share information and risk management processes well, learning from practice together. They have worked in cooperation to present a case study at a Choices practice review session that outlines how good effective communication between services can work to keep women safe. This model offers an example of how perpetrator programmes and partner support services should work in partnership to reduce risks for women and to run programmes from a victim centred and human rights perspective. This case was of particular importance as success was measured as an increased space for action for the women whose (ex) partners attended for support where behaviour change was not likely to succeed. This approach supports holding men to account more effectively and reduces the risk of unintentional collusion with perpetrators.

Women's services, through engaging and advocating for partners can counter any false optimism shown by newly trained facilitators who may take the perpetrators story at face value. While it would be a preference for MOVE Ireland to engage more women's services the current funding has allowed for a "check-in" phone call model up until now. Considering victims as the primary concern of perpetrator programmes may require this part of the work receives additional resources. That is one reason why MOVE Ireland sought additional funding for group work- to allow for a deeper level of engagement that ensures that victim's voices are given more space within the overall model.

Despite a general lack of women's services "buy in", and a lack of funding for the partner work, this does not mean that MOVE Ireland lacks a gendered understanding in the rolling out of the structures and in how effectively the women receive support through partner contact services. Women's safety planning requires that perpetrator programmes understand the requirement to de-centre the dominant and entitled male narrative, so that programme structures do not inadvertently mirror the inequality in the relationships that women attending supports find themselves in. Improvement in this aspect is a work in progress and requires more consideration.

To this end, in 2020, a **partner contact forum** was established by the Development Officer as a once monthly meeting. This was a 1.5 hour meeting that was split into 2 sections on zoom- partners were facilitated to meet first and then were joined by coordinators, the CEO and National Administrator. The forum was established to

- offer a chaired forum for peer to peer support and to foster active participation
- offer a forum where each partner support worker had direct facilitated access to the CEO, Coordinators and National Administrator to ask questions or provide direct feedback on current practice issues and structures
- bring in specialised speakers as requested by partner workers
- give space and time to the ideas of the partner support workers

- let future development be guided by their needs and requests, as advocates of the women attending for support and their children impacted by the men's violence
- and to look at and tease out partner practice issues in a safe place.

At this forum, partner support workers expressed the need for more support and guidance internally and that their views need to be given more consideration. They requested access to peer practice supervision. This was proposed formally and funding was agreed from existing budgets and peer partner support supervision began regularly in 2021.

The MOVE partner contact manual is being developed to include more guidance on child protection and on working with minority communities where these women felt unsure of their rights. A speaker from the Irish Refugee Council addressed the forum to answer their queries.

In 2022, the new Choices Training will include a session for new facilitators on child protection, to give them more confidence to recognise and respond to disclosures during their work. The training will also include a more in-depth experiential session on coercive control and specifically how perpetrators can attempt to manipulate frontline services and frontline worker boundaries. This will support new facilitators to consider how to evaluate perpetrator risks from a more informed perspective.

### **Partner Support Groups:**

Partner support workers also expressed the need for area specific support groups as a more effective and efficient way to support women to increase their space for action- as isolation and lack of peer support was a consistent theme with many of the women presenting to the service. To this end the Dublin partner support worker developed a Gender and Domestic Violence specific 12 week group programme and this was piloted and evaluated in Dublin and Limerick with funding from the National Lottery. The group criteria for suitability does not require that women have left abusive relationships but allows for those who are ambivalent about their current relationships and for those who are committed to an abusive partner. The group programme has received excellent feedback from participants as the focus is not on the partner relationship specifically, or even on the behaviour change of the perpetrator, but on women's empowerment, their own capacity to set boundaries, and their safety and space for action in *all* of their key relationships. The programme has been named "The Three keys to Empowerment" and it offers women time and space to look at their own needs in a safely facilitated space with other women in similar situations.

Following on from the successful evaluation, in 2022, additional funding was sought and received from the Department of Justice to expand the offer of the women's support service to include this group work programme and this has been a welcome and positive development. Training is underway to all the partner support workers to offer this group programme in their own areas late 2022.

Through listening to the advocates for victims of violence at the partner contact forum, MOVE Ireland staff have recognised that being “Gender informed” includes more than module content, but also includes:

- How the voices of women are heard across all stages of the programme from assessment to risk management, and after the perpetrator finishes the programme
- Defining programme success not only through attendance and participation of perpetrators, but also by the numbers of safety orders against perpetrators that are obtained via the partner support service in cooperation with womens services and refuges. The programme should not be considered an alternative to court sanctions or custodial sentences where these would be a more appropriate choice. When high risk perpetrators are referred, they must continue to be closely monitored and reported on recognising that attendance is not an indicator of change. Their (ex) partners, if engaged, should fully inform all indicators of change, knowing best their patterns and capacities so that measuring the “engagement” of perpetrators should never be given undue weight. In the absence of the partner voice, any optimism should be regularly held in check in the absence of evidence.

There are two modules of the programme that are gender specific- Gender and Sexual Respect. These generate thoughtful conversations between men about how they have unquestioned expectations from their relationships. Parenting also looks at men as fathers, and this module can have a profound effect on the men as they consider their own fathering or lack of and how they are impacting their children. In general the content is good although there are gaps and there is more scope to look specifically at performative masculinity as a key driver of abuse and violence. More work needs to be developed in the areas of:

- digital violence, stalking and monitoring as forms of coercive control
- Male Entitlement based abuse
- Understanding the cultural drivers and inner motivations for coercive control patterns in relationships.

The Choices programme is currently under joint review by MOVE and MEND, having assessed feedback from facilitators as to gaps and improvements that can be made to the module content.

In 2020 and 2021 MOVE Ireland received €525,000 to run the Choices programme from the Department of Justice

Measures taken to evaluate the impact of the programme seek to learn from:

- Women affected by the violence and
- From the men after they have attended a programme.

A closing evaluation is undertaken with both men and women. These are then loaded onto a survey monkey to further analyse common patterns. Currently these evaluations are dealt with separately and not compared. This means that the evaluations with the perpetrators are based on self-report solely and this can only be used as an objective measure of the impact that the programme has had on the violence. It cannot measure accurately how this same man's use of or reduction in violence has impacted his family. The (ex) partners who attend the group are asked questions about the support they received, how they view the perpetrators changes or lack of and whether or not they feel more or less safe. This can be as a result of the perpetrator changing or it can be as a result of safety orders undertaken since attending the programme. Safety orders acquisition is an impact of the programme, not associated with behaviour change in the perpetrator. There is a possibility that the IMPACT Evaluation Tool may be considered as a comparative tool after the programmes have been reviewed and perhaps there will be scope in that tool to differentiate between types of relationship (committed, ambivalent and separated) that measures success differently as appropriate- i.e. more space for action due to behaviour change or more space for action due to better boundary setting and orders or as a combination of both of these.

#### Longer term evaluation for the men:

At 3-12 months after finishing, men who are in agreement are interviewed to see what impacts have lasted and to check in on their current relationship status. After a sample of 50 has been gathered, they will be analysed in depth for common themes. Men are specifically asked what they would say to other men thinking about attending a programme and their answers may be used to guide a campaign targeting men to seek help for their abusive actions to their partners and children.

#### **Group programme for women:**

The review and Impact evaluation is in process. In the meantime, MOVE Ireland have expanded what they are measuring in terms of how women are held safely by the programme. The women who attend the Group programme are offered a separate additional evaluation process to see the impact on them of attending the "Three keys to Empowerment" group. This includes a wellbeing scale which is filled in before and after attending to measure changes across several areas of wellbeing. As the group will be rolled out in other areas, the evaluation will also include use of the reflective journal, to see how this added to a safety approach that looks at empowering women in their own rights as distinct from safer because of how an (ex) partner chooses to behave.



## Men's Development Network

The Men's Development Network is an NGO, established in 1997 and deliver, through its Mend Programme [men ending domestic abuse] 6 Domestic Violence Intervention Programmes as part of the delivery of programmes nationally. They are located in Wexford, Waterford, South Tipperary, Carlow/Kilkenny, Laois/Offaly and Kildare. These programmes are voluntary in nature, however men referred by the Probation Service and Tusla Child and Family Agency have significant conditions and sanctions linked to their referral to the programmes.

	2018	2019	2020**	2021**
Men who commenced Programme	53	57	47	55
Partners who availed of Service	32	65	78	65
Men who completed	30	37	12	41
Men Referred	160	139	92	139

*\*\* NB 2020 and 2021 Due to Covid 19 Pandemic statistics for these years do not give a reflection of the normal programme delivered e.g., many men stayed in one-to-one contact over these years and may have had little or no group interaction or Zoom group.*

*2018 and 2019 reflect a more representative picture statistically of the Choices programmes in MDN MEND*

The primary aim of the programmes in Ireland is the safety and well-being of women and children and all decisions are made with this in mind. By providing an integrated Partner Support Service within the programme which gives one-to-one support and signposting to partners and ex-partners of the men on the programme we help to ensure the safety of women and children. This service is often provided locally by specialist women's services e.g., women's refuges or by people who are closely linked with such services. Weekly contact occurs between the facilitators (men and women) who work with the men and the women who work with partners or ex-partners. Monthly Risk Management Meetings take place attended by the Local Area Coordinator, Facilitators and Partner Support Workers. Monthly Clinical Supervision is provided for all and group sessions are recorded for the sole purpose of Practice Supervision which takes place every 2 months during the group phase of the programme.

The programmes function as part of an interagency response to domestic violence with a high level of engagement and appropriate sharing of information between statutory and non-statutory agencies with a focus on risk management and increasing victim/survivor safety.

Both in the design of the programme and the delivery of the programme a gendered understanding of violence is incorporated. The programme has a specific module on Gender and the issue of gender is included in other modules. In the Training for facilitators the issue of the gendered nature of violence is introduced early on and explicitly. Group sessions are facilitated by a mixed gendered team

Total funding for 2020 and 2021 amounted to €711,765. This included extra funding to support programmes responding to the Covid 19 Pandemic

As part of a current review of the programmes in Ireland we are exploring the possibility of integrating the Impact tool into the programme as a method of evaluating the impact of our work. Currently we rely on the feedback from partners and ex-partners to gauge the impact on individual partners and children. It is only possible now with a national programme delivering the same model of intervention and using the Choices manual that we can look in a meaningful way at the impact of programmes on individuals and families.

## **Appendix 6 - Offender Programmes**

### **Probation Service**

#### **1. Safer Lives programme (Community based programme)**

In 2012, the Irish Probation Service entered into a joint service delivery model with PACE. PACE is a Probation Funded Community Based Organisation, providing a range of services to offenders to deliver a community based groupwork programme for convicted sex offenders who are subject to Probation supervision in the community, as directed by the Courts.

The Safer Lives programme runs three groups a week with eight participants per week, i.e. 24 group participants per week. As it is a rolling programme without a set start and finish date, the number of places over the course of a year are between 35-40. Participants generally take approximately 18 months to complete the programme.

- In 2020, there were 37 group participants;
- In 2021, there was 39 group participants across the year.

The Safer Lives programme incorporates a gendered understanding of the nature of violence against women by addressing systemic risk areas within the participants' lives. Using the Good Lives Model, the participants are aided to identify and challenge their current or prior use of power and controlling behaviours, this promotes accountability and a change in gendered based thinking, attitudes and beliefs. The Safer Lives group work is tailored to the individuals within the group, inclusive of personality traits, past history of abuse and the specific situations in which gendered based violence arises; in an attempt to re-educate and challenge harmful and high-risk belief systems, norms and behaviours held by men who have harmed women and children (Cohen et al 2003).

The funding for the Safer Lives programme is part of the overall funding for PACE provided by the Probation Service. The approximate funding for the Safer Lives programme when fully staffed and operating in a room rather than online would be €285,000 per annum.

The impact of the Safer Lives programme is assessed using the SOTIPS tool which measures any reduction in treatment needs pre and post programme.

A review of the Programme was carried out a number of years ago to look at the structure and content of the programme and its correlation with relevant risk factors for this cohort of offenders.

## 2. Building Better Live (Exploring Better Lives / Practicing Better Lives) Prison Based Programmes

The 'Building Better Lives' (BBL) programme has operated in its current format since 2009 in Arbour Hill Prison and is implemented based on international best practice at that point in time.

Treatment is provided over three stages;

- Stage 1: 'Exploring Better Lives' (EBL) is a rolling programme in which participants typically engage for approximately 12 sessions.
- Stage 2: 'Practicing Better Lives' (PBL) includes 60-70 sessions of in-depth therapeutic and risk relevant work.
- Stage 3: 'Maintaining Better Lives' (MBL) support maintenance of progress. IPS Psychology and the Irish Probation deliver the BBL programme jointly

Normally, eight participants engage in the EBL programme at any one time and eight participants engage in the PBL programme at any one time. They are rolling groups and participants join and finish the group at different times when a place becomes available.

- In 2020, groups were suspended due to Covid 19.
- In 2021 15 participants completed BBL / EBL / PBL across the prison estate.

Assessment for the programme identifies Hostility / Negative attitudes to women. Victim empathy inputs explore gendered victimisation and individual offence focussed tasks explore issues of coercion, control and gender specific violence within the offenders' history.

The BBL programme is resourced jointly by Irish Prison Service and the Probation Service from available resources within the prison estate / prison based Probation teams. There is no financial breakdown regarding the cost of delivery of the programme available for the years covered.

The Irish Prison Service Psychology service is currently reviewing all its interventions with sex offenders and has increased the availability of one to one screenings and is in the process of developing interventions for those not suitable for the group work programme.

## **Appendix 7 - The Online Safety and Media Regulation (OSMR) Bill**

The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media (DTCAGSM) holds responsibility for the development of the legislative and regulatory framework for broadcasting and for certain media in Ireland.

The Online Safety and Media Regulation (OSMR) Bill will establish a multi-person Media Commission (to be known as Coimisiún na Meán), and enable the appointment of an Online Safety Commissioner. An Coimisiún will replace the Broadcasting Authority of Ireland, implement and enforce a regulatory framework for online safety, and oversee an updated regulatory framework for broadcasting and video on-demand services.

This regulatory framework for online safety will be overseen by the Online Safety Commissioner, who will develop binding online safety codes setting out how designated online services, including social media platforms, will tackle the dissemination and amplification of harmful online content.

The Bill provides for definition of harmful online content through the enumeration of various categories of such content. One such category relates to, offence-specific harmful online,

which includes online content related to 40 existing criminal offences in the Irish Statute Book. Other categories relate to cyberbullying content, or content which is likely to encourage or promote eating disorders, self-harm or suicide. These non-offence-specific categories are subject to a risk of harm test. In addition, the OSMR Bill will allow for this definition to be adapted and expanded over time.

A number of the offence-specific kinds of harmful online content have particular relevance to the safety of women online, including offences established under the Harassment, Harmful Communications and Related Offences Act, 2020 (also known as Coco's Law), in particular:

- An offence of distributing intimate images without consent;
- An offence regarding the sending of abusive communications regardless of the technology used to send such communications; and
- Updates to the offence of harassment in the Non-Fatal Offences against the Person Act, 1997 to cover instances of communications about a person as well as communications to a person

The development of the Bill included a public consultation which closed on 15 April 2019, and a total of 84 submissions were received, including from members of the public, commercial organisation and industry groups, public bodies, and NGOs. A thematic analysis of which was published on 25 July 2019.

The Bill will also transpose the revised Audio Visual Media Services Directive (AVMSD) into Irish law, including through regulation of video-sharing platform services, such as YouTube, Facebook, and TikTok, under the regulatory framework for online safety.

In addition to this, Government has decided that Coimisiún na Meán will also be the Digital Services Coordinator who will enforce the Digital Services Act, with the primary aim of making the online world safer.

As of [September 2022], the Bill is in the process of passing through the Houses of the Oireachtas (the Irish Parliament) and is expected to be enacted by the end of 2022.

## **Appendix 8 - Media Standards**

### **Broadcasting Authority of Ireland**

- The current regulatory environment, in relation to the broadcasting of material within the jurisdiction of Ireland, is overseen by the Broadcasting Authority of Ireland. The Authority have made a number of binding regulatory codes, including a Code of Programme Standards, in which the overall objective is to promote responsible broadcasting, access to information and education, acknowledge the variety of views

and tastes that exist in contemporary Irish society, advise viewers and listeners on the standards they can expect from broadcasting services, and provide guidance to broadcasters on matters relating to the Code.

## **Press Council**

- The current regulatory environment, in relation to print media within the jurisdiction of Ireland, is overseen by the Press Council of Ireland who have published a Code of Practice for Newspapers and Magazines, in which the freedom to publish is vital to the right of the people to be informed while having a duty to maintain the highest professional and ethical standards.

## **Regulatory modernisation**

- The current self-regulatory nature of online platforms and the lack of democratic oversight over safety measures is no longer sustainable or desirable.
- The OSMR Bill will, among other things, allow for the adequate and robust transposition of the revised Directive, and align the national regulatory response to online safety matters with the online safety related requirements of the Directive under a single, robust, adaptable and proportionate regulatory framework.
- It will establish an adaptable structure for audiovisual media regulation, including the alignment of regulatory codes between video on-demand services and traditional broadcasters.

## **Appendix 9 - Measures taken or planned to prevent violence against women**

### **DSGBV Agency**

On 27 June 2022 the Government gave approval for the establishment of a new statutory DSGBV Agency and the drafting of a General Scheme to give effect to same. Establishing a statutory DSGBV agency with clearly defined functions and ring-fenced resources – as opposed to placing these within the Department of Justice or any other Department/agency – will bring longer-term certainty to the roll-out of the next and subsequent strategies and will offer good protection against a future loss of momentum and focus as new Departmental priorities and pressures come on stream.

It is envisaged that the agency would be endowed with specific statutory functions and powers, the ability to recruit its own expert managers and other specialists, and strong oversight and guidance from a non-executive expert board with expertise variously in DSGBV policy, strategy, service delivery, communications, finance/accountancy, and corporate governance.

The establishment of a dedicated internal audit function and an audit & risk committee (in line with the Code of Practice for the Governance of State Bodies) would facilitate optimal levels of further scrutiny, guidance and accountability. This would be particularly valuable in ensuring the appropriate management and oversight of a current expenditure budget which could amount to at least €60m per annum (including a substantial amount of grant-in-aid to funded NGOs) by 2026. Centralising this funding under a single dedicated agency would thus enable a level of integrated, expert budgetary stewardship and oversight that aligns with key principles of the Public Spending Code and which would otherwise not be possible.

The new Agency will ensure a permanent and dedicated focus on implementation and supports for Government and the sector. It will do so through the provision of a robust, highly-focused 'on the ground' mechanism to co-ordinate and drive implementation of the Government's ambitious DSGBV policy and service delivery commitments on a day-to-day basis and to anticipate and address implementation blockages as far as possible.

The core functions of the Agency will be:

- Delivering excellent services to victims of DSGBV, based on a strategic assessment of national needs, which will include delivering on the Council of Europe recommendation in relation to the number of accommodation spaces available for victims of DSGBV, as well as ensuring that helpline and other supports are available to anyone requiring them;
- Putting in place a robust set of national service standards and governance arrangements to ensure adherence to the appropriate standards for such supports;
- Leading on awareness-raising campaigns designed to reduce the incidence of DSGBV in Irish society as well as ensuring that all victims know how to access the supports they require;
- Developing a data and evaluation strategy, to include ensuring co-ordinated systems, (to include shared definitions and agreed methodologies) for collecting, analysing, and sharing data on access to and use of services; and
- Taking over the co-ordination of all Government actions set out within the third national strategy, and reporting on same to a designated Cabinet Committee.

It is proposed that the Agency will be established in law. The intention is that the Agency will be operational on 1 January 2024.

### **General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022**

On 27 July the Government approved publication of the General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022 which will strengthen law on consent in rape cases and support victims in sexual violence and human trafficking cases



- Bill will change the current situation where a man is not guilty of rape if he honestly believed that he had the consent of a woman
- Bill puts National Referral Mechanism on statutory footing – a significant advance in identifying and supporting victims of sex trafficking
- Also ensures anonymity for victims in all trials for sexual offences and will extend the victim's right to separate legal representation

The Bill will strengthen the law on consent, knowledge and belief in rape cases by changing the current situation where a man is not guilty of rape if he honestly believed that he had consent. Under the new proposals, the accused's defence that he believed a woman was consenting has to be objectively reasonable; that his belief was one that a reasonable person would have held in the circumstances. The new Bill will amend the fault or mental element of the rape offence by adding that the accused commits rape if, at the time of the sexual intercourse, he does not "reasonably believe" that the woman was consenting.

This would be an objective test, and would be in addition to the present definition of rape (i.e. where the accused knows that the woman is not consenting or is subjectively reckless as to whether she is consenting).

The Bill will also provide greater protections and supports to victims of sexual crimes and human trafficking, including putting the National Referral Mechanism on a statutory footing and ensuring anonymity for victims in all sexual offences trials.

### **Criminal Justice (Miscellaneous Provisions) Bill 2022**

The Criminal Justice (Miscellaneous Provisions) Bill 2022 was approved by Government on 4 August 2022. Under this Bill, Courts will be able to issue civil restraining orders against stalkers. These orders do not require a criminal prosecution and are easier for victims to obtain. The new orders also go further than what is possible under domestic violence legislation in terms of who an order can be made against (i.e. not just close relationships) and the kind of conduct that can be prohibited by the court. The wide-ranging Bill will also increase the maximum sentence for assault causing harm from five years to 10 years, allow life sentences for conspiracy to murder, make stalking and non-fatal strangulation standalone offences, and expand the existing harassment offence.

### **Criminal Procedure Act 2021**

The Criminal Procedure Act 2021 was signed into law in May 2022 and will for the first time, provide for preliminary trial hearings in Irish law which will improve the trial process for sexual offences so that victims are less likely to be subject to stressful delays after preparing themselves mentally for trial.

## Other Recent Legislation

- 'Coco's Law' entered into force on 10 February 2021. Among other provisions, it creates new offences concerning the non-consensual sharing of intimate images.
- The Department recently announced planned new legislation to strengthen the management and monitoring of sex offenders in the community.
- The purpose of the Sex Offenders (Amendment) Bill 2021 is to enhance current systems for the assessment and management of convicted sex offenders and to put those systems on a statutory footing.

## Appendix 10

### Criminal Justice (Victims of Crime) Act, 2017

The most significant piece of legislation addressing victims' rights in Ireland is the Criminal Justice (Victims of Crime) Act 2017<sup>1</sup>, which transposes the European Union Victims Directive into national law. The Act, which was enacted in November 2017, provides for a set of statutory rights for victims of crime. This is particularly in areas such as the right to information and the provision of certain supports and protections to be provided to victims across the criminal justice system by the respective criminal justice agencies as applicable. Some of the new key provisions in the Act include the following:

- The right for victims to receive comprehensive information on the criminal justice system, their role within it and the range of services and entitlements which victims may access from their first contact with An Garda Síochána and/or the Garda Síochána Ombudsman Commission.
- The right to be provided with information, upon request, concerning the progress of the investigation and any subsequent court proceedings.
- The right to be informed upon request of any decision not to institute a prosecution in relation to the offence committed against them (and the reasons for such a decision) and a right to request a review of that decision.
- The right to 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.
- The right to receive information upon request in clear and concise language and to interpretation and translation, where it is necessary to enable victims to understand and be understood, in their participation in the criminal justice process.
- The right to information on victim support services.

Outside of commitments to secure access to information for victims;

- The Act also permits all victims of crime to provide a victim impact statement, as applicable, (*that is in the case where a person is convicted for the crime against you*) where previously only victims of certain serious crimes were entitled to do so. This statement about how the crime has affected you can be made in person or through a legal representative.
- Also in line with the EU Directive, provisions in the Act are facilitating the provision of better supports for vulnerable victims and witnesses within the criminal justice system.
- This includes providing for the assessment of victims in order that any special measures deemed necessary to protect them from secondary and repeat victimisation, intimidation or retaliation can be put in place during the investigation and during the court process.
- In tandem with this, the Act has extended the scope for the potential use of special measures for victims and witnesses to be utilised in the presentation of evidence. This includes, for example, evidence given via the use of live television link, screens or via intermediaries.
- The potential use of video-recorded statements has also been extended under this legislation.

### **Victims Charter and Victim's Awareness Raising Campaigns**

The Department launched a revised and updated Victims Charter on 4 February 2021 taking into account updates to the existing Charter necessitated by the Criminal Justice (Victims of Crime) Act 2017, involving respective agencies, which come into effect on foot of that Act. The Charter, which is a guiding document for victims of crime, has also needed revision to incorporate any other relevant updates required at this point in time in order to modernise the Charter.

The full charter is available at [www.victimscharter.ie](http://www.victimscharter.ie) and print and digital assets have been created and have been distributed to public locations around the country, and online.

A Victim's Rights Awareness Raising Campaign is in development and funding has been granted to expand awareness raising activities of victims' rights in 2022 with two new initiatives:

1. To work with services that support victims of crime to promote their services locally;
2. To create messaging designed to reach marginalised communities.

In 2021, a new Victims' Forum was established for state, social and community groups. Topics for discussion include subjects relevant to victims' rights advocates and the criminal justice system. Invitations were extended to NGOs funded under the Departments' Victims of Crime grant scheme.

## **Appendix 11**

### **Provision of Rent Supplement to victims of domestic violence.**

Rent Supplement is a demand lead scheme which provides short-term income support to eligible people living in private rented accommodation whose means are insufficient to meet their accommodation costs and who do not have accommodation available to them from any other source. The scheme ensures that those who were renting, but whose circumstances have changed due to a temporary loss of employment or income, can continue to meet their rental commitments. To qualify for rent supplement an applicant must pass a means test and be already renting in the private sector

In August 2020, The Department of Social Protection introduced important changes to the rent supplement scheme to provide immediate access to Rent Supplement for victims of domestic violence. The normal rent supplement means test does not apply for an initial three-month period. After three-months, a further three-month extension may be provided, subject to the usual rent supplement means assessment.

After six months, if the tenant has a long-term housing need, they can apply to their local housing authority for social housing supports and, if eligible, will be able to access the Housing Assistance Payment (HAP), a social housing support provided by Local Authorities. This means that they can continue to get immediate access to rent supplement and are not prevented from leaving their home because of financial concerns.

### **Other supplementary welfare allowance (SWA) schemes supports'**

The supplementary welfare allowance (SWA) scheme is considered the "safety net" within the overall social welfare system in that it helps eligible people in the State whose means are insufficient to meet their needs and those of their dependants. The main purpose of the scheme is to provide immediate and flexible assistance for those in need who do not qualify for payment under other State schemes. Where a claimant's safety and wellbeing are at risk due to domestic violence, officials administering the SWA scheme have discretionary powers to expedite the award of a payment to the person in question. This can include additional needs payment to help meet essential expenditure which a person could not reasonably be expected to meet out of their weekly income.

### **Combined approach and financial resources**

These combined measures help to ensure that financial assistance is quickly provided for any victim of domestic violence who wishes to leave the family home or requires other urgent financial help. Each scheme is demand led and there is no cap on the funding that is provided. The schemes are administered by the Community Welfare Service of the Department of Social Protection. These officers are experienced and trained to provide a confidential and discreet service with in person appointments, by phone and will provide off site provision of services if required.

In the period from August 2020 to June of 2022, 226 victims of domestic violence have been supported with rent supplement under the protocol.

## **Appendix 12**

### **DSGBV Support services funded by Tusla**

<b>Organisation</b>	<b>2020 Funding</b>	<b>2021 Funding</b>	<b>2022 Funding</b>	<b>Location</b>	<b>Area</b>
Adapt	€1,011,631	€1,282,231	€1,206,288	Limerick	Mid-West
Adapt Kerry Limited	€530,504	€675,676	€679,405	Kerry	South-West
Aoibhneas Ltd	€1,235,561	€1,325,878	€1,219,472	Dublin	East

Bray Womens Refuge	€633,622	€651,895	€656,494	Wicklow	East
Clare Haven Services Ltd	€749,998	€879,096	€833,707	Clare	South-West
Cope Galway	€1,213,981	€1,574,110	€1,595,848	Galway	North-West
Cuan Saor	€606,683	€614,954	€581,077	Tipperary	Mid-West
Cuanlee Ltd	€417,401	€541,126	€512,749	Cork	South
Donegal Womens Refuge Group	€541,507	€626,365	€624,737	Donegal	North-West
Drogheda Womens Refuge	€515,152	€540,775	€629,755	Louth	East
Esker House	€318,120	€504,869	€527,258	Westmeath	Midlands
Amber Kilkenny Womens Refuge	€606,468	€768,618	€605,797	Kilkenny	South-East
Mayo Womens Support Services	€386,766	€417,107	€419,701	Mayo	West
Meath Womens Refuge	€402,143	€622,514	€638,852	Meath	Midlands
Oasis House	€555,500	€717,989	€790,766	Waterford	South-East
Saoirse Housing Ass Ltd	€1,688,276	€2,059,383	€2,046,402	Dublin	East
Sonas Housing	€2,122,095	€2,405,852	€2,334,637	Dublin	East
Teach Tearmain	€328,878	€596,808	€658,656	Kildare	East
Wexford Womens Refuge	€438,872	€550,029	€558,648	Wexford	South-East
Women's Aid Dundalk Ltd.	€511,755	€591,868	€589,390	Louth	East
<b>Total</b>	<b>€14,814,913</b>	<b>€17,947,143</b>	<b>€17,709,639</b>		

### Rape Crisis Centre funding by Tusla

Organisation	2020 Funding (from Tusla Financial Statement 2020)	Location	Area
Dublin Rape Crisis Centre	€1,452,000	Dublin	East
Galway Rape Crisis Centre	€523,000	Galway	North-West
Rape Crisis Midwest	€476,000	Tipperary	Mid-West

Wexford Rape Crisis Centre	€326,000	Wexford	South-East
Sexual Violence Centre Cork	€326,000	Cork	South
Rape Crisis and Sexual Abuse Counselling Centre - Sligo, Leitrim and West Cavan	€289,000	Various	North-East
Waterford Rape Crisis Centre	€273,000	Waterford	South-East
Kerry Rape Crisis Centre	€267,000	Kerry	South-East
Rape Crisis North East / Dundalk	€255,000	Dundalk	East
Donegal Sexual Abuse and Rape Crisis Centre	€254,000	Donegal	North-West
Mayo Rape Crisis Centre	€225,000	Mayo	West
Kilkenny Rape Crisis Centre	€194,000	Kilkenny	South-East
Tipperary Rape Crisis and Counselling Centre	€187,000	Tipperary	Mid-West
Carlow and South Leinster Rape Crisis Centre	€174,000	Carlow	South-East
Athlone Rape Crisis Centre	€138,000	Athlone	Midlands
Tullamore Rape Crisis Centre	€131,000	Tullamore	Midlands
<b>Total (16 Centres)</b>	<b>€5,490,000</b>		

**Department of Justice funding for Victims of Crime including Sexual Crimes and Domestic Abuse**

<b>DOMESTIC VIOLENCE</b>	<b>2020 Funding</b>	<b>2021 Funding</b>	<b>2022 Commitments</b>
Adapt Domestic Abuse Services (Limerick)	€61,000.00	€68,000.00	€80,000.00
Amal Women's Association	€0	Awarded €51,000, received €40,800.00	€59,700.00
Mens Aid	€20,000.00	€22,000.00	€40,000.00
Aoibhneas	€0.00	€20,228.07	€40,000.00
Ascend	€16,500	€18,477.37	€20,000.00
Bray Women's Refuge	€15,000.00	Awarded €18,000, paid €14,400	€35,000.00
Carlow Women's Aid	€23,000.00	€26,000.00	€30,000.00

Clare Haven Services	€13,000	€15,000.00	€15,000.00
Cope Galway Waterside House	€6,200.00	€0.00	€50,000.00
Cuan Saor Women's Refuge Ltd.	€23,000.00	€26,000.00	€40,000.00
Domestic Violence Response Galway	€15,000.00	€15,000.00	€22,000.00
Donegal Women's Domestic Violence Service	€17,000.00	€19,200.00	€21,000.00
Esker House Women's Refuge	€13,000	Awarded €16,000.00 Received €12,800.00	€42,786.00
Kerry Womens Refuge and Support Services (Adapt)	€23,000.00	€74,000.00	€100,000.00
Kilkenny Women's Refuge Ltd (Amber)	€10,000.00	€12,000.00	€25,000.00
"Laois Domestic Abuse Service"	€22,500.00	€25,000.00	€42,500.00
Lifeline Inishowen	€0	Awarded €10,710.00, received €8,568.00	€23,000.00
Longford Women's Link	€21,000.00	€25,000.00	€45,000.00
Meath Women's Refuge	€43,311.00	€40,000.00	€49,570.00
Mna Feasa Domestic Violence Project	Allocated €27,500 but Department only paid €22,000 due to underspend	Awarded €7,487.73 Received €5,990.18	€27,500.00
OASIS HOUSE WOMEN'S Refuge	€10,000.00	€12,000.00	€17,000.00
Offaly Domestic Violence Support Service	€12,000.00	€15,000	€47,000.00
OSS Cork	€5,000.00	€5,500.00	€5,500.00
Roscommon Safe Link	€18,000.00	€20,000.00	€35,000.00
SAFE Ireland	€78,000.00	€47,000	€53,580.00

Support After Homicide	€41,000.00	Awarded €43,111.00 Only drew down €34,488.80	€24,800.00
Saoirse Housing Association	€21,000	€24,000.00	€35,000.00
Tearmann Housing Association	€17,000.00	€20,000	€35,000.00
West Cork Womens Project	€8,000.00	€12,000	€15,000.00
Westmeath Support Service	€17,000.00	€20,000.00	€40,000.00
Wexford Women's Refuge	€16,000	Awarded €19,391.96 Received €15,513.57	€21,055.00
Women's Aid Dublin	€177,517.00	€180,158.35	€200,000.00
Women's Aid Dundalk	€17,500	€20,000.00	€30,000.00
Good Shepherd Cork	€0	€0	€25,000.00
Women's Aid Dublin (additional)	€0	€0	€96,967.88
<b>Total</b>	<b>€802,528.00</b>	<b>€914,124.34</b>	<b>€1,488,958.88</b>
<b>CHILDREN</b>			
A.S.S.C	€0	€101,274.00	€268,018.00
Barnardos	€73,000	€103,000	€103,000.00
<b>Total</b>	<b>€73,000</b>	<b>€204,274</b>	<b>€371,018.00</b>
<b>COUNSELLING</b>			
AdVic	€47,000.00	€52,000.00	€65,000.00
Beacon of Light Counselling Centre	€17,000	€19,000.00	€20,000.00
Connect Family Resource Centre	€0	€4,000.00	€11,000.00
Dundalk Counselling Service	€20,000.00	€22,000	€31,240.00
Greystones Family Resource Centre	€3,000.00	€4,000.00	€10,000.00



Hope Trust	€1,000	€1,100.00	€2,000.00
Letterkenny Women's Centre (Counselling)	€7,500	€10,000.00	€15,120.00
Living Life Voluntary Counselling Centre	€15,000	€15,000.00	€15,000.00
Newpark Close Community Development	€0	€20,000.00	€35,000.00
Accessible Counselling Tullamore	€0	€0	€20,000.00
Samaritans of Kilkenny and Carlow	€0	Awarded €20,750 Received €16,600	€20,750.00
Bagenalstown Family Resource Centre	€0	€0	€26,600.00
<b>Total</b>	<b>€110,500</b>	<b>€163,700</b>	<b>€271,710.00</b>
<b>GENERAL CRIME</b>			
Crime Victims Helpline	€116,000.00	€121,000.00	€150,000.00
Immigrant Council of Ireland	€35,000.00	€90,667.00	€120,667.00
Irish Tourist Assistance	€55,000.00	€50,000.00	€50,000.00
Le Cheile	€7,500	€10,000	€13,500.00
Missing in Ireland Support Services	€20,000.00	€24,000.00	€25,000.00
Support After Crime Services	€143,000.00	€158,000.00	€165,000.00
Support After Homicide	€41,000.00	Awarded €43,111.00 Only drew down €34,488.80	€24,800.00
Teach Tearmainn Housing Ass.	€5,000.00	€7,000.00	€40,000.00
An Cosan	€0	€0	€10,000.00
Victim Support at Court	€105,000.00	€148,041.00	€180,000.00
<b>Total</b>	<b>€527,500.00</b>	<b>€643,196.80</b>	<b>€778,967.00</b>

<b>SEXUAL VIOLENCE</b>			
Dignity 4 Patients	€11,000.00	€95,000.00	€95,000.00
Dublin Rape Crisis Centre	€25,000.00 under VOC funding, €22,000 under DSGBV plus additional €50,000 under DSGBV for COVID 19 expenses	€60,000.00	€300,000.00
One in Four	€113,000.00	€182,698.00	€341,790.00
Rape Crisis Network	€45,000.00 under VOC plus €100,000 under DSGBV plus €50,000 COVID 19 expenses under DSGBV	€65,500.00	€85,000.00
Sexual Violence Centre Cork	€0 Was offered €26,000 but did not take up the offer, therefore €00 paid	€26,000	€26,000.00
Wexford Rape Crisis	€0	€0	€51,336.00
<b>Total</b>	<b>€416,000.00</b>	<b>€429,198.00</b>	<b>€899,126.00</b>
<b>Anti-Human Trafficking</b>			
Ruhama	€413,379.99 Core Funding, €19,680 Covid expenses, €6,500 AHT Awareness Training	€609,868.00 plus €97,000 plus €110,480 for additional projects	€705,217.00
Migrant Rights Centre Ireland	€88,754 Core Funding €23,552.00 AHT Awareness Training	€83,500	€114,962.00
INHERE EU Funded Project (€17,226.24 Received 3 March 2021)		€1,537.50 paid to Educative Consulting	€8,912.24

IOM Trafficking in Persons (TIP)		€66,789.00	€16,231.80
<b>Total</b>	<b>€551,865.99</b>	<b>€969,174.50</b>	<b>€845,323.04</b>
<b>Other</b>			
IOM Cultural Mediation Service Project II		€150,000.00	€435,807.07
UL Training intermediaries			€148,500.00
<b>Total</b>		<b>€150,000.00</b>	<b>€584,307.07</b>

### Breen Report Recommendations for Additional Funding 2021

Dundalk Counselling Service	€10,000.00	11-Nov-21
Adapt Kerry CLG	€15,000.00	11-Nov-21
Laois Domestic Abuse Service	€20,000.00	11-Nov-21
Roscommon Safe Link	€15,000.00	11-Nov-21
Offaly Domestic Violence Support Svce	€32,000.00	11-Nov-21
Longford Women's Link	€20,000.00	11-Nov-21
Amal Women's Association	€10,000.00	11-Nov-21
Amen t/a AnyMan (Men's Aid)	€18,000.00	11-Nov-21
Domestic Violence Advocacy Centre	€15,000.00	11-Nov-21
Rape Crisis Network Ireland	€20,000.00	11-Nov-21
Lifeline (Inishowen)	€15,000.00	11-Nov-21
Westmeath Support Service	€10,000.00	11-Nov-21
Tearmann Housing Association	€15,000.00	11-Nov-21
Immigrant Council of Ireland	€30,000.00	12-Nov-21
Victim Support at Court	€20,000.00	16-Nov-21
Dublin Rape Crisis Centre	€150,000.00	25-Nov-21
ASSC	€20,000.00	02-Dec-21
Advic	€10,000.00	26-Nov-21
<b>Total</b>	<b>€445,000.00</b>	

### Number of Family Units in Tusla funded Emergency Domestic Violence Refuges (pre-Covid capacity)

<b>Name of Organisation</b>	<b>Number of Family Units</b>	<b>County</b>	<b>Area</b>
ADAPT Domestic Abuse Service	14	Limerick	Mid-West
ADAPT Kerry Ltd.	6	Kerry	South-West
Amber Refuge (Kilkenny)	7	Kilkenny	South-East
Aoibhneas Women & Children's Refuge	10	Dublin	East
Bray Women's Refuge	6	Wicklow	East
Clarehaven Services	6	Clare	South-West
COPE Galway	6	Galway	North-West
Cuan Saor Women's Refuge And Support Services	4	Tipperary	Mid-West
Cuanlee Refuge	6	Cork	South
Donegal Domestic Violence Services	4	Donegal	North-West
Drogheda Women's & Children's Refuge Centre Ltd.	8	Louth	East
Esker House Women's Refuge And Support Services	4	Westmeath	Midlands
Mayo Women's Support Services Refuge	5	Mayo	West
Meath Women's Refuge & Support Services	5	Meath	Midlands
Oasis House Women's Refuge	16	Waterford	South-East
Rathmines Women's Refuge	9	Dublin	East
Saoirse Women's Refuge Tallaght	6	Dublin	East
Saoirse Women's Refuge, Rathcoole	5	Dublin	East
Teach Tearmainn Refuge	4	Kildare	East
Wexford Women's Refuge	4	Wexford	South-East
Women's Aid Dundalk	5	Louth	East
Sonas Viva House Blanchardstown Refuge	12	Dublin	East
Total	152		

#### **Number of Safe Homes by Tusla funded DSGBV Services in Q1 2022**

<b>Provider</b>	<b>Number</b>	<b>Location</b>	<b>Area</b>
Ascend/North Tipperary Development Company	1	North Tipperary	Mid-West
YANA	2	North Cork	South
West Cork Women Against Violence	1	West Cork	South

Amber Kilkenny Women's Refuge	2	Kilkenny	South-East
Domestic Violence Advocacy Service (DVAS)	3	Sligo	North-West
Sonas	20	Dublin	East
<b>Total</b>	<b>29</b>		

## Appendix 13

### Sexual Violence – Dublin Rape Crisis Centre

1. If they are state wide; Yes.
2. If they are free of charge; Yes. There is a Freephone number 1800 778888 which is free of charge, unless the callers mobile company imposes some charge which is outside our control.
3. If they operate round-the-clock (24/7); Yes. They operate 24/7 every day of the year.
4. The highest levels of confidentiality are assured. Callers give as much or as little information as they wish. They do not have to give any personal details. Calls are not recorded.

The only limit to confidentiality is where a risk to a child has been identified when the State's "Children First" policy applies for the protection and welfare of children. If a caller discloses information in relation to abuse / harm that may have taken place or may occur in relation to a child, we are obliged to contact statutory services and break confidentiality. If a caller discloses information in relation to but not limited to, the possibility of harming themselves or others, then confidentiality cannot be guaranteed. Both of these exceptions to confidentiality assumes we have been given identifiable information. We do record statistical information about calls which assists us and State bodies in understanding how effective our service is, who we are reaching, how we can support more people and trends and issues of concern. This information can include the time of call, the gender of the caller if disclosed, and a general categorisation of issues discussed.

5. Those working on the Rape Crisis National Helpline are trained on all forms of sexual violence against women and also on the links between that and other forms of violence against women, such as domestic violence.
6. The annual number of calls made to seek help for women victims (for 2020, 2021 and 2022 to date).
  - 2020: 13438 contacts to the National Helpline of which 11,800 were phone calls, 709 were emails, 492 were text messages and 105 were web chats. Note that was the first year of web-chat.
  - 2021: 13,969 contacts to the National Helpline of which 12,361 were phone calls, 598 were emails, 595 were text messages and 415 were web chats.

- 2022: This information is highly provisional and is our best estimate at the moment. Between Jan 1 2022 and April 30 2022 there were 3,539 contacts to the National Helpline of which 2,814 were phone calls (this is the figure that is likely subject to alteration), 364 emails, 346 were text messages and 115 were web chats.

## **Domestic Violence – Women’s Aid**

1. If they are state wide; Yes.
2. If they are free of charge; Yes
3. If they operate round-the-clock (24/7); Yes 24 hours, 7 days and 365 days a year.

Information about the Helpline is available on our website:  
<https://www.womensaid.ie/services/helpline.html>

4. How confidentiality and/or anonymity is ensured; Contact numbers of callers are not displayed on our helpline phone system, and we do not collect/record/store any personal identifiable information during the course of our calls. We never ask for personal identifying information i.e. name, address etc.

The Women’s Aid website also gives clear information about confidentiality to reassure potential callers.

### ***Text from the website below in italics:***

- *Women's Aid 24hr National Freephone Helpline: 1800 341 900*
- *Open 24 hours a day, 7 days a week.*
- *You can also receive information about domestic violence at [helpline@womensaid.ie](mailto:helpline@womensaid.ie). Please note that we cannot provide ongoing support via email.*

*Please read the confidentiality statement below before contacting us.*

*Confidentiality Statement: The Women’s Aid National Freephone Helpline and Instant Message Support Service (IMSS) offer a confidential service for women seeking help and support. This means that when you call or email us you do not have to give any identifying information such as name, address or telephone number. However, if you do give us identifying information and we are concerned that a child is at risk, we will have to pass on that information to the appropriate agencies, as we operate within Children First. Click [here](#) for our service users policies on confidentiality and complaints.*

### **Website Link also to publicly available confidentiality policy:**

<https://www.womensaid.ie/services/policies.html>

5. Yes, a full and comprehensive training program (9 sessions) is delivered to volunteers/staff to support a deeper knowledge and understanding of GBV from a feminist analysis perspective and also practical sessions based on best practice responses to women experiencing abuse in intimate partner relationships.

The modules all staff and volunteers are required to cover are:

1. *Pre-training*
2. *Basic Awareness*
3. *Working with the Woman*
4. *Domestic Violence and Children*
5. *Root Causes\**
6. *Legal Module*
7. *Listening Skills*
8. *Helpline Techniques*
9. *Self-Care*

**\*The Root Causes session:** This session is designed to enhance participants understanding of the connection between violence against women and gender inequalities in society and therefore Domestic Violence as a gender-based crime. We look at Gender as a construct and how gender norms are created and the connection between gender inequality and violence against women. The spectrum of different forms of gender based violence (including sexual harassment, rape and sexual assault, forced and child marriage, trafficking, sexual exploitation and FGM) are named and discussed.

**Following the formal, interactive training sessions all workers undergo a rigorous Induction Process with 3 phases:**

1. listening into a more experienced H/L team member,
2. taking calls and being listened in to a more experienced team member
3. taking calls with the HLM

**There is then a 3 month probation period to follow where learning is solidified with weekly debriefs with the management team.**

In addition, all Helpline staff and volunteers are offered internal and outsourced training and awareness opportunities on as CPD. These often focus on ensuring a good awareness of

intersectional factors for some victims/survivors of domestic and sexual violence such as immigration information, Cultural competency training, human trafficking training and thematic seminars Women's Aid and others organise to keep awareness of changes in legal and policy matters of relevance to callers to the Helpline.

6. The annual number of calls made to seek help for women victims. Connected calls with callers to the National DV Helpline (excluding Women's Aid other direct services):

- 2019 = 17,830 calls
- 2020 = 24,110 calls with 3,119 hours of talk time
- 2021 (to May) = 18,917 calls with 3,319 hours of talk time (*note: while calls reduced slightly on 2020 the talk time/ average duration of individual calls **increased**, and numbers remain higher than all years preceding 2020).*)

## **Appendix 14**

### **Children First Guidance and Legislation**

#### **Children First Act 2015**

The Children First Act 2015 was enacted on 19th November 2015 and commenced in full on December 11th 2017. The Act places a number of statutory obligations on specific groups of professionals and on particular organisations providing services to children.

Through the provisions of the Act, it is intended to:

- Raise awareness of child abuse and neglect
- Provide for mandatory reporting by key professionals
- Improve child safeguarding arrangements in organisations providing services to children
- Provide for cooperation and information-sharing between agencies when Tusla, the Child and Family Agency, is undertaking child protection

The legislation also contains a provision that removes the defence of reasonable chastisement in relation to corporal punishment as part of court proceedings.

The policy intent is that the legislation will operate side-by-side with the existing non-statutory obligations provided for in Children First: National Guidance for the Protection and Welfare of Children (2017).



The Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act, 2012 and the National Vetting Bureau (Children and Vulnerable Persons) Acts, 2012 - 2016 are additional key pieces of complementary legislation designed to improve child safety and protection.

The full text of the Children First Act 2015 is available [here](#).

## **Children First National Guidance for the Protection and Welfare of Children 2017**

Children First, National Guidance for the Protection and Welfare of Children was launched on October 2nd 2017. This Guidance is a primary reference for all citizens to report concerns and includes the new legislative obligations. It provides clarity between the legislation and the existing non-statutory obligations which will continue to operate for all sectors of society.

Children First Guidance describes the four main types of abuse and sets out the steps which should be taken to ensure that the child or young person is protected from harm. It has been updated to include new information about the Children First Act 2015 and it includes specific information for the professionals and organisations that now have legal obligations to keep children safe. In January 2019 the Children First Guidance was amended by way of an addendum to ensure that online safety is specifically accounted for in child safeguarding statements, as required under the Children First Act.

The Guidance also outlines the roles of the main statutory bodies involved in child welfare and protection: Tusla, the Child and Family Agency and An Garda Síochána. It contains details of how to report a concern about a child and what happens once the report is received by Tusla.

### **Appendix 15**

- **Long term orders for protection**

**Section 6 of the Domestic Violence Act 2018 provides for the making of safety orders.** A safety order prohibits the respondent from being violent or threatening to be violent to the applicant and/or the applicant's children. This order can also forbid the respondent from coming to the applicant's residence if both parties do not live together. A safety order can also prohibit the respondent from following or communicating with the applicant (including by electronic means).

The end date of a safety order is usually set by the court subject to a maximum period of 5 years. The court may make a further safety order on or before the expiry of the earlier order, for another period of up to 5 years and where such further order is made, this will take effect from the expiry of the first order.

**Section 7 of the Domestic Violence Act 2018 provides for the making of barring orders.** A **barring order** means that the respondent must leave the place where s/he and the applicant live together for a certain length of time. It can also forbid the respondent from following and communicating with the applicant (including by electronic means) or entering the place where the applicant lives. This order prohibits the respondent from being violent or threatening to the applicant and/or the applicant's children. The end date of a barring order is usually set by the court for a period of up to three years. The court may make further barring orders of up to three years and where such further order is made on or before the expiry of the earlier barring order it shall take effect from the date of expiration of the first order.

Those eligible to apply for a barring order are a wife, husband, civil partner or a former spouse, a person who lived with the respondent in an intimate relationship or a parent of a respondent who has reached full age. A cohabitant or parent who wishes to apply for a barring order must have an equal or greater beneficial interest in the property to which the barring order will apply than the person against whom the order is sought.

### **Urgent temporary orders for immediate protection**

Where protection is required immediately the victim can apply to court for an urgent temporary order. An application can be made "*ex parte*", i.e. without informing the person against whom the order is sought, where the court considers it necessary or expedient in the interests of justice.

A **protection order** is a **temporary safety order** that the court can put in place until the full hearing for a barring order or safety order has been determined by the court. This is provided for by **section 10 of the Domestic Violence Act 2018**.

There are also two types of **temporary barring orders** which are:

An **Interim Barring Order** is provided for by **section 8 of the Domestic Violence Act 2018**. Where an application has been made for a barring order, an interim barring order can be applied for where there is an immediate risk of serious harm to the applicant due to domestic violence. An application for an interim barring order may be made *ex parte* where the court considers it necessary or expedient. Where the application is heard *ex parte*, the interim barring order remains in place for up to eight working days or until the court hears the full application for the barring order, if earlier. An interim barring order has the same effect as a barring order for the duration it is in place. An interim barring order ceases to have effect once the court determines an application for a barring order.

**Emergency Barring Order. Section 9 of the Domestic Violence Act 2018** provides for the making of an emergency barring order. This order addresses the requirements of Article 52 of the Istanbul Convention. The order can be obtained by:

- a person who is not a spouse or civil partner or is not related to the respondent but did live in an intimate relationship with the respondent prior to the application.
- a parent of the respondent who has reached full age and is not a dependent person.

An emergency barring order is only available to applicants that have no legal rights to the property or where the rights to the property that s/he does have are less than those of the respondent and there is an immediate risk of significant harm to the applicant or a dependent person. It remains in place for up to eight working days. There is no possibility of applying for a full barring order when this ends.

## **Appendix 16**

All victims who have experienced personal injury as a result of a violent crime inflicted on them may apply for compensation from the State through the Scheme of Compensation for Personal Injuries Criminally Inflicted (also known as “The Criminal Injuries Compensation Scheme”), administered on an administrative basis by the Criminal Injuries Compensation Tribunal.

The Tribunal is a non-statutory independent structure under the aegis of the Department of Justice, formed under the terms of the Scheme. The Tribunal considers applications from people who suffer a personal injury or death as a result of a crime of violence. The Tribunal is made up of 14 Tribunal members<sup>2</sup>, who are all practising barristers or solicitors who provide services on a part-time basis for which they are paid in accordance with a fee schedule. The Tribunal is independent in its decision making and administers the Scheme in accordance with its written terms and conditions. A copy of the Scheme is available at [www.gov.ie/criminalinjuries](http://www.gov.ie/criminalinjuries)

Applications to the Scheme are not dependent on gender or sex, residence status, or nationality. The following persons are eligible to make an application under the Scheme:

- individuals who have sustained a personal injury, where the injury is directly attributable to a reported crime of violence;
- individuals who sustained a personal injury in circumstances arising from action by them in assisting or attempting to assist the prevention of a reported crime or the saving of human life;
- dependents of a victim who has died due to a violent crime inflicted on them.

It is a condition of the Scheme that the injury must have been sustained within the State or aboard an Irish ship or aircraft. All crimes must have been reported to the Gardaí (the Irish police force) or the Garda Ombudsman (in cases where the alleged perpetrator is a member of the police force.) Applications to the Scheme are made by way of a standardised hard copy application form which is downloaded from the Scheme’s website at [www.gov.ie/criminalinjuries](http://www.gov.ie/criminalinjuries) and submitted by the applicant to the Tribunal, along with any necessary supporting documentation. Tribunal staff process the applications received in the first instance and liaise with the applicant on obtaining the documentation necessary for the Tribunal to make a decision on their file. The onus is on the applicant to establish their case.

In order to be reimbursed vouched expenses the applicant must provide copies of payment

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<sup>2</sup> [www.gov.ie](http://www.gov.ie) - [Members of the Criminal Injuries Compensation Tribunal \(www.gov.ie\)](http://www.gov.ie)

receipts. Medical reports must be provided to verify claims relating to medical expenses and employment, taxation and social welfare information must be provided where loss of earnings are being claimed.

Under the Scheme, a decision on a claim is typically made in the first instance on the basis of the submitted documents only, i.e. without a hearing. The Scheme provides that a decision of first instance on an application may be made by a duly authorised officer of the Tribunal in cases where the amount sought involved does not exceed €3,000. Where the amount sought is greater than €3,000, the application must be submitted for decision of first instance to the Tribunal. Where the amount sought is below €75,000, the application will be decided at first instance by a single Tribunal member and where the amount sought is above €75,000, the application will be decided collectively by three Tribunal members. The applicant can appeal the Tribunal's decision. In cases that are appealed, the three Tribunal members comprising the appeal panel, none of whom have been involved in the decision of first decision, will consider the application afresh on a 'de novo' basis. The Tribunal's decision made at the appeal hearing is deemed the final decision under the Scheme.

No legal representation is necessary when applying for state compensation and normally applicants do not need to come before the Criminal Injuries Compensation Tribunal in person unless they appeal the decision of first instance. Appeal hearings are typically held remotely using online video conferencing.<sup>3</sup> While an applicant is always entitled to seek independent advice or representation, including legal advice and legal representation, the Scheme does not provide for the reimbursement of legal costs as the Scheme is intended to operate in an informal way and this is set out in the terms and conditions.

The Tribunal only provides for out of pocket expenses, which may include loss of earnings (past and future) in relevant cases and healthcare costs (past and future.) A general principle applies under the Scheme that there can be no double compensation made to applicants. Because of this any other payment an applicant may be receiving from another source as a result of the incident (which gave rise to their claim) including from the employer, by way of other legal proceedings (e.g. compensation paid to the victim by the offender) and/or social security payments will be taken into consideration by the Tribunal in determining the level of award. The amount of compensation depends on the circumstances of the case.

The Scheme (revised in April 2021)<sup>4</sup> includes an explicit provision that a payment in respect of mental distress may be awarded to dependants of fatally injured victims of crime. The payment is provided for under section 49 of the Civil Liabilities Act and currently is set at a maximum of €35,000 (per case). The Scheme makes applicants explicitly aware that decisions of the Tribunal, appropriately redacted to remove personal data, may be made publicly available. Published decisions of the Tribunal in redacted form are available on the

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<sup>3</sup> [gov.ie](http://www.gov.ie) - [Instruction 2: Remote appeal hearings \(www.gov.ie\)](http://www.gov.ie)

<sup>4</sup> [gov.ie](http://www.gov.ie) - [Terms and conditions of the Criminal Injuries Compensation Scheme \(www.gov.ie\)](http://www.gov.ie)

Scheme's website. Notwithstanding the three month limit for the submission of applications, the revised Scheme provides that the Tribunal may accept applications for up to two years after an incident if it considers the circumstances exceptional. In April 2021, a provision of the Scheme that prevented awards being made where the crime was committed by a member of the same household was removed.

Work is currently being progressed to advance further more fundamental reforms to the operation of the Scheme, including it being put on to a statutory basis. At the request of the Department of Justice, the Law Reform Commission is also currently carrying out a project on the Scheme.

## **Appendix 17**

**Section 31 of the Guardianship of Infants Act 1964** as inserted by section 63 of the Children and Family Relationships Act 2015 sets out that the court shall have regard to all of the factors or circumstances that it regards as relevant to the child concerned and his or her family when determining the best interests of a child for the purposes of proceedings relating to custody of, or access to a child.

It provides a list of the factors that the court may take into account when determining the best interests of the child. These factors include any harm which the child has suffered or is at risk of suffering, including harm as a result of household violence, and the protection of the child's safety and psychological well-being.

**Subsection (3) of section 31** specifically provides that the court shall have regard to household violence and the impact or likely impact on the safety of the child and on other members of his/her family and the child's personal wellbeing 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) the capacity of the perpetrator of the violence to properly care for the child and the risk, or likely risk that the perpetrator poses to the child.

"Household violence" is defined by section 31(7) 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.

## **Appendix 18**

The Third National Strategy on DSGBV contains a number of actions in relation to substantive law and the examination of introducing future legislation:

- 2.1.2, Raise awareness of the legislation on DSGBV and legislation on victims' rights that currently exists.
- 3.3.1, Implement O'Malley recommendations on reform of sexual offences and other legislation.
- 3.3.2, Introduce legislation to provide for the Introduction of a specific offence of non-fatal strangulation, a specific offence of stalking and other legislative reforms relevant to tackling DSGBV.
- 3.3.2, Enact the Garda Síochána (Digital Recording) Bill 2022 which will provide both new and strengthened powers for An Garda Síochána to operate recording devices including body worn cameras to assist members of An Garda Síochána to gather evidence separate to a victim's testimony.
- 3.3.3, Establish a review cycle to identify outstanding and emerging further reforms required to law, practice and procedure outside of supporting the victim/survivor (with attention to the voices of adult and child survivors). Issues to be considered will include:
  - Legislation around digital offences
  - Consideration of the need to review and strengthening of the range of emergency orders available to the courts, including orders that may be sought by AGS
  - Introduction of increased powers of detention for specified domestic abuse related offences under the Domestic Violence Act 2018 (to exceed 24 hours)
  - Introduction of AGS authorisation to issue a removal order for DA offender from the family home in high-risk cases of domestic abuse
  - Whether the six month time limit for the making of complaints relating to summary offences, as provided for in Section 10(4) of the Petty Sessions (Ireland) Act 1851, should be modified in the prosecution of offences under the Domestic Violence Act 2018
  - Possibility of limitations on availability of bail for breaches of barring orders where there is a history of violence.
  - How women in vulnerable accommodation situations can be better protected against sexual exploitation (so-called 'sex for rent')
  - The use of character references in criminal cases
- 3.3.7, Examine the feasibility of further extending anonymity to domestic abuse victims/survivors during court proceedings
- 3.3.8, Examine and review the rationale for the disclosure of counselling notes as part of court proceedings including a victim/survivor perspective
- 3.4.2, Consider and progress recommendations arising from the Review of Part 4 of the Criminal Law (Sexual Offences) Act 2017 which criminalises payment for sexual activity with a person in prostitution or a trafficked person
- 3.5.4, Consider and implement any recommendations arising from reports produced by the Law Reform Fifth Programme relating to DSGBV including structured sentencing, and review of the Law on Sexual Offences and Compensating Victims of Crime
- 3.5.5, Consider if legislation is necessary to allow multi-agency risk assessment protocols for DSGBV
- 3.5.6 Consider and progress as appropriate the findings emerging from the Study on Familicide and Domestic Homicide Reviews including any necessary changes to practice and legislation with a view to implementation of the agreed reforms.

- 4.1.5, Establish an Expert Group to advise on legislation in relation to new and emerging forms of DSGBV
- 4.3.1, propose any legislative amendments to address any barriers to enabling the lawful exchange of DSGBV data

## **Appendix 19**

### **Safety Orders (Section 6 of the 2018 Act):**

A safety order is available to:

- the spouse of the respondent,
- the civil partner of the respondent,
- a person who was in an intimate relationship with the respondent prior to making the application
- a parent of the respondent where the respondent is not a dependent person and is of full age
- a parent of a child whose other parent is the respondent
- a person of full age, who resides with the respondent where their relationship is not contractual.

### **Barring Orders (Section 7 of the 2018 Act):**

A barring order is available to:

- the spouse of the respondent,
- the civil partner of the respondent,
- a person who lived with and who was in an intimate relationship with the respondent prior to applying for the barring order,
- a parent of the respondent where the respondent is not a dependent person and is of full age.

### **Interim Barring Order (Section 8 of the 2018 Act):**

An interim barring order is available to:

- the spouse of the respondent,
- the civil partner of the respondent,
- a person who lived with and who was in an intimate relationship with the respondent prior to applying for the barring order,
- a parent of the respondent where the respondent is not a dependent person and is of full age.

### **Emergency Barring Orders (Section 9 of the 2018 Act):**

An emergency barring order is available to:

- a person who lived with and who was in an intimate relationship with the respondent prior to making the order,
- a parent of the respondent where the respondent is not a dependant person and they are of full age.

### **Protection Orders (Section 10 of the 2018 Act):**

A protection order is available to:

- the spouse of the respondent,
- the civil partner of the respondent,

- a person who was in an intimate relationship with the respondent prior to making the application
- a parent of the respondent where the respondent is not a dependent person and is of full age
- a parent of a child whose other parent is the respondent
- a person of full age, who resides with the respondent where their relationship is not contractual.

## **Appendix 20**

### **An Garda Síochána (AGS)**

Under Article 56, paragraph 2 of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence a child victim and child witness of violence against women and domestic violence shall be afforded, where appropriate, special protection measures taking into account the best interests of the child.

Child victims (anyone under the age of 18) are automatically presumed to need special protections.

Special protections and supports for children may include:

- The Gardaí considering the child's best interests, including the child's views or concerns.
- Interviews conducted by the Gardaí and a child may be recorded and then may be used in criminal proceedings as evidence.
- A special representative may be appointed for a child when a family member or guardian has been charged with, or is under investigation for, an offence relating to a child.
- A child has a right to access support services, free of charge. These support services may include counselling.
- Interviews conducted in a location specially designed or adapted for the purpose.
- Interviews conducted by someone who has specialised training.
- The trial may take place without the presence of the general public. However, if the judge orders the public not be allowed, members of the press may still have the right to be present.
- While testifying in court, a child has a right to avoid contact with the offender. This could mean testifying from behind a screen or from a different room over a video link.
- A child cannot be cross-examined about their private life if it is not related to the criminal offence.



## **The UN Committee on the Rights of the Child**

The UN Committee on the Rights of the Child has stated that all children involved in judicial and administrative proceedings must be informed in a child friendly manner about their right to be heard and the available methods for doing so. In addition, children who are victims or are witnesses to crime must be given the opportunity to exercise fully their right to express their view. Article 12 of the UNCRC states that:

- State Parties shall ensure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
- For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

## **Specialist Victim Interviewing**

In accordance with Section 16(1) (b) Criminal Evidence Act 1992, as amended, Specialist Interviewers are trained to record interviews with victims and witnesses under 18 years, (or those with an intellectual Disability), for evidential purposes in cases involving sexual and / or violent offences. There is a number of purpose built, dedicated interview suites throughout the country independently located away from Garda Stations which are designed to provide the appropriate facilities to conduct specialist interviews, allowing the victim a safe and supported environment.

## **Specialist Services**

There are several organisations that offer support services to child victims of crime and their families in Ireland. These organisations provide emotional and practical support, give information about rights as a victim, represent interests and raise public awareness about child victim issues.

The following are some of the specialist services available to child victims and child witnesses:

- **ASSC.** Accompaniment Support Services for Children - Advocacy and support for young people and their families/carers as they navigate the criminal justice system.
- **Child and Adolescent Forensic Medical Assessment Services** - Care for young people aged 14 and under who have been sexually abused
- **CARI** - provides accompaniment and support to children and their families when children have to give evidence in a criminal trial. This includes pre-trial preparation and visits to the courtroom, accompanying the child and their family during the trial and post-trial support, if needed.

### **Video Link Evidence**

When a child gives evidence by live video link, the judge and the barristers do not wear wigs or gowns in court with a view to appearing less intimidating to a child. The judge can decide to let an intermediary (for example, a social worker) ask the child questions. Video link allows the child to avoid contact with the offender while in a controlled and comfortable setting.

### **Legislation**

#### **Section 15 7(b) Criminal Justice (Victims of Crime) Act 2017**

This section sets out that An Garda Síochána or the Ombudsman Commissioner shall, when carrying out an assessment, have regard for the following when determining whether and to what extent the child might benefit from protection or special measures:

- The best interests of the child
- Any views and concerns raised by the child taking into account his or her age and level of maturity
- Any views and concerns raised by a parent or guardian of the child

#### **Section 18 Criminal Justice (Victims of Crime) Act 2017**

Where the victim is a child, An Garda Síochána or the Ombudsman Commissioner shall arrange for the victim to be accompanied by an appropriate person when attending any interviews and court proceedings at which the child is required to be present.

### **Section 10 Children First Act 2015**

A provider of a relevant service shall ensure that each child availing of the service from the provider is safe from harm while availing of that service. A child safeguarding statement must be developed in line with the above section.

### **Section 14 Children First Act 2015**

This section sets out that where a mandated person knows, believes or has reasonable grounds to suspect, on basis of information that he or she has received, acquired or becomes aware of in the course of his or her employment or profession as such a mandated person that a child has been, is being or is at risk of being harmed he or she shall report that knowledge, belief or suspicion to the Agency. The Formal Tusla Notification Form is utilised by An Garda Síochána and Tusla to notify each organisation of any disclosure of harm to a child.

There are a number of key government bodies who work alongside An Garda Síochána in protecting the rights of child victims and witnesses while also focusing on their support and future development.

### **The Ombudsman for Children Act 2002**

The Ombudsman for Children in Ireland is a statutory office established under the Ombudsman for Children Act 2002. The main functions of the Ombudsman are:

- To promote the rights and welfare of children and young people up to 18.
- To investigate complaints made by children, or on behalf of children, against public bodies. The Ombudsman for Children can investigate complaints about public bodies providing services or making decisions about children and families, or complaints about organisations providing services on behalf of the State.
- Advises the Government and encourages the development of policies, practices and procedures to promote children's rights and welfare.

- Highlights issues that concern children and helps children and young people to find out about their rights and how these can be protected.
- Monitors and reviews how legislation works in regard to children.

### **Department of Children, Equality, Disability, Integration and Youth**

The Department of Children, Equality, Disability, Integration and Youth was established in 2011 and brings together a number of key areas of policy and service provision for children, young people and families. It focuses on policy issues that affect children in areas such as youth justice, child welfare and protection. The Department has developed various national policies, including a national strategy on children and young people's participation in decision-making.

### **The Child and Family Agency (Tusla)**

The Child and family Agency is a statutory organisation established in January 2014 under the Child and Family Agency Act 2013. The agency is required to support and promote the development, welfare and protection of children. Tusla has responsibility for a range of specialised services aimed at promoting the welfare of children including child welfare and protection services and domestic, sexual and gender-based violence services.

### **Special Rapporteur on Child Protection**

The Government established the position of Special Rapporteur on Child Protection in 2006 to advise it on developments affecting the welfare of children. The rapporteur's current terms of reference include the review and auditing of legal developments for the protection of children and assessing what impact, if any, litigation in national and international courts will have on child protection.

### **Appendix 21**

Pillar 2 of the Third National Strategy on DSGBV contains the protective measures of the new Strategy and ensures that victims/survivors (adults and children) have immediate and longer-

term access to safety, support and advocacy they need, with agencies held accountable for the protection of victims/survivors. Actions fall under overarching objectives to:

- 2.1, Ensure that individuals who experience DSGBV can access adequate, extensive and accessible information on and offline.
- 2.2, Ensure availability of accessible quality specialist and community based DSGBV services across the state so that all people who experience DSGBV have access to integrated services in the short, medium and longer term.
- 2.3, Enable victims/survivors of DSGBV to rapidly access and live in safe, accessible short and long term accommodation as a priority.
- 2.4, Ensure a victim/survivor centred wraparound service through the creation of clear integrated local pathways (building on the mapping of the victim/survivor journey work) for adults and child (female and male) victims/ survivors to access the domestic violence and sexual violence information, services and supports.
- 2.5, Recognise and support the child/young person as an individual victim/survivor who experiences DSGBV using child friendly and age-appropriate communications.
- 2.6, Ensure those, primarily women, in prostitution have access to safety, health care, support and exit routes.

Pillar 3 of the Third National Strategy on DSGBV contains the prosecution measures of the new Strategy and ensures that the Justice systems implement the law and provide the consistent enforcement and judicial proceedings necessary to vindicate the rights of the victim/survivor. Actions fall under overarching objectives to:

- 3.1, Ensure all professionals / frontline workers involved in DSGBV work with adults and children in the courts, and in the justice, legal and policing systems, have the skills and analysis of DSGBV to equip them with the necessary expertise they require.
- 3.2, Reform the operation of the family law courts to ensure victims/survivors are better protected.
- 3.3, Work to reduce attrition rates and enhance access to the legal system for individuals experiencing DSGBV.
- 3.4, Reduce demand for prostitution.
- 3.5, Strengthen the policing and prosecution of domestic, sexual and gender-based violence
- 3.6, Ensure perpetrators of DSGBV are held to account and prevented from victimising/re- victimising, to include domestic violence and sexual violence perpetrator programmes.

## **Appendix 22**

When assessing applications for international protection involving gender-related persecution, the International Protection Office (IPO) has 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*.

The training on membership of a particular social group that is provided to the IPO's new legal panel members and caseworkers as part of their induction training on international protection covers gender-related persecution.

Guidance on assessing credibility given to the IPO's legal panel members and caseworkers advises that credibility must be conducted on an individual basis taking into account the individual and contextual circumstances of the applicant. "Individual and contextual circumstances" of applicants include their age; maturity; **gender**; sexual orientation; mental and physical capacity; cultural, education, social and family background; beliefs; and their possible experience of torture, **sexual and gender-based violence**, trauma and/or medical problems more generally.

When considering whether internal relocation is a viable alternative, the IPO considers the personal circumstances of the applicant. Factors considered include age, **gender**, health, disability, family situation and relationships, ethnicity, religion, cultural, social and political factors, language, education, professional and work background and opportunities and so on.

In feedback given to panel members and caseworkers through the IPO's quality assurance process, panel members and caseworkers have been advised that decision makers should not overly rely on an applicant's failure to leave the abuser, to report violence to the police and to seek medical attention for injuries sustained. Decision makers should have an understanding of the myriad and complex reasons why a victim of domestic violence might not be willing to leave their abuser, report instances of violence to the police or seek medical attention. Decision makers have been advised that they should focus on emotional and psychological abuse as well as on physical abuse.

The IPO arranged for the Dublin Rape Crisis Centre to provide training on gender-based violence to panel members and caseworkers during March and April 2022. This training covered inter alia:

- Interview techniques on how to manage a disclosure in a supportive and grounding way that can best support an applicant.
- What trauma can look like and present in victim/survivors – trauma and memory
- It also covered grounding techniques and how to support someone who becomes overwhelmed.
- The Range of Traumas Experienced by Refugees
- Beliefs and attitudes about Rape and Trauma
- The Impact of Cultural Beliefs and Attitudes
- The impact of sexual violence and other trauma
- Dynamics of Domestic abuse
- Sexual Violence: A Weapon of War and Oppression
- Maintaining staff well-being while working with trauma
- Dealing with "silence" at interview

Insofar as the investigation and determination of applications is concerned, all adult applicants are interviewed separately and are entitled to bring a legal advisor with them. This allows

female applicants to have the opportunity to present their own case and therefore have the opportunity to maintain the confidentiality of that case.

Female applicants are generally interviewed by female caseworkers, subject to the availability of a female caseworker. Where a gender-related issue has been highlighted in the information provided by a female applicant in their questionnaire, a female interviewer will be assigned to the case and the IPO will endeavour to ensure that the interview is serviced by a female interpreter.

In the event that gender-specific issues arise in the course of the interview, the caseworker will normally offer an opportunity to the applicant to adjourn the interview and to reschedule with a female interviewer.

## **Appendix 23**

### **International Protection Accommodation Services (IPAS), (Department of Children, Equality, Disability, Integration and Youth) (DCEDIY)**

IPAS and all accommodation centres under contract to it, are committed to establishing safeguards to help protect residents from domestic, sexual and gender-based violence and harassment. IPAS will not tolerate victimisation or harassment of residents or staff in the accommodation centres and the safety and well-being of all residents is of paramount concern.

IPAS aims to prevent domestic, sexual and gender based violence & harassment by promoting the message that; it is not acceptable behaviour; it will not be tolerated; the perpetrator is the person to blame, not the victim; and that where such behaviours might constitute criminal behaviour they will be reported to An Garda Síochána (Irish police) and prosecutions may follow.

IPAS has a policy and practise document on safeguarding residents against Domestic, Sexual and Gender based Violence and Harassment.

Where incidents of domestic, sexual and gender based violence & harassment are reported, each accommodation centre has a Designated Liaison Officer (in most cases, the centre manager) who speaks to the alleged victim and reports the incident to An Garda Síochána, they then also reports the incident via an email to the IPAS Helpdesk.

IPAS has an Incident Reporting policy which all centres must adhere to when reporting incidents, IPAS keeps a record all incidents.

The Designated Liaison Officer is also responsible for ensuring that any child protection welfare issues are reported to Tusla (The Child and Family Agency).

From the IPAS Helpdesk, the issue is delegated to the Centre Management Team and then the Resident Welfare Team.

The Resident Welfare Team then discusses all referrals with the IPAS Social Work Team to determine what course of action is to be taken on foot of the referral.

This may include a Welfare Check on the person in respect of the alleged victim conducted by one of the Social Work Team where upon they may also be referred to various appropriate local or national support services.

The IPAS Resident Welfare Team may also become aware of an incident during the course of a Welfare Check or a Vulnerability Assessment. In such situations, the Social Worker completing the Vulnerability Assessment will identify suitable supports and seek to put supports in place.

There are also three female only accommodation centres, one in Killarney plus two others in Dublin.

List of supports for any person affected by Gender based Violence or Domestic Violence:

- Speak to the Centre Manager
- Family Doctor
- HSE (Irish Health Service)
- An Garda Síochána (Irish Police)
- National Sexual Violence Helpline (for men & women)
- National Domestic Violence Helpline (for women)
- AMEN (men experiencing domestic violence)
- BeLonG To (supporting Lesbian, Gay, Bisexual and Transgender young people)