



Discussion paper on IHREC engagement with parallel report to the Group of Experts on Action Against Violence Against Women

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Introduction

This discussion paper provides information on the Commission’s engagement with the Group of Experts on Action Against Violence Against Women (GREVIO) as part of its first evaluation of Ireland’s implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The paper outlines the relevant procedures and timelines for the GREVIO evaluation; key issues discussed previously by the DAC on violence against women and girls; and the draft text in the Commission’s parallel report on the experiences of disabled people subjected to Domestic, Sexual and Gender Based Violence (‘DSGBV’).

Questions for discussion are presented at the end of the paper for members’ consideration.

The Istanbul Convention and the Group of Experts on Action Against Violence against Women (GREVIO)

The Istanbul Convention is the first legally binding instrument that creates a comprehensive legal framework to combat violence against women and girls. It opened for signatures in May 2011, and entered into force in August 2014. The Convention is structured around four pillars: Prevention, Protection, Prosecution, and Policy Coordination.

GREVIO is the independent expert body responsible for monitoring the implementation of the Istanbul Convention. Its role is similar to that of UN Treaty Bodies. To date, GREVIO has produced 21 evaluation reports and has published [one general recommendation](#), on the digital dimension of violence against women.

The evaluation procedure

- The procedure is triggered by GREVIO when it sends its **questionnaire** to the States Parties concerned.
- The State submits the information sought in the questionnaire in the form of a **state report**, which is published on GREVIO's website.
- Prior to the evaluation visit, GREVIO **gathers information from civil society**, including NGOs, national human rights institutions, Council of Europe bodies and other international treaty bodies. Information may be submitted in the form of a parallel report at this time.
- During the **evaluation visit**, two members of GREVIO, appointed as Rapporteurs, examine the state report with the representatives of the state concerned in the context of the visit. The visit lasts approximately five days. The delegation meets with governmental

officials, relevant professionals, civil society and visits relevant facilities (for example, women's shelters, and police stations).

- On the basis of all the information collected, GREVIO prepares the **draft baseline evaluation report**, which is then transmitted to the state party concerned for comments.
- Government comments on the draft report are taken into consideration by GREVIO when preparing its **final baseline evaluation report**. Prior to publication, GREVIO's baseline evaluation report is sent to the state party which may provide comments within one month of receipt.
- The recommendations in the report that are considered to require urgent action must be implemented and reported on in a **follow-up procedure** within three years.

The key dates for Ireland's evaluation procedure are as follows:

<i>Questionnaire sent to Ireland</i>	February 2022
<i>Deadline for submission of state report</i>	August 2022
<i>Evaluation visits</i>	March 2023
<i>Publication of GREVIO baseline evaluation report</i>	November 2023
<i>Adoption of recommendations</i>	December 2023
<i>Deadline for implementation of recommendations</i>	December 2026
<i>Adoption of the conclusions on the implementation of recommendations</i>	TBC (2027)

Ireland's state report was submitted in August and is available [here](#). Parallel reports submitted by civil society organisations in relation to Ireland evaluation procedure are available [here](#).

Previous DAC discussion on issues facing women and girls

The DAC had a discussion on women and girls on 23 June 2021, and Disabled Women Ireland delivered a presentation. A number of areas of concern relating to DSGBV were discussed, including the following:

- Disabled women are not a homogenous group in terms of their backgrounds, impairments and roles, and an intersectional approach must be adopted.
- Laws and policies don't reflect the specific forms of violence against disabled people, including caregiver violence and the removal of aids and appliances. Definitions of violence need to be inclusive of disabled women's experiences.
- Sexual violence against disabled children goes unrecognised and unreported.
- The structural factors that make disabled women vulnerable to violence need to be challenged.
- Disabled women's organisations need urgent priority and capacity building support from the State, to address funding and other barriers and the deficit of disabled women in decision-making positions due to a legacy of discrimination and exclusion.

IHREC parallel report to GREVIO

IHREC has prepared a parallel report to GREVIO, which will be discussed at the Commission's meeting on 8 December. Prior to drafting the report, members of the Policy & Research Team met with representatives from



Disabled Women Ireland, who shared their views on the barriers faced by disabled victims and survivors of DSGBV. The draft report makes a number of comments on the experiences of disabled people subjected to DSGBV.

- **Intersectionality:** Noting commentary of the Citizens' Assembly on Gender Equality on the layers of discrimination experienced by Travellers, migrant women and disabled women, we recommend that the State actively integrates an intersectional approach in the design, implementation, monitoring and evaluation of all legislative and policy responses to DSGBV.
- **Prevalence:** The report notes that there is very little research on disabled women and girls' experiences of domestic, sexual and gender based violence, but cites the EU Fundamental Rights Agency which found in 2014 found that 34% of women with a health problem or disability have experienced physical or sexual partner violence, compared with 19% of women who do not have a health problem or disability. The report also notes research from University of Galway, which found 40% of disabled female students reporting experience of rape, compared with 27% of non-disabled students.
- **Strategies and Action Plans:** The report cites the Committee on the Rights of Persons with Disabilities, which requires States to reach out directly to women and girls with disabilities and establish adequate measures to guarantee that their perspectives are fully taken into account and that they will not be subjected to any reprisals for expressing their viewpoints and concerns, especially in relation to DSGBV.
- **Support for Civil Society:** The report notes that Disabled Peoples Organisations may find it difficult to obtain funding, due



to eligibility requirements related to minimum turnover, charitable status, previous grant awards, and the age of the organisation. As the designate Independent Monitoring Mechanism for the UNCRPD, we note that the State has specific obligations under Article 4.3 on the participation of disabled people, including disabled children, through their representative organizations, in the implementation and monitoring of their rights.¹

- **Data collection:** The report recommends that the State immediately undertake research on DSGBV with structurally vulnerable groups of women, including disabled women.
- **Campaigns and Awareness-Raising:** The report notes its concern that DSGBV prevention campaigns may not reach those living in institutional settings. It also discusses the need for specific campaigns highlighting the different types of abuse that are experienced by disabled people.
- **Education:** The report engages with the draft Junior Cycle SPHE curriculum, which contains important updates on Relationships and Sexuality Education (RSE), noting the need for reasonable accommodation of disabled students. We recommend that the curriculum mainstreams principles of diversity, inclusion and intersectionality to ensure that DSGBV and its intersection with sexuality, disability, ethnic identity and socio-economic status are understood. The draft RSE curriculum refers to accommodation for disabled students regarding assessment but does not refer to accommodations in learning, and no reference

¹ United Nations Convention on the Rights of Persons with Disabilities, [General comment no. 7 on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention](#) (2018).



is made to ensuring access for disabled students living in institutional settings or who are spending extended periods outside of school settings. We note that disabled students in institutional settings are less likely to receive RSE education, which is concerning given the issues of consent they face and the importance of education in ensuring abuse can be recognised.

- **Support Services:**

- The report states that structurally vulnerable and socially excluded groups must be at the centre of all provision of information on available support services. Information should be given in a manner, which can be understood by the victim/survivor, and in a range of formats and languages, including ISL.
- We observe that specialist DSGBV support services for victims and survivors of DSGBV are a public good requiring excellent co-design and sufficient State investment. They must be widely accessible and accommodating of diverse needs, including the needs of disabled women. The report recommends that providers take measures to ensure the accessibility of specialist support services to structurally vulnerable groups, including through the diversification of staff to reflect service users, provision of language interpreters and cultural mediators, provision of material supports, and the active involvement of affected communities in design and delivery.
- The report recommends that the State increases funding to DSGBV Helplines to address the particular needs of structurally vulnerable groups, through interpretive services



including ISL interpretation, text and chat functions for Deaf victims and survivors, and digitally inclusive approaches.

- **Accommodation:**

- The report notes a reluctance among disabled victims and survivors to leave homes where accessibility adaptations have been made, with many unable to leave a shared home with the perpetrator as a result. This problem is exacerbated by long wait times for approval of adaptation grant applications.
- The report calls for refuge spaces to be designed and refurbished to accommodate disabled women and women who have disabled children. It recommends that new refuge accommodation units are built in accordance with universal design principles and facilitate the needs of disabled people.

- **Legal considerations:**

- The report outlines our concerns about the lack of a criminal offence of forced sterilisation, which has a particularly grave impact on the human rights protection of disabled people.
- The report echoes the concerns of disabled women that the definition of coercive control in the Domestic Violence Act 2018 does not cover coercive and controlling behaviour that disabled women experience from carers, relatives and friends exploiting the vulnerability of the disabled person. Similarly, although we welcome the introduction of an aggravating circumstance for crimes committed in the context of an intimate relationship, we share our concerns that this does to crimes committed against disabled people by carers, relatives and friends.



- **Law Enforcement Response:** The report notes particularly low levels of reporting by victims with disabilities and that disabled women experience additional barriers to the reporting of crimes.
- **Protection during Judicial Proceedings:**
 - We recommend the development of a system of accredited training and quality assurance for legal interpretation. Legal documentation should be available in a range of accessible formats and languages, including Irish Sign Language.
 - We welcome the introduction of a professional qualification for intermediaries, which was called for in the O'Malley Report. We recommend that the curriculum for intermediary training includes training in human rights and equality, including the rights of children and disabled people (noting that disabled children in particular benefit from the use of intermediaries).
 - The report observes that a significant barrier to justice is poor quality court facilities, which are inadequately separated from other proceedings, lack appropriate waiting facilities and consultation rooms, and have a range of accessibility issues. We recommend that the new family court is constructed in accordance with principles of universal design; in consultation with structurally vulnerable groups that are over-represented in family law proceedings; and having particular regard for the need for privacy and child-friendly facilities.
- **Migration and Asylum:**
 - The report notes the State's obligation to assess the special reception needs of vulnerable persons, including people who have been subjected to violence, within a reasonable time after an application for international protection is made. We



express our concern that vulnerability ability assessments do not have a disability focus.

Questions for the DAC

- Do you agree with the issues included in the Commission's report to GREVIO?
- Are there other issues you would like us to include?
- Are there other CRPD rights that should be referred to in the report?
- Do you have any additional reports or evidence to share with us?
- What would you like to see the Commission prioritise for the evaluation visit in March?
- How can the Commission support DPOs to engage in this evaluation?