

***Statement on the ratification of the  
Council of Europe Convention on  
preventing and combating violence  
against women and domestic violence***

*July 2019*



**Coimisiún na hÉireann um Chearta  
an Duine agus Comhionannas**  
Irish Human Rights and Equality Commission



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## Introduction

The Irish Human Rights and Equality Commission (“Commission”) is Ireland’s “A” Status National Human Rights Institution and the National Equality Body. The Commission welcomes the Government’s ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (“Istanbul Convention”) on 8 March 2019.<sup>1</sup> The Istanbul Convention enters into force in Ireland on 1 July 2019.<sup>2</sup> The Commission notes that the State has reserved the right not to apply the provisions of the Convention relating to compensation for victims of domestic violence and jurisdiction for the prosecution of offences.<sup>3</sup>

Violence against women is prevalent in Ireland,<sup>4</sup> as recognised in the recent statement by the Department of Justice and Equality about the existence of ‘disturbingly high levels of sexual harassment and sexual violence’.<sup>5</sup> The ratification of the Istanbul Convention strengthens Ireland’s human rights framework and requires further progress in the adoption of a comprehensive and coordinated response to violence against women and domestic violence. Under its statutory function to protect and promote human rights and equality,<sup>6</sup> the Commission will actively participate in monitoring the implementation of the Istanbul Convention in Ireland. This will include engagement with GREVIO, the independent expert body responsible for evaluating legislative and other measures adopted by States to give

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<sup>1</sup> Department of Justice and Equality, [Minister Flanagan announces ratification of the Istanbul Convention by Ireland on International Women’s Day](#) (8 March 2019). The Commission repeatedly called on the State to ratify this Convention. See for example, Irish Human Rights and Equality Commission, [Statement on Ireland’s signature of Council of Europe Convention on preventing and combating violence against women \(Istanbul Convention\)](#) (2015) and Irish Human Rights and Equality Commission, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017) at p. 11.

<sup>2</sup> According to Article 75 of the [Istanbul Convention](#), the Convention shall enter into force on the first day of the month following expiration of a period of three months after the date of the State’s deposit of its instrument of ratification. See also, Council of Europe, [Ireland ratifies the Istanbul Convention](#) (8 March 2019).

<sup>3</sup> Article 30(2) and Article 44(3) of the [Istanbul Convention](#). Council of Europe Portal, [Reservations and Declarations for Treaty No. 210](#) (2019).

<sup>4</sup> European Union Agency for Fundamental Rights, [Violence Against Women: An EU Wide Survey](#) (Luxembourg: Publications Office of the European Union, April 2014).

<sup>5</sup> A recent survey has reported that Ireland has the highest level of claimed sexual harassment in Europe, with 32% of Irish women between the ages of 18 and 34 saying they had experienced some form of sexual harassment in the last 12 months. See Department of Justice and Equality, [Minister Flanagan launches major national awareness campaign on sexual harassment and sexual violence](#) (9 May 2019).

<sup>6</sup> See Section 10, [Irish Human Rights and Equality Commission Act 2014](#).

effect to the Convention’s provisions.<sup>7</sup> **In supporting this monitoring mechanism, the Commission will be focused on a number of priority areas for action by the State.**

## Data collection and reporting mechanisms

The implementation of the Istanbul Convention must be underpinned by the systematic collection of comprehensive, robust and disaggregated data on all forms of violence against women in Ireland.<sup>8</sup> Both the Commission and the Committee on the Elimination of Discrimination Against Women (“CEDAW”) have raised concerns about the limited data and research available in practice, as well as reported inaccuracies by An Garda Síochána in the recording and classification of crimes involving domestic violence.<sup>9</sup> An analysis by the Central Statistics Office has demonstrated that in 2017, less than 500 crime incidents had the relationship between the victim and the perpetrator recorded.<sup>10</sup>

Furthermore, many victims of crime do not engage with the criminal justice system and sexual and domestic violence offences are ‘chronically under-reported’.<sup>11</sup> There is evidence about particularly low levels of reporting by victims with disabilities and victims from the Traveller and Roma communities.<sup>12</sup> Such under-reporting contributes to deficits in the data available on the prevalence of violence against particular groups. The Commission has previously recommended that the State adopt measures to encourage and facilitate the reporting of crimes, including by ensuring reliable support services, accessible procedures and specialised practitioners.<sup>13</sup>

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<sup>7</sup> See Articles 66-70 of the [Istanbul Convention](#).

<sup>8</sup> See Article 11 of the [Istanbul Convention](#).

<sup>9</sup> Irish Human Rights and Equality Commission, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017) at p. 59; Irish Human Rights and Equality Commission, [Submission to the Commission on the Future of Policing](#) (2018); and Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#) (2017) at p. 7.

<sup>10</sup> Central Statistics Office, [Review of the Quality of Recorded Crime Statistics](#) (December 2018) at pp. 21-22. See also, Central Statistics Office, [Garda Recorded Crime Statistics](#) (2017).

<sup>11</sup> Department of Justice and Equality, [Minister Flanagan launches major national awareness campaign on sexual harassment and sexual violence](#) (9 May 2019).

<sup>12</sup> Irish Human Rights and Equality Commission, [Observations on the Criminal Justice \(Victims of Crime\) Bill 2016](#) (February 2017) at p. 8 and Irish Observatory on Violence Against Women, [Submission: The Policing Authority – Policing Priorities for 2019](#) (September 2018) at pp. 4-5.

<sup>13</sup> Irish Human Rights and Equality Commission, [Observations on the Criminal Justice \(Victims of Crime\) Bill 2016](#) (February 2017) at p. 8.

The Department of Justice and Equality has recently announced its plan to undertake a new national survey on the prevalence of sexual violence in Ireland,<sup>14</sup> however the Commission notes reports that it will take up to 5 years to complete.<sup>15</sup> It is the Commission's view that this survey should document the incidences of violence against specific groups of women and their experiences in accessing supports, including women from the Traveller and Roma communities, women with disabilities, women from minority ethnic and national groups, women from the LGBTI+ community, women in institutional settings, homeless women, women in prostitution and women who have been trafficked.<sup>16</sup>

## Legislative and policy measures

There have been important legislative and policy developments in recent years, including the publication of the *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021*,<sup>17</sup> and the enactment of the *Domestic Violence Act 2018*, the *Criminal Justice (Sexual Offences) Act 2017* and the *Criminal Justice (Victims of Crime) Act 2017*. In 2017, the Commission called for the criminalisation of psychological and emotional harm and additional protections for victims of violence,<sup>18</sup> and therefore welcomes the strengthening of the legal framework in this regard. The Commission also notes the recent Government decision to progress the *Harassment, Harmful Communications and Related Offences Bill 2017*, which proposes new offences for dealing with the taking and distribution of intimate images without consent, 'upskirting', stalking and online or digital harassment.<sup>19</sup>

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<sup>14</sup> Department of Justice and Equality, [Department of Justice and Equality and the Central Statistics Office sign Memorandum of Understanding on the Undertaking of a National Sexual Violence Prevalence Study](#) (2019).

<sup>15</sup> Central Statistics Office, [CSO to Oversee New National Survey on the Prevalence of Sexual Violence in Ireland](#) (10 January 2019).

<sup>16</sup> The Commission notes that the Scoping Group on Sexual Violence Data has also recommended that 'further consideration be given to the development of appropriate supplementary data collection exercises to explore the experiences of sexual violence for members of vulnerable and minority groups in the population. This is because a national survey by its nature cannot achieve data to make any useful or meaningful conclusions in relation to small groups.' See [Report of the Scoping Group on Sexual Violence Data](#) (April 2018).

<sup>17</sup> [Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021](#).

<sup>18</sup> Irish Human Rights and Equality Commission, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017).

<sup>19</sup> Department of Justice and Equality, [Minister Flanagan secures Government approval for amendments to the Harassment, Harmful Communications and Related Offences Bill](#) (1 May 2019).

Further measures are necessary to address ongoing gaps and ensure the full incorporation of the Istanbul Convention at a domestic level. It has been repeatedly highlighted to the State, including by the Commission and the Special Rapporteur on the sale and sexual exploitation of children, that the impact of advancements in this area is hindered by the lack of a dedicated and integrated strategy to respond to sexual violence against children.<sup>20</sup>

Under the Istanbul Convention, the State is required to take the necessary legislative or other measures to develop gender guidelines and gender-sensitive asylum procedures, which would apply to the application and decision-making processes of the International Protection Office and the International Protection Appeals Tribunal.<sup>21</sup> As recognised by the Council of Europe, introducing a gender perspective into procedures allows for the specific types of persecution and protection concerns that affect women to be taken into account.<sup>22</sup>

The State is also required to take all necessary legislative and other measures to develop gender-sensitive reception procedures and support services for asylum seekers. Under the Reception Conditions Directive, the State must assess the special reception needs of ‘vulnerable persons’, including people who have been subjected to violence, within a reasonable period of time after an application for international protection is made.<sup>23</sup> The Commission notes criticisms by organisations supporting asylum seekers in Ireland that these vulnerability assessments are not taking place at the beginning of the asylum procedure, as required.<sup>24</sup> Furthermore, as of June 2019, there were 767 people in the international protection process living in emergency accommodation.<sup>25</sup> The Department of Justice and Equality is also continuing to invite expressions of interest from hotels and guesthouses with regard to the provision of meals and accommodation for persons seeking

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<sup>20</sup> See Irish Human Rights and Equality Commission, [Report by the Irish Human Rights and Equality Commission to the UN Committee on the Rights of the Child on Ireland’s Combined Third and Fourth Periodic Reports](#) (December 2015) at p. 17; Human Rights Council, [Visit to Ireland: Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material](#) (March 2019) at pp. 13-14; and Garda Inspectorate, [Responding to Child Sexual Abuse: A follow up Review from the Garda Inspectorate](#) (December 2017) at pp. 9-10.

<sup>21</sup> See Article 60(3) of the [Istanbul Convention](#).

<sup>22</sup> Council of Europe, [Protecting migrant women, refugee women and women asylum seekers from gender-based violence](#) (2019).

<sup>23</sup> See Article 21 and 22 of the [Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection \(recast\)](#).

<sup>24</sup> Irish Refugee Council, [Refugee Organisations Highlight Absence of Vulnerability Assessment in Irish Asylum Procedure](#) (27 May 2019).

<sup>25</sup> Dáil Éireann Debate, [Direct Provision Data](#) (11 June 2019).

international protection.<sup>26</sup> The Commission has previously expressed its view that all those awaiting permanent accommodation must be provided with assessments, services and supports in a timely manner, in line with the Reception Conditions Directive.

Overall, the protection of women from violence should be central to immigration reform. According to Women's Aid, 19% of the women who engaged with its One to One and Dolphin House services in 2018 were 'migrant women'.<sup>27</sup> The Commission has recommended that the State opt-in to the EU Directive on Family Reunification; consider legal arrangements for undocumented women who are victims of domestic violence; and introduce implementing legislation in order to ensure that victims of domestic violence are granted autonomous residence permits.<sup>28</sup> In particular, further legal measures are needed to ensure the full implementation of Article 59 of the Istanbul Convention, which requires victims, whose residence status depends on their spouse or partner, to be granted autonomous residence permits irrespective of the duration of the relationship.

Although there are gaps in the data available, existing evidence indicates that women and girls with disabilities face particular risks and different experiences of abuse and violence.<sup>29</sup> The Commission has noted the need for legislation on adult safeguarding, as well as reform of the existing provisions on consent and capacity to ensure that the treatment of victims with disabilities is aligned with the UN Convention on the Rights of Persons with Disabilities. In particular, the Commission has recommended that the *Assisted Decision-Making*

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<sup>26</sup> [IRPP Commercial Accommodation: Expressions of Interest Sought](#).

<sup>27</sup> Women's Aid, [Impact Report 2018](#) (April 2019) at p. 9. Women's Aid has highlighted that it is important not to draw conclusions about levels or severity of domestic violence amongst particular minority ethnic communities given some appear 'over-represented' in refuge provision. Instead, it shows that minority women face additional barriers to obtaining long-term safety and lack other possible options than emergency accommodation.

<sup>28</sup> Irish Human Rights and Equality Commission, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017) at p. 61. The Irish Naturalisation and Immigration Service (INIS) has published guidelines on how the Irish immigration system deals with cases of domestic violence. See [Victims of Domestic Violence Immigration Guidelines](#). Under these Guidelines, the Minister has discretion and the arrangements do not apply to victims who do not have permission to be in the State.

<sup>29</sup> National Women's Council of Ireland, [Ending sexual harassment and violence in third level education: A review of data on the prevalence of sexual violence and harassment of women students in higher education](#) (2017) and European Union Agency for Fundamental Rights, [Violence Against Women: An EU Wide Survey](#) (Luxembourg: Publications Office of the European Union, April 2014) at p. 186.



(Capacity) Act 2015 is fully commenced and the review of the *Mental Health Act 2001* is progressed.<sup>30</sup>

## Access to specialist support services

All legislative and policy measures must be accompanied by the allocation of dedicated and comprehensive resources.<sup>31</sup> UN treaty monitoring bodies have repeatedly called on Ireland to strengthen its specialist support services for victims of domestic violence, including the Committee on the Rights of the Child,<sup>32</sup> the Committee on Economic, Social and Cultural Rights,<sup>33</sup> and the Human Rights Committee.<sup>34</sup> However, the Commission has ongoing concerns about the multiple barriers faced by victims in accessing services.

Recent reports indicate that Ireland has less than a third of the number of domestic violence refuge spaces it is required to have under European standards.<sup>35</sup> Nine counties do not have any refuges, presenting particular difficulties for victims living in rural areas who are seeking to access services and supports.<sup>36</sup> In 2016, due to a lack of available spaces refuges were unable to meet 3,981 requests from women seeking emergency accommodation, many of them with children.<sup>37</sup> In 2018, the Women's Aid National Helpline made 244 calls to refuges

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<sup>30</sup> Irish Human Rights and Equality Commission, [Submission to the United Nations Committee against Torture on Ireland's Second Periodic Report](#) (July 2017) at pp. 41-51.

<sup>31</sup> See Article 8 of the [Istanbul Convention](#).

<sup>32</sup> Committee on the Rights of the Child, [Concluding observations on the combined third and fourth periodic reports of Ireland](#) (March 2016) at p. 8.

<sup>33</sup> Committee on Economic, Social and Cultural Rights, [Concluding observations on the third periodic report of Ireland](#) (2017) at p. 7.

<sup>34</sup> Human Rights Committee, [Concluding observations on the fourth periodic report of Ireland](#) (2014) at p. 3.

<sup>35</sup> According to Minister Zappone, the Child and Family Agency is applying a standard of one shelter space per 10,000 of the *female* population. However, the Council of Europe has set the standard at one place per 7,500 of the population and one family place per 10,000 of the population. See WAVE – Women against Violence Europe, [WAVE Country Report 2017: The situation of women's specialist support services in Europe](#) (March 2018); Council of Europe, [Combating violence against women: minimum standards for support services](#) (September 2008) at p. 18; and Dáil Éireann Debate, [Domestic Violence](#) (28 March 2019).

<sup>36</sup> There are no domestic violence refuges in Carlow; Leitrim; Roscommon; Sligo; Cavan; Monaghan; Offaly; Laois; and Longford. See Written Answers, [Domestic Violence Refuges Provision](#) (26 March 2019). The Department of Children and Youth Affairs recently announced funding for 12 new outreach workers for women and children affected by domestic violence in regions which have been identified as having a shortfall in services. See Statement by Minister Katherine Zappone, [Frontline services to receive €25.3m package to combat domestic, sexual and gender based violence; funding represents increase of €1.5m](#) (25 April 2019).

<sup>37</sup> SAFE Ireland, [Domestic Violence Services National Statistics 2016](#). It has been reported that the Child and Family Agency has not published more recent figures due to delays in the processing of the data. See E. Coyne, [Dublin women's refuges to be reviewed after call for more spaces](#) (The Times, 13 March 2019) and Department of Children and Youth Affairs, Written Answers, [Domestic Violence Refuges Provision](#) (9 April 2019).

and on 126 occasions (52%) they were full.<sup>38</sup> According to reports, victims of domestic abuse are being accommodated in B&Bs and hotels, or in some cases, in refuges in other parts of the country at a considerable distance from their communities.<sup>39</sup> As highlighted in its 2017 report to CEDAW, the Commission has received information that due to demands on services, eligibility for social security is used as a criterion for access to emergency accommodation, which presents difficulties for migrant women, Traveller women and Roma women who cannot satisfy the 'habitual residence condition'.<sup>40</sup>

The Commission notes that the Child and Family Agency is currently undertaking a review of specialist domestic violence accommodation provision in Ireland and awaits the publication of its report.<sup>41</sup> As domestic violence is frequently cited as a contributory factor in becoming homeless,<sup>42</sup> a coordinated response by the Child and Family Agency and the housing authorities is an integral part of ensuring that the needs of victims are prioritised and met. Housing authorities need to develop clear policies in relation to applications for social housing from victims of domestic violence.

Existing specialised services for victims must also receive sustainable funding to ensure that they are widely accessible and accommodating of diverse needs, including by having the necessary supports in place for women and girls with physical and intellectual disabilities.<sup>43</sup> The Commission is aware that access to such services is impeded by the inadequate provision of quality interpretation, including Irish Sign Language and other interpreting services. Due to the lack of appropriately qualified and skilled interpreters, family members and friends of victims can be used to informally interpret in health care contexts, raising privacy, accuracy and consent issues.<sup>44</sup>

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<sup>38</sup> Women's Aid, [Impact Report 2018](#) (April 2019) at p. 13.

<sup>39</sup> E. Coyne, [Abuse victims in unguarded B&Bs](#) (The Times, 2 April 2019) and E. Coyne, [Shortage of domestic abuse refuges exposed](#) (The Times, 6 April 2019).

<sup>40</sup> Irish Human Rights and Equality Commission, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017) at p. 63.

<sup>41</sup> Dáil Éireann Debate, [Domestic Violence](#) (28 March 2019).

<sup>42</sup> Focus Ireland, [Budget 2019 a 'Budget for homelessness'](#) (2018) at p. 8.

<sup>43</sup> European Union Agency for Fundamental Rights, [Violence Against Women: An EU Wide Survey](#) (Luxembourg: Publications Office of the European Union, April 2014) at p. 165.

<sup>44</sup> Joint Committee on Justice and Equality, [Irish Sign Language: Irish Deaf Society](#) (28 September 2016). These issues relating to interpretation services have been raised since 2007. See National Consultative Committee on Racism and Interculturalism, [Interpreting, translation and public bodies in Ireland: The need for policy and training](#) (February 2007).

Concerns have been raised that despite the severity of the impact of domestic abuse on children, there are limited services and protections available to meet their needs. Affordable and specialised therapeutic and counselling services for children are very scarce, particularly for children living outside of refuges. Where the perpetrator of the abuse is the parent of a child, particular issues arise relating to the requirement for parental consent to access therapeutic services.<sup>45</sup>

## Access to justice

One of the priorities of the Commission's *Strategy Statement 2019-2021* is focused on access to justice.<sup>46</sup> Under the Istanbul Convention,<sup>47</sup> law enforcement agencies are obliged to exercise due diligence to prevent, protect against and provide a timely response to violence against women, including by providing adequate and immediate protection to victims and ensuring the effective investigation and prosecution of offences. The Commission has previously expressed concerns regarding the deficiencies in systems and processes that hinder the proper functioning of Garda investigations, including in the area of domestic violence.<sup>48</sup> The Committee against Torture has called on the State to ensure that allegations of violence against women are registered by the police and promptly, impartially and effectively investigated. It highlighted reports of many cases in which the authorities have not sought appropriate punishments for perpetrators of sexual and domestic violence.<sup>49</sup>

The Commission is also aware of reports on the existence of negative attitudes towards victims among some members of An Garda Síochána.<sup>50</sup> Implementing the rights of victims

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<sup>45</sup> Joint Oireachtas Committee on Children and Youth Affairs, [Women's Aid Impact Report 2018: Discussion](#) (8 May 2019) and Women's Aid, [Impact Report 2018](#) (April 2019) at p. 13. Currently, 16 and 17- year-old children have no legal right to give or refuse consent for admission and mental health treatment. Department of Health, [Report of the Expert Group on the Review of the Mental Health Act 2001](#) (2015) at p. 67.

<sup>46</sup> Irish Human Rights and Equality Commission, [Strategy Statement 2019–2021](#).

<sup>47</sup> See in particular, Articles 5, 49 and 50 of the [Istanbul Convention](#).

<sup>48</sup> Irish Human Rights and Equality Commission, [Submission to the United Nations Committee against Torture on Ireland's Second Periodic Report](#) (July 2017) at p. 24 and Irish Human Rights and Equality Commission, [Submission to the Commission on the Future of Policing](#) (February 2018).

<sup>49</sup> Committee against Torture, [Concluding Observations on the Second Periodic Report of Ireland](#) (August 2017) at p. 10.

<sup>50</sup> Women's Aid, [Impact Report 2018](#) (April 2019) at p. 9 and Report of the Garda Síochána Inspectorate, [Crime Investigation](#) (October 2014) at p. 17.

to access justice requires human rights and equality standards to be central to the pre-service and ongoing training of law enforcement personnel.<sup>51</sup> More specifically, in its 2017 Concluding Observations on Ireland, CEDAW recommended that the State intensify existing efforts to combat gender-based violence against women by ensuring that prosecutors and the police are properly trained to identify, investigate and prosecute cases, particularly cases involving violence targeted at Traveller, Roma and migrant women and girls.<sup>52</sup>

With regard to court proceedings, there are ongoing concerns about the lack of provision for children to make applications for protection and safety orders in their own right; the absence of continuity in the legal representation provided under the private practitioner scheme for legal aid; and the delays in accessing court-ordered expert reports.<sup>53</sup> With regard to legal interpretation services, there is no accredited training, regulations or quality assurance mechanisms in place. This has resulted in the lack of availability of appropriately trained Irish Sign Language and other interpreters with technical expertise for legal proceedings, as well as variations in the standard of interpretation services provided.<sup>54</sup> The availability of legal documentation in accessible formats and different languages, including Irish Sign Language, has also been identified as a barrier to accessing justice.<sup>55</sup>

GREVIO calls on States to put appropriate arrangements in place to ensure that the rights of victims and witnesses are taken into account at all stages of criminal proceedings.<sup>56</sup> This

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<sup>51</sup> Irish Human Rights and Equality Commission, [Submission to the Commission on the Future of Policing](#) (February 2018) at pp. 8-9. See also, Article 15 of the [Istanbul Convention](#).

<sup>52</sup> Committee on the Elimination of Discrimination against Women, [Concluding observations on the combined sixth and seventh periodic reports of Ireland](#) (2017) at p. 7.

<sup>53</sup> Professor Geoffrey Shannon, [Eleventh Report of the Special Rapporteur on Child Protection](#) (2018) at p. 38 and Joint Oireachtas Committee on Children and Youth Affairs, [Women's Aid Impact Report 2018: Discussion](#) (8 May 2019). The Commission highlighted issues relating to the legal aid system to the UN Committee on the Rights of the Child in 2015. See Irish Human Rights and Equality Commission, [Report by the Irish Human Rights and Equality Commission to the UN Committee on the Rights of the Child on Ireland's Combined Third and Fourth Periodic Reports](#) (2015) at p. 8.

<sup>54</sup> Law Society Gazette, [A matter of interpretation: Legal interpretation in Ireland](#) (2017) and Joint Committee on Justice and Equality, [Reform of Family Law System: Discussion \(Resumed\)](#) (13 March 2019). The *Irish Sign Language Act 2017* is due to come into operation by December 2020, three years after its enactment. It requires Irish Sign Language interpretation and translation services to be available in legal proceedings, as required.

<sup>55</sup> Joint Oireachtas Committee on Justice, Defence and Equality, [Reform of Family Law System: Discussion \(Resumed\)](#) (13 March 2019).

<sup>56</sup> Group of Experts on Action against Violence against Women and Domestic Violence, [Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\)](#) (2016). See also, Article 56 of the [Istanbul Convention](#).

requires the provision of supports and the adaptation of procedures for victims and witnesses with specific needs, including children. The Commission notes the recent conclusion by the Special Rapporteur on Child Protection that Ireland must invest additional resources to ensure that its courts system is fit for purpose, including through the development of a specialised family and children’s court system, with appropriate waiting facilities.<sup>57</sup> Victims of domestic abuse have also reported that greater understanding of the dynamics of domestic violence and its impact on children is required within the family court system, including to prevent parents perpetuating the abuse through court-ordered access and custody arrangements.<sup>58</sup> Women’s Aid received 3,728 disclosures of child abuse in the context of domestic violence in 2018, of which 255 related to abuse during access arrangements. It also heard 483 disclosures from mothers that their ex-partners were using access visits to abuse them, often in front of their children.<sup>59</sup>

## Promotion of gender equality

The Istanbul Convention requires States to adopt measures to promote gender equality and encourage members of society, especially men and boys, to contribute actively to preventing all forms of violence.<sup>60</sup> Regular public information and education measures are necessary to raise awareness about the provisions of the Istanbul Convention and the responsibility of the State to prevent and combat violence against women and domestic violence. The Commission notes the recent launch of a three-year national awareness campaign on sexual harassment and sexual violence by the Department of Justice and

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<sup>57</sup> Professor Geoffrey Shannon, [Eleventh Report of the Special Rapporteur on Child Protection: A Report Submitted to the Oireachtas](#) at p. 114. See also, Irish Human Rights and Equality Commission, [Report by the Irish Human Rights and Equality Commission to the UN Committee on the Rights of the Child on Ireland’s Combined Third and Fourth Periodic Reports](#) (2015) at p. 8.

<sup>58</sup> Women’s Aid, [Impact Report 2018](#) (April 2019) at p. 13. Article 31 of the [Istanbul Convention](#) requires the State to take the necessary legislative or other measures to ensure that the exercise of any visitation or custody rights does not jeopardise the rights and safety of the victim or children.

<sup>59</sup> Women’s Aid, [Impact Report 2018](#) (April 2019) at p. 14 and Joint Oireachtas Committee on Children and Youth Affairs, [Women’s Aid Impact Report 2018: Discussion](#) (8 May 2019).

<sup>60</sup> Group of Experts on Action against Violence against Women and Domestic Violence, [Questionnaire on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence \(Istanbul Convention\)](#) (2016). See also, Article 12 and Article 14 of the [Istanbul Convention](#).

Equality.<sup>61</sup> Targeted awareness-raising measures should also be developed for specific groups, including measures aimed at women and girls with disabilities.

The Commission is concerned about the limited access to comprehensive relationship and sexuality education for children in Ireland, including education that raises awareness of and fosters responsible sexual behaviour.<sup>62</sup> It notes the recent recommendation of the Special Rapporteur on the sale and sexual exploitation of children for the Government to guarantee sexual education that is compulsory, comprehensive, evidence-based and inclusive.<sup>63</sup>

## Civil society organisations

Under Article 9 of the Istanbul Convention, the State must recognise, encourage and support, at all levels, the work of relevant civil society organisations active in combating violence against women. The State is also required to establish effective co-operation with these organisations. In light of the Commission's concerns that voices defending women's rights were significantly weakened due to funding cuts during the economic recession,<sup>64</sup> it is welcome that the *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021* recognises the important advocacy role of community and voluntary organisations. The Strategy also highlights that progress is needed to improve the effectiveness of the Government's partnership with this sector.<sup>65</sup> Both the Commission and CEDAW have called on the State to take appropriate measures to fully restore funding for civil society organisations working in the field of women's rights, and to ensure that their resources are protected in future situations of economic recession and budgetary cuts.<sup>66</sup>

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<sup>61</sup> Department of Justice and Equality, [Minister Flanagan launches major national awareness campaign on sexual harassment and sexual violence](#) (9 May 2019).

<sup>62</sup> The Commission raised this issue in its Oral Statement to the Human Rights Council on 5 March 2019.

<sup>63</sup> Human Rights Council, [Visit to Ireland: Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material](#) (March 2019) at pp. 15-16.

<sup>64</sup> Irish Human Rights and Equality Commission, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017) at p. 75.

<sup>65</sup> [Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021](#) at p. 5.

<sup>66</sup> Committee on the Elimination of Discrimination Against Women, [Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Ireland](#) (2017) at p. 5 and Irish Human Rights and Equality Commission, [Ireland and the Convention on the Elimination of All Forms of Discrimination Against Women](#) (2017) at p. 75.



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