**Questionnaire for the Special Rapporteur on the right of everyone to the highest standards of physical and mental health**

**Submission of Ireland**

**18 January 2021**

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| Type of Stakeholder | State |
| Name of State  Name of Survey Respondent | Ireland |

**Question 1.**

*Please describe, share data and information on the characteristics, number of cases,*

*and the profile of victims and perpetrators in your country/ies or region(s)*

*regarding:*

*1.1. gender based violence against women*

*1.2. gender based violence and other forms of violence against children:*

*1.3. gender based violence against LGBTI or other persons based on real or imputed*

*sexual orientation, sex characteristics, and gender identity:*

*1.4. violence against persons with disabilities, including GBV.*

*1.5. gender based violence against men*

*1.6. conflict gender based violence, including sexual violence*

*1.7. Please share analysis and available evidence on the impact of COVID on the*

*Above*

The Garda Analysis Service has informed that following recent changes introduced to PULSE (7.6 and 7.7) in relation to Hate Crime and Victim Offender Relationship recording, this has effected a break in the data series and we cannot reliably compare the periods before and after.

We are establishing a new baseline in 2021, with a view to beginning to report in 2022.

GNPSB does not record or maintain records in respect of specific data and information on the characteristics and the profile of victims and perpetrators.

**Question 2.**

*Please describe whether the legal framework prohibits and sanctions these forms of*

*violence and the definitions and forms of violence included in the legal system. Please*

*explain redress options for survivors of violence, (the pathway they go through if they*

*decide to file a complaint), levels of impunity and if access to comprehensive physical*

*and mental care for GBV-survivors is recognized as a form of reparation.*

Domestic violence covers a broad spectrum of behaviours ranging from non-physical behaviour such as harassment, to physical behaviour such as assault and sexual violence such as rape. Violence in a domestic setting is a criminal offence and such behaviour is provided for in the Non-Fatal Offences against the Persons Act 1997. Sexual violence is also a criminal offence, as is intimidating behaviour such as threats to kill or cause serious harm.

The Domestic Violence Act 2018, came into force on 1 January 2019. The Act improves the legal protections available to victims of domestic violence, introduced a new criminal offence of forced marriage and extended access to emergency barring orders. It introduced the offence of coercive control which recognises in law the devastating impact that emotional abuse can have on victims. The Act provides that, for the purpose of sentencing, it will be an aggravating factor where an assault involving physical or sexual violence is committed against a person in the context of a current or past marriage, civil partnership or an intimate and committed relationship. In such circumstance the Act stipulates that the court shall impose a sentence which is greater than that which would have been imposed if the person against whom the offence was committed was not, or had not been, in such a relationship with the person found guilty of the assault.

Ireland has also ratified the Istanbul Convention.

Laws in supporting victims of domestic and sexual crimes have also been significantly strengthened by the enactment of the Criminal Law (Sexual Offences) Act 2017 which introduced a statutory definition of consent. The Criminal Justice (Victims of Crime) Act 2017, provides for a wide range of measures and services to protect and inform victims during the progress of their case through the criminal justice system.

In February of 2021, the Oireachtas enacted Coco’s Law, or the Harassment, Harmful Communications and Related Offences Act. This legislation creates two new offences which criminalise the sharing or threat to share intimate images without consent. Threatening to share intimate images is often employed as a form of coercive control in relationships and this legislation ensures we now have appropriate punitive measures in place to challenge such behaviour.

A scoping exercise for a new Sexual Offences Bill has been completed and work has started on drafting the Heads of a General Scheme of a Sexual Offences Bill. This is on foot of recommendations contained in the O'Malley Review to examine potential reforms to protect victims during the investigation and prosecution of sexual offences.

In late 2021, the Minister for Justice announced planned new legislation to strengthen the management and monitoring of sex offenders in the community. The Sex Offenders (Amendment) Bill 2021 includes a number of amendments to the sex offenders register notification requirements, including a prohibition on convicted sex offenders engaging in certain forms of employment.

On the issue of redress, under the Department of Justice, the Criminal Injuries Compensation Tribunal considers applications from victims of crime who suffer a personal injury, or dependents where a relative died as a result of a crime of violence.

The Scheme of Compensation for Personal Injuries Criminally Inflicted allows persons who have been the victim of a crime of violence and have incurred out of pocket expenses as a result to make an application. Special damages, such as medical expenses, dental expenses, travel costs and loss of earnings may be considered. General damages (pain and suffering) and legal costs are not awarded under the Scheme.

See Question 5 for further information on physical and mental care for DSGBV-survivors.

**Question 3.**

*Please share examples of the types of structural and institutional violence with origins*

*within the State, (perpetrated or condoned by the State) or perpetrated by those not*

*representing or affiliated to the state in your country/ies of region, and who is affected.*

*In particular, describe structural/institutional violence in medical settings against*

*women and girls, LGBTI persons and persons with disabilities or any other*

*individuals or groups relevant in your country/ies or regions.*

The Regulations and the Health Information and Quality Authority (HIQA) Standards for residential services for people with disabilities cover the area of safeguarding and the responsibility of providers to offer counselling and other support to victims of violence in these services. Equivalent provisions apply on a non-statutory basis for day services.

The Irish State does not organise or condone violence against people with disabilities. Safeguarding procedures are a core element of Regulations and Standards in Residential Services for People with Disabilities, and services are inspected by the independent regulator, HIQA. There are equivalent standards, on a non-statutory basis, for day services for people with disabilities.

**Question 4.**

*Please also share information on the impact of criminalization of sex work, same sex*

*relations, transgender persons, abortion, drug abuse, harmful practices in obstetric*

*care, female genital mutilation on the violence experienced by the affected individuals*

*and their enjoyment of the right to health.*

Part 4 of the Criminal Law (Sexual Offences) Act 2017 includes a change in legislation which removed those who offer their services as a sex worker from the existing offences of soliciting.

This was done to give effect to the policy of providing additional protection to those involved in sex work, especially for those that are particularly vulnerable and are victims of human trafficking.

**Question 5.**

*Please share information on the health and other type of responses provided by the*

*State and/or other actors in your country/ies or regions in focus to survivors of*

*each/some of the aforementioned forms of violence. Please assess what works well*

*and not so well, and whether COVID-19 impacted the response and how.*

The Department of Health and the 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 to respond to the health needs of victims of DSGBV.

The HSE provide 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.

HSE Mental Health Services provide counselling and psychotherapy services free of charge through the National Counselling Service (NCS). The NCS was initially established for children abused in residential institutions. This service is now the Childhood Abuse Psychotherapy for Adults (CaPA) and is for adults who have experienced childhood abuse, who have moderate to severe psychological difficulties and offers medium to long term counselling contracts. Within the CaPA service is the Mother and Baby Home counselling supports. The NCS was extended to provide Counselling in Primary Care (CIPC) which is aimed at providing early access to counselling and is available to adult medical card holders.

Both of these services are available to victims of gender-based violence but there is no specific counselling service for this cohort within Mental Health Services, however Mental Health Services are available to all who meet the criteria of a mental health disorder.

Under the National Standards for residential services for people with disabilities, where there is a concern that a person may have been abused or ill-treated, the person is offered counselling and support. Where appropriate, and in accordance with the wishes of the person, their representative, family and professionals are involved in their support and treatment.

**Question 6.**

*Please specify the budget allocated in your country/ies in focus, to health related*

*response to survivors of all/some forms of violence mentioned above. Please indicate*

*the percentage of the national budget devoted to this; the percentage of the*

*international aid provided or received for this. Please explain the impact of Covid 19*

*to the funding of responses to all/some forms of violence in your State/institution.*

The commitment of this Government to combatting DSGBV and to supporting victims is reflected in the funding allocated under Budget 2022, with a total of €13m allocated to the Department of Justice for this. This represents an increased allocation of €5.35m and will enable us to roll out specific awareness raising and training programmes to combat DSGBV. It will also allow us to provide additional supports to NGOs and specific domestic violence intervention programmes and it will support a number of front line activities.

As part of this, 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 and €1 million is being provided to An Garda Síochána (Ireland national police force) to refurbish and upgrade the Divisional Protective Service Units. This will allow us to better support and protect vulnerable victims.

Furthermore, the Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman T.D has secured an increase of €41m for Tusla under Budget 2022 which includes the budget for funding organisations that deliver frontline services, including the funding of refuge spaces.

Since 2014, Tusla's budget has almost doubled from €17.5m to €30m in 2021. Minister O'Gorman is consulting with Tusla to finalise the detailed allocation of funding resources to various programmes and service areas, the budget for 2022 will allow Tusla to maintain supports for DSGBV services, which have seen significant increases in demand in the context of Covid-19, and to progress recommendations emerging from its review of refuge accommodation provision.

**Question 7.**

*Please describe the needs of survivors of the abovementioned forms of violence as*

*identified by your State/institution. Please share survivor-self identified needs and*

*those of their families, with a focus on health emergency and long-term needs.*

**Question 8.**

*Please share examples of good practices and examples of comprehensive health*

*responses to survivors of violence and indicate efficient multi-sectorial efforts at the*

*community, national, regional and international levels by State or non-State actors.*

**Question 9.**

*Please describe State and other actors initiatives and measures to prevent these forms*

*of violence, specific budget allocated to prevention, and good practices in this regard.*

The Department of Justice is leading the development across government of the Third National Strategy on Domestic, Sexual and Gender Based Violence. This plan will outline how the government will radically improve services and supports for victims and will be the most ambitious plan to date.

It will place a priority on prevention and reduction and will include a national preventative strategy. The Department has engaged in an innovative partnership with the sector in leading the development and design of the third national strategy. This inclusive process is key to ensuring a comprehensive, impactful strategy.

The strategy is due to be published in the first quarter of 2022.

The Department is also currently implementing *Supporting a Victim’s Journey*, a plan to help victims and vulnerable witnesses in sexual violence cases which was published by Minister McEntee in 2020. It will reform the criminal justice system at every point a victim comes into contact with it, while a national public awareness campaign on consent will further strengthen work to prevent these crimes.

The additional funding secured under Budget 2022 will allow us to continue to build on the work undertaken this year. We will continue to improve the system for victims, to better support them and through various means to raise awareness of, and to combat, all forms of DSGBV.

**Operation Faoiseamh**

Operation Faoiseamh is the Garda Síochána response to the COVID - 19 pandemic for victims of domestic abuse with an aim to offer support and protection to victims of domestic abuse in these extraordinary times. The operation is overseen by GNPSB and is in addition to current Garda policy on Domestic Abuse. This operation has run for the duration of the COVID - 19 Crisis with support for victims provided through four pillars:

1. media campaign;

2. execution of Domestic Violence Act 2018 orders;

3. completing domestic abuse call-backs;

4. proactive follow up calls to all victims of domestic abuse by Garda Victim Service Offices.

Comprehensive E Learning training was rolled out to the entire organisation which covered all areas relating to the response to Domestic Abuse

As a result of the COVID - 19 pandemic, it was recognised that traditional training methods were no longer possible, at a time while the need for training became more apparent than ever. A complete E-Learning training course was designed, recorded and rolled out to the organisation in response to this. Webinars, both national and international were attended to ensure that the organisation remained abreast of developments and initiatives relating to Domestic Abuse during this time. Due to the global nature of COVID - 19, webinars held by police forces and academics internationally, outlined the response individual countries had to adopt towards domestic abuse during the pandemic. GNPSB actively attended a large number of these webinars to ensure that any learnings from our international colleagues could be adapted for the Garda Síochána response.

Ongoing liaison with the NGO sector to provide the most comprehensive service to victims.

While liaison with the NGO sector has always been a keystone of the organisational response to domestic abuse, during the COVID - 19 pandemic this became even more important. The liaison ensured that we were providing the most effective response and that we could access support isolated victims when required through liaison and co-operation with domestic abuse support agencies.

***END.***