

Committee of the Parties

Council of Europe Convention
on preventing and combating violence
against women and domestic violence
(Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Ireland

IC-CP/Inf(2023)15

Adopted on 5 December 2023

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66 (1) of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Ireland on 08 March 2019;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Ireland adopted by GREVIO at its 31st Meeting (23-26 October 2023);

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency cooperation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and nongovernmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the Irish authorities in implementing the Convention and noting in particular:

- the adoption of criminal legislation to incorporate the definitions and the criminal offences provided under the Convention into its legal framework, including the adoption of the Criminal Justice Female Genital Mutilation Act 2012, introducing the offence of female genital mutilation (FGM) and the Domestic Violence Act, criminalising coercive control and forced marriage;
- the adoption of the third National Strategy on Domestic, Sexual and Gender-Based Violence and its implementation plan, which draw direct inspiration from the Istanbul Convention and address its four strategic pillars, have a marked intersectional approach, and have been drafted in close co-operation with civil society;
- the setting up of divisional protective units in the police force, which specialise in the investigation of serious forms of domestic violence and sexual violence;
- the adoption by the police of a risk-evaluation tool to evaluate the risk to domestic violence victims;

- the funding by the state of two national telephone helplines, operated by women's rights groups and providing support and counselling to rape and domestic violence victims, in a wide range of languages;
- the requirement for all police officers to attend training on domestic violence and on the new risk-evaluation assessment tool and the adoption of in-depth internal guidelines/policies on how to investigate certain forms of violence against women;

the availability for healthcare staff of several training opportunities, guidelines and manuals on domestic violence, sexual violence and FGM.

A. Recommends, in light of the considerations indicated in the preamble above, that the Government of Ireland takes the following measures identified in GREVIO's report¹ for immediate action to:

1. ensure that domestic legislation, policies and programmes comprehensively address all forms of violence against women with due regard to their gendered nature (paragraph 11); introduce statutory definitions of domestic violence and violence against women, and/or harmonise the existing legal definitions across all areas of law (paragraph 12); and pursue efforts to enshrine the principle of equality between women and men in its constitution and to eliminate any provision which perpetuates gender stereotypes (paragraph 16);
2. strengthen the implementation of measures foreseen in the third National Strategy on Domestic, Sexual and Gender-Based Violence to prevent and combat violence that affect women who are exposed to intersectional discrimination; develop and improve accessibility to protection and support services, and support research into the violence experienced by these groups of women (paragraph 20);
3. ensure the co-ordination between the third National Strategy on Domestic, Sexual and Gender-Based Violence and other equality and inclusion strategies that address violence against women, making sure that all policy actions on FGM are consistent and harmonised across different strategies and address girls at risk of this form of violence, while effectively enabling all women's rights organisations to contribute to the shaping of these policies (paragraph 33); and quantify the number of victims of institutional abuse committed in Magdalene Laundries, Mother and Baby Homes and County Homes, national schools, and those subject to the procedure of symphysiotomy, avoiding unreasonable requirements and time frames; providing these victims with the necessary support services; enshrining their rights in law and facilitating their access to justice (paragraph 34);
4. provide all women's rights organisations specialised in combating violence against women with sufficient, multi-annual funding that is commensurate with their estimated needs, through transparent and accountable public procedures (paragraph 39); commission research to assess the estimated total annual costs needed to provide support to victims of all forms of violence against women in Ireland; and introduce in all relevant ministries separate budget and funding lines for policies and measures aimed at combating violence against women, while strengthening efforts to implement gender-responsive budgeting (paragraph 40);
5. expedite plans to set up an institutionalised body mandated to co-ordinate and implement violence against women policies, operating in consultation with women's rights organisations and endowed with the needed financial and human resources to ensure the sustainability of its work, while ensuring that the responsibilities retained by the Department of Justice on violence against women policies and the structure of the future co-ordinating body do not hamper its ability to gain recognition and support from other relevant government agencies; entrust the evaluation of violence against women policies to an entity/entities that can ensure independence and objectivity; and, pending the operationalisation of the co-ordinating body, ensure the co-ordination, implementation and

¹ The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

monitoring of progress in the implementation of the third National Strategy on Domestic, Sexual and Gender-Based Violence, based on a set of pre-defined indicators (paragraph 49);

6. collect systematic and comparable data on all forms of violence against women, from all relevant administrative sources, disaggregated by all relevant categories, and establish a centralised database, pending the setting up of the Domestic, Sexual and Gender-Based Violence Agency, while ensuring that data collected by all criminal justice actors: (i) allows cases to be traced along the criminal justice chain; (ii) is harmonised across different institutions and allows for an analysis of cases of violence against women that have resulted in the killing of the woman and her children; (iii) is collected on decisions concerning custody and or visitation of children that have expressly taken into account reports of domestic violence; that a data-collection system is put in place to record asylum claims on the basis of gender-related persecution, the grounds for persecution considered and the outcome of the claims; and that the collection, storing and processing of data complies with standards on data protection, as contained in the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (paragraph 59);
7. ensure that the issues listed under Article 14 of the Istanbul are included in the mandatory school curriculum and taught, in practice, to all pupils at all levels of education, adapted to the evolving capacity of learners; strengthen efforts to assess to what extent Social Personal and Health Education and Relationship and Sexuality Education are being taught in schools; raise parents' and educators' awareness of the importance of sexual education and education on the subjects listed under Article 14 of the convention; and ensure that teachers receive mandatory initial and in-service training on these topics, as well as on identifying and referring victims of violence against women, including girls at risk of FGM and forced marriage (paragraph 86);
8. introduce systematic and mandatory initial and in-service training on all forms of violence against women for all relevant professionals working with victims or perpetrators, including to raise their awareness on the disproportionate rates of violence against women experienced by women subject to intersectional discrimination, and on the need to dispel stereotypes surrounding these groups of women (paragraph 96);
9. take legislative and other measures to adopt institutionalised structures for co-ordination and co-operation among the different governmental and non-governmental agencies to ensure adequate protection and support for victims of all forms of violence against women and their children, based on a gendered understanding of violence against women and the empowerment of victims, and ensuring that protection and support services are made available as far as possible on the same premises; that data protection considerations do not hinder the sharing of information between the relevant services and NGOs; and that the obligation and practice to disclose victims' counselling/therapy notes as part of court proceedings relating to acts of violence against women is removed without delay (paragraph 119);
10. take legislative or other measures to ensure that women victims of domestic violence can qualify for social housing, regardless of whether they co-own property with the perpetrator; and to address bureaucratic obstacles that prevent Roma and Irish Traveller women victims of domestic violence from accessing long-term social housing (paragraph 129);
11. increase the number and capacity of specialist shelters providing safe accommodation to victims of all forms of violence against women, in line with the standards set by the Istanbul Convention and in an adequate geographical distribution, while removing requirements preventing access for victims who do not reside in the specific county where the shelter is located, or who cannot prove a local connection with such a county, and ensuring that shelters can cater for the needs of women subject to intersectional discrimination and victims with teenage boys (paragraph 150);
12. systematically inform victims of the civil remedies available against state authorities that have failed in their duty to take the necessary preventive or protective measures; ensure

that in law and in judicial practice, women victims of violence can bring civil law actions for damages for negligent/grossly negligent behaviour of police officers; and compile statistics on the number of claims made against the authorities for failure to respect their due diligence obligation to prevent, investigate and punish acts of violence, and the number of remedies granted as a result (paragraph 179);

13. take action in the area of custody and visitation rights, in line with the relevant GREVIO findings, to ensure that in the determination of custody and visitation rights of children, incidents of violence covered by the scope of the Istanbul Convention are taken into account and to ensure that in the exercise of any visitation or custody rights, the rights and safety of the victim and her children are safeguarded (paragraph 194);
 14. take the necessary legislative or other measures to ensure: a clear and unambiguous legal framework on sexual violence, including rape, in line with the standards set by Article 36 of the Istanbul Convention and the relevant GREVIO findings, so that the legal implications of such acts are foreseeable for perpetrators and victims alike (paragraph 211); and that sexual harassment experienced in all areas of life is subject to criminal or other legal sanctions, in line with Article 40 of the Istanbul Convention (paragraph 230);
 15. In line with the relevant GREVIO finding, take action *inter alia*, to: ensure that the internal policy on domestic violence requires police officers to systematically carry out a risk assessment when reports are received; develop internal policies and guidelines for the investigations of all forms of violence against women beyond domestic violence and rape/sexual violence; reinforce the capacity of the police to respond to and investigate digital manifestations of violence against women and domestic violence; ensure that legislation allowing the initial statement made by the victim to the police to be admitted as evidence is applied in practice, so that reliance on the victim's testimony is lessened; reinforce the capacity of courts that hear cases of violence against women so as to reduce delays and backlogs; and consider providing guidance to juries adjudicating cases of rape and sexual violence to dispel myths and bias on what is considered "normal behaviour" for a victim (paragraph 263);
 16. take legislative and other measures to ensure that standardised risk assessment and management are systematically carried out in relation to all forms of violence against women covered by the Istanbul Convention, by appropriately trained police officers and taking into account threats made to take away the children in common, threats to kill the victim's children, the existence of a protection measure, acts of sexual violence, and access to a firearm. Such risk assessments should systematically be carried out for the victims' children, be repeated at all stages of the proceedings, involve all relevant stakeholders, and lead to the development of a safety plan for victims (paragraph 270);
 17. take legislative and or other measures to bring the legal framework and practice of Ireland in line with Article 52 of the Istanbul Convention, with due regard to the relevant GREVIO finding by ensuring that: (i) in situations of immediate danger and where harm is imminent, the authorities are granted the power, *ex officio*, to order the perpetrator to leave the residence of the victim or person at risk for a specific period of time and to prohibit the perpetrator from entering the residence or contacting the victim or person at risk; (ii) the threshold to be met to issue an emergency barring order is that harm is imminent, has materialised or is likely to happen again; (iii) measures of protection are available to victims, regardless of their property rights, and applied in practice; (iv) no gap in the protection of the victim arises between the expiry of an interim barring order or an emergency barring order and the imposition of an order which ensures protection of the victim in the longer term; (v) interim and emergency barring orders are extended to children in need of protection; and (vi) that the police proactively monitor and promptly enforce interim, emergency barring orders and other protection/restraining orders (paragraph 282).
- B. Requests the Government of Ireland to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 5 December 2026.

- C. Recommends that the Government of Ireland take measures to implement the further conclusions of GREVIO's baseline evaluation report.