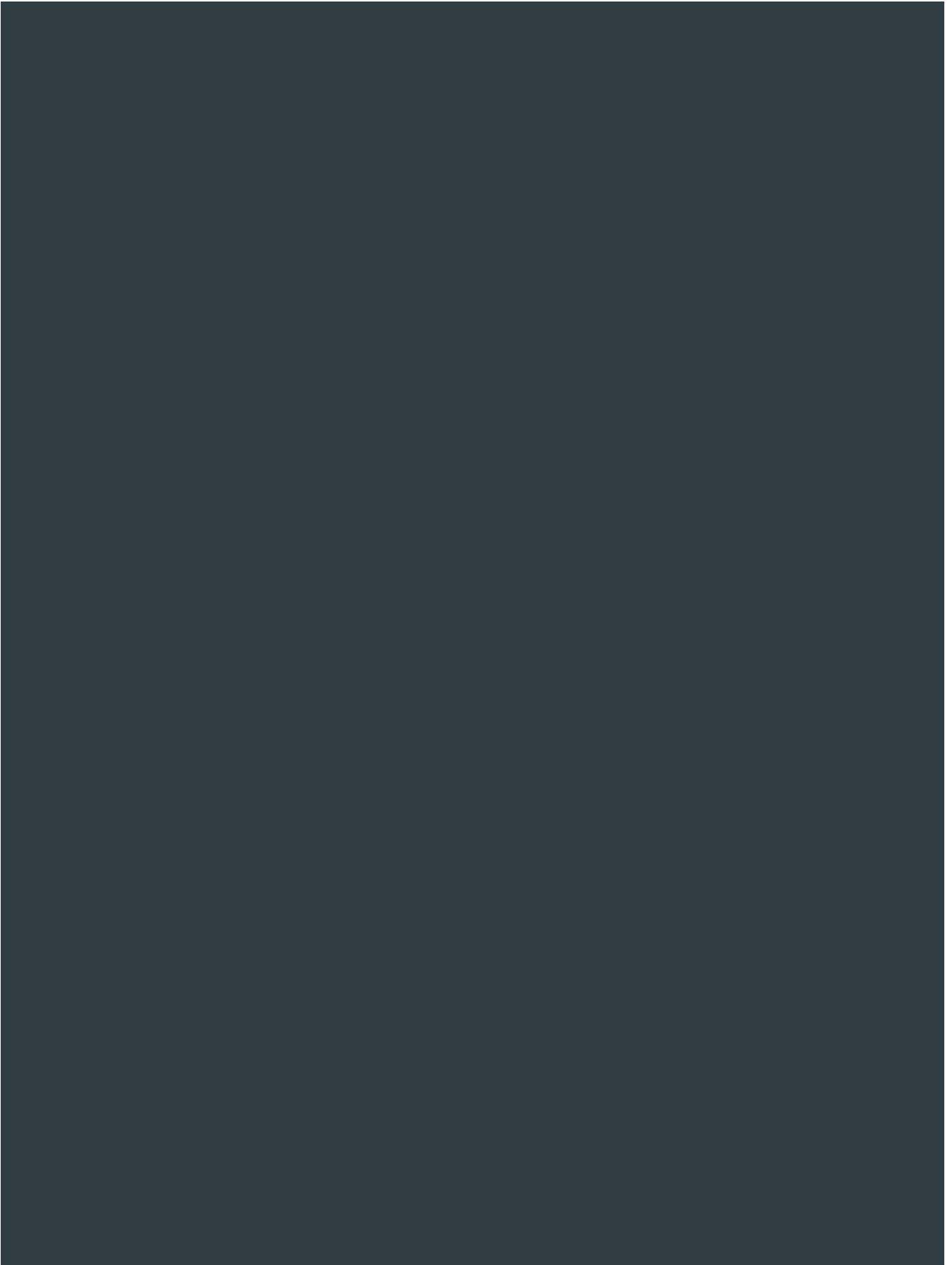


Domestic, Sexual and Gender Based Violence: An Audit of Structures

JUNE 2021



Acknowledgements

Sincere thanks are due to everyone who participated in the consultation for this Audit, who gave of their time generously and shared their views and insights with great honesty and directness and provided additional information and suggestions for other people to include in the consultation. Other people weren't involved in interviews but provided vital information and clarification and again shared insights and provided pointers with great generosity. Finally, thanks are due to the members of the Liaison Group for their support and interest in the project.

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Executive summary

This report sets out findings and recommendations arising from a review of the effectiveness of the current structures in place to oversee policy and its implementation in relation to Domestic, Sexual and Gender Based Violence (DSGBV).

A commitment to undertake the review is contained in the current Programme for Government, under the "Building Stronger and Safer Communities" Mission and arose from concerns about fragmentation in current structures. The review was commissioned by the Department of Justice, in consultation with the Department of Children, Equality, Disability, Integration and Youth.

Based on consultation with 100 individuals, from government departments and agencies and from non- government organisations (NGO) involved in the design of policies and delivery of services for victims and perpetrators, the findings indicate improvements in public awareness and attitudes, policing policy and practice and a very positive response to Covid, led by the Department of Justice, particularly through technology and strong interagency working, to anticipate and respond to problems.

However, they also indicate deficits in policy, in funding arrangements for essential services and the collection and analysis of data. These lead to weaknesses in direction and clarity about who is responsible for what and ultimately to gaps in services for victims. The absence of a proper data system makes it impossible to inform the planning of services and strategies or understand what is and what is not working.

The current strategy is deficient in many ways and the current implementation structure is ineffective in driving implementation and holding organisations to account. There are indications of fragmentation within and across the sector, largely due to failure to invest in building a culture of joint problem solving that would support and drive the development of effective responses.

Recommendations

It is recommended that policy leadership for DSGBV be placed clearly with the Department of Justice. This would address any confusion of responsibility, bring all relevant policy elements under one Department, provide a lead and accountable body for the totality of DSGBV policies and interventions and a strong basis for compliance with the provisions of the Istanbul Convention.

To reduce fragmentation between policy, funding and services, responsibility for the funding and commissioning of all DSGBV services should be with the Department of Justice, together with responsibility for service development plans and other measures discussed in this report.

The needs of victims of DSGBV cannot be met by specialist services alone and a range of other community based services provided by public and NGO bodies must also be enabled to respond appropriately to the needs of individuals and families affected, as part of an overall framework of services. It is therefore recommended that DSGBV should be a specific theme within existing local structures and networks and that it be incorporated into the pilot Community Safety Partnerships for review following the pilot phase.

It is recommended that a dedicated DSGBV 'office' be established, to lead joint working, holistic responses and the implementation and measurement of agreed strategies and developments. This will differ from previous structures by being the subject of a process of co-design by stakeholders to ensure that there is understanding, agreement and ownership of it, providing a strong basis for joint working and problems solving into the future.

The office must have sufficient authority, staff resources and expertise to carry out its agreed roles, be supported by an Advisory Committee of senior officials and service providers and be overseen by a special Ministerial Committee or Cabinet committee.

SECTION 1:

Introduction

This report sets out findings and recommendations arising from a review of the effectiveness of the current structures in place to oversee policy and its implementation in the area of Domestic, Sexual and Gender Based Violence (DSGBV). The review is provided for in the current Programme for Government, under the "Building Stronger and Safer Communities" Mission, one of several actions to address what is described as "an epidemic of Domestic, Sexual and Gender Based Violence" the commitment is to:

"Conduct an immediate audit, to be concluded within nine months of the formation of the Government, of how responsibility for domestic sexual and gender-based violence is segmented across different government agencies and develop proposals on what infrastructure is needed to ensure that the issue is dealt with in the most effective manner possible. This audit will be undertaken in conjunction with NGOs and service providers".

The review was commissioned by the Department of Justice (DOJ), in consultation with the Department of Children, Equality, Disability, Integration and Youth (DCEDIY). It was carried out between January and March 2021 by two independent consultants who were contracted following a tendering process.

The remainder of the document is organised in six sections. *Section two* sets out the project purpose, terms of reference, method and limitations and overlaps. *Section three* provides a review of previous government structures, policies and other developments in relation to DSGBV to provide a context for the project and its findings. *Section four* presents the findings from the consultation. These findings are discussed and analysed in *Section five* and Conclusions and Recommendations are presented in *Section six*.

SECTION 2:

Purpose, Method & Limitations

2.1 Introduction

This section describes the purpose of the project, as defined in its Terms of Reference, and the approach and method to carrying it out. It also presents information on arrangements for oversight of the project and report preparation. There were some limitations and overlaps to the exercise which are then explained.

2.2 Purpose

The Terms of Reference describes the project purpose as to review the effectiveness of the current structures overseeing the delivery of DSGBV policy and services in Ireland, and to make recommendations on the optimum structure needed to lead the coordination of Government policy and service delivery holistically. The Terms of Reference are contained in Appendix 4 to the report.

This review arose from concerns about fragmentation in current structures and it was a key requirement that the review be based on a process of consultation with stakeholders and other relevant bodies. Particular attention was to be paid in the consultation to 'prevention, public awareness, rehabilitation for perpetrators and bringing them to justice, services for victims, data collection and analysis'. The review also included an evaluation of 'similar structures in other comparable jurisdictions' (Department of Justice, 2020).

2.3 Method

There were three elements to the methodology - data collection, analysis and development of recommendations. Data collection was through consultation and desk research. Desk research examined research and other publications relevant to developments in policy, services and other responses to DSGBV in Ireland and internationally, focusing in particular on what structures have been put in place to lead and manage responses and what seems to be working well.

Consultation followed qualitative research methodology and was in the form of semi structured informal interviews carried out via online platforms and, in some cases, telephone. Most interviews were carried out by the two consultants working together and a number of group meetings were also held. Interviews focused on capturing views on what has worked and not worked to date, in particular with regard to current structures; what form a new structure should take and who should lead it. In this way, the project identified the strengths and weaknesses of current and previous arrangements and the desired future, or optimum, state.

Primary participants were the Ministers for Justice and Children, Equality, Disability, Integration and Youth (DCEDIY) and members of the current Monitoring Committee of the *Second National Strategy on Domestic, Sexual and Gender-based Violence 2016 - 2021*. These included representatives from other relevant Government Departments and agencies as well as individuals from non-governmental organisations (NGO) involved in the delivery of DSGBV services, research, advocacy, and training to other professionals. Other consultation participants were academics and experts with previous or current experience in the area.

A total of 100 individuals participated of whom 45% were from NGO, 46% from (or formerly from) Government Departments and State agencies and 9% were independents and academics. A list of participants is contained in Appendix 1. Analysis of the consultation and desk research data was carried out through a process of familiarisation, sorting and organising into themes and sub themes which were revisited several times before finalisation as findings by the two consultants working together.

2.4 Oversight and report preparation

The project was overseen by a Liaison Group comprising representatives from the Departments of Justice and Children, Equality, Integration, Disability and Youth, and Tusla. Three meetings were held with the Group. The first was before the project began in January to consider and confirm the scope of the project, the proposed approach, consultation participants and the report format and size. Two subsequent meetings were held in February and March to report on progress and interim findings.

Once a draft report was prepared, a presentation was made to the Liaison Group and to a small group of NGO (Safe Ireland, RCNI, DRCC, AkiDwa, Men's Network) to provide an opportunity for feedback. Following these discussions, a Final Draft report was prepared. This was then presented to a group comprising the Ministers for Justice and DCEDIY and officials from both Departments. Following this meeting further feedback was received and considered in the finalisation of the report.

2.5 Limitations and overlaps

There were some limitations to this project in terms of the range of perspectives represented:

- The timeframe for completion at just under twelve weeks impacted on the scope and scale of the exercise.
- The project was concerned with exploring fragmentation within and across existing structures and not with the detail of services, programmes or funding arrangements except in so far as they relate to structures.
- Consultation was confined to those organisations who were already included in the existing structures and thus tended to be management or policy people rather than frontline staff and so are not wholly representative of the sector.
- It was beyond the scope of the project Terms of Reference or time available to include consultation with service users, victims or survivors, (including children).

There is a potential overlap with other processes underway:

- The process to develop the Third National Strategy on DSGBV is underway by consultants commissioned by the Department of Justice (through the National Women's Council of Ireland and SAFE Ireland).
- A review of accommodation needs, commissioned by Tusla to inform a programme of DSVGB accommodation, is also due to be finalised in the near future.

It is understood that the findings will be taken into account as appropriate, in the course of any deliberations on these.

SECTION 3:

Background and context

3.1 Introduction

This section traces the origins of civil society and government responses to DSGBV and their developments over time in Ireland, paying particular attention to policy, strategy, leadership and delivery infrastructure in order to provide a context for the sections that follow. Information is drawn from published and other documentation.

3.2 Early interventions

Responses to social problems and needs in Ireland have traditionally been made by NGO. DSGBV is no different and the roots of current responses are in the women's movement which established the first women's refuge and rape crisis centre in the 1970s. These services came to be part funded by the State, through health and housing authorities, and more services came on stream in time as needs were identified and responded to by NGO.

In 1996, following the publication of Women's Aid *Making the Links* report and a report by the National Women's Council focusing on problems in legal and judicial processes for sexual violence and other crimes of violence against women, the Government established a Task Force on DSGBV with membership drawn from subject specialists, officials, activists, and NGO.

The Report of the Task Force was published in 1997. It described provision of services as 'piecemeal' and 'uncoordinated' and devised a plan of action to create a 'coherent set of support'. Such support included a single national help line, adequate refuge space, acknowledgement of the particular needs of marginalised women, programmes for

perpetrators and funding for training and service development. It also identified a set of principles to inform the delivery of service interventions and interagency working and recommended the establishment of a new structure that would encourage and support joint working.

3.3 First formal structures

There were three key elements to the recommended structure: A National Steering Committee, Regional Planning Committees and Local Area Networks, each interrelated. The National Steering Committee comprised voluntary and statutory representatives and was responsible for coordinating and advising Government on policy, practice, the distribution of resources and value for money, promotion of interagency working, needs assessments, service quality and data and research. The first National Steering Group was established immediately following the publication of the Report of the Task Force and was chaired by the Minister of State in the Office of the Tánaiste, who had established and led the work of the Task Force.

Under these arrangements, the then Health Boards were responsible for the Regional Planning Committees (RPC) which, working from a partnership ethos, were intended to carry out assessments of needs, develop and implement plans to address those needs, and inform the work of the Steering Committee through regular feedback and meetings. Each RPC was led by an independent Chair and funded by the area Health Board.

The RPC were also responsible for establishing and supporting the Local Area Networks which would mirror the national and regional structures in their representation and purpose, and be based on the principles of community development. All parts of the structure were to ensure that attention was paid to meeting all needs, particularly to those who were most vulnerable or marginal.

In 2003 a Department of Justice funded organisation, the National Domestic Violence Intervention Agency, was established. This was focused on working with perpetrators of domestic violence and on ensuring a systemic approach and involved the bringing together and coordination of various relevant bodies including An Garda Síochána, the criminal justice system, the Courts and support groups. It ceased to operate in 2007.

3.4 Cosc and the First National Strategy on DSGBV

In 2007, the Government *National Women's Strategy 2007-2016* included a commitment to addressing violence against women, a key action of which was the establishment of an 'executive office' within the Department of Justice, Equality and Law Reform to lead whole of government responses to violence against women. Described as the 'National Office for the Prevention of Domestic, Sexual and Gender Based Violence' and called Cosc, the office was established in July 2007.

Cosc was responsible for providing enhanced coordination and leadership to address DSGBV, for ensuring the delivery of coordinated services for victims, and for raising awareness and developing strategies to prevent and address DSGBV. Cosc commissioned research, published information about DSGBV and provided a focal point for DSGBV for service providers and policy makers. It also led the development and implementation of the *First National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014*.

This *First National Strategy* contained four high level goals which were: to promote a culture of prevention, to deliver effective and consistent services to victims, to enable greater effectiveness of policy and service planning; and ensure efficient and effective implementation of the strategy. Implementation of the strategy was led by Cosc and a Strategy Oversight Committee was established to report twice yearly to Secretaries General of government departments and the Government.

In terms of structures for engagement, Cosc established committees to work on cross cutting issues with other Government bodies including An Garda Síochána, Courts, and the

Departments of Justice, Health and Housing. The local, regional and national structures that had been established under the National Steering Committee were maintained initially. A review by Cosc in conjunction with the HSE in 2008 resulted in the replacement of the Regional Planning Committees by Regional Advisory Committees (RAC) with the role of implementing the national strategy and promoting interagency and partnership working (HSE, 2010:10).

3.5 HSE Policy on Domestic, Sexual and Gender Based Violence

In 2010 the HSE published its *Policy on Domestic, Sexual and Gender Based Violence*. The policy was developed through consultation with government, NGO and service users and was informed by research commissioned by the HSE and carried out by the Children and Family Research Unit in NUIG - *Domestic Violence and Sexual Violence in Ireland: An overview of national strategic policy and relevant international literature on prevention and intervention initiatives in service provision* (Kearns, Coen and Canavan, 2008).

The HSE policy document explores frameworks for tackling DSGBV, namely the Ecological, Public Health and Hardiker models, and states a preference for the latter two. It sets out Core Principles of Good Practice and eight high level goals, together with their intended outcomes and actions to achieve each one. The thrust of the policy is early intervention and prevention, the safeguarding of children and the provision of comprehensive and coordinated responses by all HSE and related services, by embedding the '3Rs' of Recognise, Respond and Refer.

There is a strong emphasis in the HSE policy document on service improvement through monitoring, evaluation, data collection and analysis; and on training staff in the HSE and related organisations to equip them to implement the '3Rs' and deliver effective and coordinated responses. The policy does not address or focus on 'counselling services' or on 'perpetrator accountability' (2010: 6). It is explicit in its connection to the *Second National Strategy on DSGBV* with a statement in the foreword that it 'is designed to dovetail with' the strategy, and it explicitly recognises the role of Cosc and the opportunity that it provides for a 'multi-disciplinary and public health approach' to the problem.

3.6 Preparation for the *Second National Strategy*

As committed to in the *First National Strategy*, a mid-term review was commissioned by Cosc. This was carried out by the IPA and revealed strong levels of commitment among participants to addressing DSGBV, data weaknesses making accurate assessment of progress difficult, lack of clarity as to the role of some parts of the structure, weaknesses in political and official leadership and tensions between government and NGO and among NGO. There was a reported disparity in support for the Strategy among NGO, with some unable to fully support it because of 'gender neutral versus gender specific differences' (IPA, 2012).

Following the *Mid Term Review*, the *First National Strategy* was reviewed and some changes made to it. In the context of preparation for the next *National Strategy* a survey of stakeholders was carried out by Cosc, the returns from which were analysed by the University of Limerick (2013). The findings from this exercise were presented at a facilitated consultative session of DSGBV stakeholders in November 2014. The purpose of this session was to establish 'a consensus on the main priorities' for the forthcoming *Second National Strategy*. In terms of structure, the most supported action was the adequate resourcing and support of Regional Advisory Committees to ensure their effective operation (Lynott, 2014).

By the time the *Second National Strategy on Domestic, Sexual and Gender Based Violence 2016-21* was being prepared, changes had occurred in its operating context. Key among these was the coming into force in Ireland of the Istanbul Convention in August 2014, providing a framework and range of commitments to address DSGBV; the founding Director of Cosc had moved on and the new Child and Family Agency (Tusla) had become responsible for the funding and delivery of DSGBV services.

3.7 The Istanbul Convention

The Istanbul Convention is a human rights treaty of the Council of Europe, aimed at eliminating DSGBV. It came into force in Ireland in August 2014 and was ratified by Ireland on International Women's Day 2019. The Convention provides a framework for national action to prevent and eliminate all forms of violence against women. Specific measures include a coordinated framework of policies and interventions to protect women, respond to victim needs (particularly those who vulnerable, marginal and at risk) and to prosecute perpetrators. More widely it requires the elimination of all discrimination against women and the promotion of their equality.

The Convention emphasises the importance of data and it requires robust mechanisms to collect and analyse information on DSGBV to understand the issue in its various forms, and the impact on it of policy and service interventions and other measures. A specially convened independent expert group, Grevio, was established to monitor compliance with the provisions of the Convention by member States, which is done through annual reviews and period evaluations. In Ireland the Irish Human Rights and Equality commission also provides independent reports to Grevio.

3.8 Tusla

A commitment to establish a dedicated child welfare and protection agency was made in the Programme for Government 2011-2016 (Government of Ireland, 2011) and a special Task Force was established by the Minister for Children and Youth Affairs to make recommendations on the configuration of this Agency. Task Force membership comprised experienced officials and NGO activists.

Among the recommendations of the Task Force was the placement of responsibility for DSGBV services (apart from Sexual Assault Treatment Units) with the Child and Family Agency, with a further recommendation that services should be either provided directly or commissioned from NGO. It acknowledges the lead role of Cosc in the DSGBV strategy and recommended that the lead for the area should remain with the Department of Justice

and Equality. The Task Force also recommended that there be one 'overall owner' for DSGBV and a robust coordinating mechanism to support multi agency approaches (Report of the Task Force Minister for Youth Affairs, 2012).

Tusla was formally established in January 2014. Following a major process of preparation for the transfer by the HSE and the Department of Children and Youth Affairs, the organisation was ready to begin operations immediately. While the organisation was responsible for DSGBV services, no specific policy or other lead responsibility for this area transferred to either Tusla or its lead department.

In relation to DSGBV, Tusla established a national team with a specific focus on securing the support and development of those services and appointed a National Manager. On the establishment of Tusla, funds held by the HSE for DSGBV services were transferred to the Department of Children and Youth Affairs (DCYA) amounting to just over €20 million annually. In 2020 the Tusla annual DSGBV budget was €26 million.

Housing authorities had previously provided funding to some refuges to support operational costs, however the commitments of local authorities to meet these accommodation related costs in refuges was transferred to DCYA (€2.5 million annually) in January 2015, together with responsibility for the collection of data in relation to occupancy of domestic violence refuges. These arrangements are set out in the *Statement by Department of the Environment, Community and Local Government and Department of Children and Youth Affairs on the transfer of funding under Section 10 of the Housing Act 1988 for the operation of domestic violence refuges and their services* (2014). 'Policy and Procedural Guidance for Housing Authorities in Relation to Assisting Victims of Domestic Violence with Emergency and Long-term Accommodation Needs' was issued by the Department of Housing, Planning and Local Government in 2017. It sets out a summary of best practice for local authorities in relation to their housing remit to ensure an effective and consistent response for victims of domestic violence in relation to emergency and long-term accommodation needs. The guidelines clarify that it is a matter for Tusla to monitor women's refuges in terms of capacity, usage, throughflow, etc.

3.9 The *Second National Strategy on DSGBV* and Structure

The *Second National Strategy on DSGBV 2016-21* has three 'High Level Goals': *Prevention* (awareness, education, and training); *Provision* (services - including holding perpetrators to account), and *Implementation* (Monitoring, Data and Research). There is a specific plan setting out the actions to achieve compliance with the Istanbul Convention and there are separate actions related to the role of Tusla as commissioner and funder of DSGBV services.

The structure to oversee the implementation of the Strategy comprises a National Monitoring Committee. This replaced the previous structure of the National Steering Committee which documents provided by the Department Justice suggest was considered to have been ineffective in leading and monitoring the previous strategy. A report published by the Council of Europe, acknowledges Ireland as an example of good practice in addressing DSGBV in a comprehensive way through Cosc (Krizsan and Pap, 2016:35).

There are 24 members of the Monitoring Committee comprising representatives from relevant government departments, agencies and NGO who were appointed by the Department of Justice following a call for nominations by Cosc. The Terms of Reference of the Committee describe its role as to monitor progress and in doing this to identify good practice and how it can be copied. The Committee can also respond to identified emerging needs by including new actions in the *Strategy* and, when appropriate, to terminate old ones.

The Monitoring Committee is expected to facilitate cooperation and the growth of mutual understanding within and between the organisations and sectors involved in work in relation to DSGBV and is enabled by the Terms of Reference to establish subgroups as necessary and must meet at least twice yearly. The mechanism for monitoring implementation of the *Second National Strategy* is through the submission of status reports from responsible bodies and the hosting of regular Committee meetings.

Oversight responsibility is held by a (largely inactive) Interdepartmental Senior Officials Group (comprising representatives from An Garda Síochána, Tusla, Courts Service, Departments of Environment, Community and Local Government, Education and Skills and Children and Youth Affairs) which is nominally accountable to the Cabinet Committee on Social Inclusion but in practice has never reported.

A mid-term review of the *Second Strategy* was carried out, again based on a survey of stakeholders administered by Cosc. The survey responses were analysed by the Centre for Justice, Crime and Victim Studies in the School of Law, University of Limerick and published in 2018 (Cusack et al). The report contains recommendations in relation to structure, services, perpetrators, data collection, specialist training and prevention and public awareness. Insufficient stakeholder engagement and data deficiencies were the key issues to emerge in relation to infrastructure.

3.10 Recent developments

There have been several important recent legislative and other developments in relation to DSGBV over the course of the time frame for the *Second National Strategy*. The Istanbul Convention was ratified by Ireland in 2019, new legislation has been enacted including the Criminal Law (Sex Offences) Act 2017 and the Domestic Violence Act 2018. These provide, respectively, for improvements in measures to combat the sexual abuse of children and the protection of victims of domestic abuse through the introduction into law of the concept of coercive control.

A review of the experiences of victims in rape trials was undertaken following the Belfast Rape Trial and arising from its recommendations a plan to ensure adequate supports and protections for victims in such cases was published in late 2020, called *Supporting a Victims Journey*. Alongside these have occurred developments in courts, legal services, in policing policy and practice, in tackling the issue in third level institutions, and in raising public awareness of the issues involved in DSGBV. As part of the transformation of the structure of the Department of Justice, Cosc was disbanded.

A subcommittee was established as part of a review of the *Second National Strategy* to consider and make proposals on the development of the next national strategy. The subgroup comprised representatives from the Department of Justice, SAFE Ireland and the National Women's Council of Ireland, its recommended approach has been adopted and external consultants have been contracted to lead the process of the development of the new strategy over the coming year.

SECTION 4:

Findings

4.1 Introduction

The findings from the review are presented in this section and have been organised into six sections: *Prevention and Public Awareness, Needs and Services, Funding, Commissioning and Accountability, Data Collection and Analysis, Strategy*; and *Structure*. These headings follow the areas required for attention by the project Terms of Reference. The Findings are arranged in two columns, the left hand one sets out the views of participants on what has and has not worked in the current and previous arrangements, the right-hand column presents *their* suggestions for the future or optimum state. Where relevant reference is also made to research or policy in this column.

It is important to note that there was a strong sense of optimism among participants about recent developments in relation to DSGBV - such as Ireland's ratification of the Istanbul Convention, the Sexual Offences Act 2017, the O'Malley Report, the addition of Coercive Control to the Domestic Violence Act 2018, developments in policing policy and practices, recent public awareness campaigns and related developments in third level institutions - and a perceived shift in public attitudes to the issue which are seen as being increasingly framed as societal rather than individual issues.

In addition, Covid and the additional State funding provided to address it, galvanised joined up action across NGO and government to both anticipate and respond to needs and emerging situations, through the redesign of processes and the use of technology, in ways that would not have previously been imagined or permitted.

4.2 Prevention and public awareness

Current and previous	Future
<ul style="list-style-type: none"> ▪ There was agreement that there had been good progress in the areas of prevention and public awareness led by the Department of Justice, although some people were very critical of the Department of Education for their evident lack of interest in the issues, beyond "ticking boxes in the Strategy" because it is felt they have a key role in shaping attitudes through programmes in educational institutions. ▪ Others felt that prevention requires both a more nuanced and a more comprehensive approach, that it must take a "whole of society perspective" and tackle underlying and embedded attitudes, stereotypes and behaviours in individuals, families and communities. ▪ A few people referred to the Road Safety Authority as an example of how effective public awareness campaigns can lead to behaviour change - through "drink awareness" and "clunk click every trip" campaigns. 	<ul style="list-style-type: none"> ▪ A stronger focus on the societal issues which underpin attitudes and behaviours in individuals, families, communities, and institutions. ▪ Campaigns that use the most effective messages and mediums, and programmes that apply across the life cycle.

4.3 Needs and services

Current/previous	Future
<ul style="list-style-type: none"> ▪ It is understood that presentations to DSGBV services represent just a proportion of current needs since not everyone will approach a service, as one person said: "It's the lucky ones that we get to hear about". However, services are the most reliable source of data on service needs currently and provide insights into known needs that are not adequately catered for. ▪ Among the needs not provided for are interventions for victims who are migrants; sex workers, victims of human trafficking, forced marriages, FGM; members of the Travellers and Roma communities (which are the subject of a pilot project funded by Tusla to test and assess responses). Difficulties relate to culturally insensitive communication and in adequate or inappropriate service provision - all of which are compounded where a victim is undocumented, or immigrant status is dependent on a partner who is also a perpetrator. ▪ The lack of specific accommodation for men who are victims of domestic violence or displaced by barring or other orders was raised by one organisation. The gaps in services for perpetrators were spoken of more widely, with preventative supports and interventions being particularly cited as problematic. 	<ul style="list-style-type: none"> ▪ The co-location of policy and funding to ensure alignment so that policy reflects existing needs; unmet and emerging needs; and that services implement policy goals and values. ▪ At the point of delivery, a "continuum of services" that operate seamlessly with other community-based services including Gardai, health, mental health, housing, education, childcare, social welfare, courts, and other legal and related services, with a focus on early "risk assessment and prevention", using local service intelligence. ▪ A clear plan for services based on an agreed service model, service outcomes and standards, to include provision of online interventions, and mechanisms for service user feedback. ▪ A DSGVB Leader or Coordinator at local area level; or the establishment of a specific DSGBV subgroup within the Tusla CYPSC structure.

- A small number of participants raised the issue of children who experienced or witnessed domestic violence and the need for them to have "services in their own right", and for "their voices to be heard". There are children specific programmes in some DV services and Barnardos also delivers the TLC Kidz programme for Tusla. The issue of abuse of parents by their adult children was also identified by two people as an issue requiring attention, and one identified it as being on the increase.
 - Links between homelessness, including rough sleeping, and gender-based violence is well established (Mayock, 2015) and there was widespread concern among DV service providers that this is less clearly understood since women's refuges are no longer part of the homeless data system (since the transfer of responsibility to Tusla) and these links are no longer formally made or acknowledged. In addition, there was a sense that there is now no clarity about the entitlements of women and families who are homeless.
 - Concerns were expressed that the fear of homelessness following a stay in a refuge can deter women from leaving unsafe situations. Several other people expressed concerns about the shortages in refuge space and the number of victims who cannot be accommodated - and the fact that this information, collated by Tusla, is not made public. It was also reported that some women are afraid to present to refuges due to a fear that Tusla would 'remove their children' from them.
- An understanding of why and when victims do not contact or avail of services, including insight into the "fear factors" of becoming homeless and/or "having their children taken from them" so that these situations can be prevented.
- Necessary protocols to address service gaps in relation to DSGBV and homelessness and clarification of the accommodation and housing entitlements of individuals and families who do not meet the HRC conditions.
- A plan to address emergency and other accommodation needs of all victims of DSGBV, including alternatives to congregated settings such as individual "safe houses".
- Better public information in accessible languages and formats for a range of needs about available services and how to access them; and cultural awareness raising for service providers.

- Providers of refuge accommodation reported a deterioration in the quality of some refuges which were described by one person as being "held together by chewing gum and plaster". Although Tusla reports a programme of repair and renovation of refuges is in place concerns about supply and quality of refuges are widespread and the issue of under supply is referred to by the current Minister for Justice in her forward to *Supporting a Victims Journey*' (2020).
- Many concerns were raised about the operation of the justice system both from within that system and by other parts of the DSGBV system. These related to delays in cases going through the justice system, problems with access to legal representation, the poor quality of representation, the evident widespread "reliance on families and friends" by victims for advice about court proceedings, the high level of self-representation in court, the fact that legal aid is not free in civil cases and the problems with multiple repeated victim appearances in court, deliberately orchestrated by perpetrators.
- In this context, and that of the planned reforms to Family Law processes, concern was expressed about the risks of a rush to mediation in DSGBV cases which it was felt would not be appropriate in every case, given issues such as manipulation and control; and should not in any case be seen as an alternative to legal representation.
- An acceleration of planned improvements to court facilities and services in relation to DSGBV, including better training and resources for legal and related practitioners to improve awareness and responses to problems encountered by victims and advocates.

<ul style="list-style-type: none"> ▪ The poor quality of court facilities came in for widespread criticism, with an acknowledgement of plans to address them but at a very slow and uncertain pace. A number felt that the alternatives offered by online processes should be prioritised whereby people can make applications "from their own bedrooms", particularly since there is growing awareness of "going through a lawyer as a second traumatisation". 	
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4.4 Funding, commissioning, and accountability

Current/previous	Future
<ul style="list-style-type: none"> ▪ Across government and NGO, insufficient resources were seen as a barrier to ensuring that services were fit for purpose and responsive to needs in a timely manner. Resource constraints are felt everywhere, leading to developments not occurring at all or being delayed or diluted. ▪ The provision of statutory funding is of key importance to NGO, and funding arrangements have evolved over time in a piecemeal and ad hoc way. While core funding comes through Tusla, other sources of State support is from the HSE, Department of Community and Rural Development and the Department of Justice. ▪ Current arrangements pose challenges for NGO, many of them legacy issues. Cutbacks imposed during the recession have not been fully restored and pay rates are frozen; there is no grade or other parity with public sector counterparts; funding is made on a year-to-year basis so there is no 	<ul style="list-style-type: none"> ▪ A single funding scheme for DSGBV services based on needs and multi annual arrangements, with transparent and equitable rates for services delivered. A suggestion was made by one person for a "shared services" facility for NGO so that matters such as HRM and compliance would be shared across the sector rather than each individual organisation having its own. ▪ Some of the issues raised by NGO were rehearsed most recently in the <i>Report of the Independent Review Group established to examine the role of voluntary organisations in health and personal social services (2018)</i> which makes a number of recommendations for the future

capacity to plan or commit to expenditure in advance; and there has been no investment in capital projects.

- There were reports of difficulties in relationships with Tusla. NGOs have a sense that they are "less important" than Tusla core services and therefore do not get the same level of attention (and this is particularly so for sexual assault services). They feel there is conflict between the Tusla focus on children and the situation of women and children who must flee violence; that the "social work" ethos and approach in Tusla is focused on personal rather than structural analyses which creates tensions with the approach of DSGBV services.
- Difficulties were also identified in relation to commissioning and monitoring. In 2019 Tusla published a *Commissioning Toolkit* and a *Commissioning Strategy 2019-2023*, setting out principles and approaches but the experience of DSGBV services is that these principles are not applied, there is no consistency in decision making about funding - and in any case there is no rational basis for such decisions in terms of the nature, extent and location of needs. In the words of one person "commissioning is still an anomaly, they understand the words but not the way it works".
- More generally in the administration and monitoring of funding the experience of services is of being "pitted against one another"; "set up to be in competition with one another". There are complaints that "KPIs are never discussed", "outcomes

NGO/Government provision of services, the most relevant of which are: the development of national standards and monitoring, agreement on a list of essential services to be funded by the State, and agreement on full cost prices for service delivery.

don't feature in the discussions at all" but there is a "minute investigation about small amounts of money". There is a view that "no one in Tusla can make a decision about funding"; and an overall sense of relationships being strained.

- A series of needs assessments, to provide the basis for review and service planning, was commissioned by Tusla in 2017. While they were made available for this review, they have yet to be published except for one, and concerns were expressed about "if they'll ever see the light of day". There were also criticisms that there had been no engagement with national service providers about the assessments prior to their being commissioned. The findings of the Tusla needs assessments are similar to those of this exercise.
- A research report, *Winners and Losers* critically reviewed the impact of commissioning on civil society organisations, using DV services as one of its case studies. The report criticises the "opaqueness" of any decision making without a clear needs assessment and the evident disconnect between policy and funding in this area by Tusla (2020: 26).
- There are policy and other constraints in the funding of NGO by Government bodies, including imperatives in relation to accounting for the expenditure of public funds and demonstrating its effectiveness through agreed indicators of success, although these are not agreed with the service deliverers and do impact on capacity

to deliver, particularly since decisions are made at a remove from deliberations about service delivery.

4.5 Data collection and analysis

Current and previous	Future
<ul style="list-style-type: none"> ▪ Each service across the DSGBV spectrum of services seems to have its own means of managing data with collection formats varying from paper-based, spread sheets to what were reported as more sophisticated database systems. ▪ There is no coherent data and there are concerns that this leads to an absence of transparency, accountability and opportunities for understanding and learning. One person described this as "it leaves us hostage to anecdotes". ▪ The "<i>Tusla DSGBV Information Project</i>" did publish a report based on 2015 DSGBV service use, collected through a survey of services in 2016. This was intended to inform the development of its move towards 'evidence informed services' but there is no awareness of this among service providers. Rather, there were complaints that Tusla "changes the information that it requires every year", "never publishes or does anything else with the information it collects". ▪ Tusla itself reports challenges in gathering coherent data when there is such a range of different data collection systems across 	<ul style="list-style-type: none"> ▪ An explicit agreement on the importance of data in managing the delivery and coordination of services and initiatives, to assess their impact, plan their development and to provide, as one person said, "assurance to the public that the law and other processes are working". ▪ The vision of the future is for a single data system which and will be used by all services dealing with victims and perpetrators (with the application of a unique identifier to address GDPR concerns) of DSGBV so that there will be a clear picture of (as a minimum) incidences, trends, activities, individual pathways in and out, outcomes, cross- overs, expenditure and value for money. ▪ This routine data collection would need to be combined with periodic surveys - "Need to get the sector together with a third party in a room and ensure that every piece of information has to work for its place in the final data system.

services and the quality and consistency of data in these circumstances. The agency was in discussions with one NGO about the development of comprehensive data system but this is now on hold due to the departure of a Tusla staff member.

- There are also concerns about the direct impact that data deficits can have on the quality of work with victims and services users. The lack of timely information from the courts for example impacts on the capacity of other services to advise their service users on taking a case and the likely timeframe or outcome of doing so; the lack of information on the relationships between perpetrators and victims makes it impossible to understand the nature of the issue; and not including ethnicity means that the links between this and other issues are not captured.

- The Istanbul Convention and the O'Malley Report have focused attention on data and the current Strategy provides for the establishment of a "gold standard" for its collection and analysis. But a sub-group to progress this to have "fizzled out" and progress on a "data hub" also seems to be slow.

- The collection of periodic population prevalence data is seen as an important element of building a picture of DSGBV and assessing the impact of prevention and other programmes. This is now being undertaken by the CSO but there is anger across NGO, because twenty years have elapsed since the first SAVI study which is

Much better having one body holding the data. Routine data collection and then periodic surveys".

- These suggestions are in line with the approach set out in the Public Data Strategy 2019-2023. It is important that data can "tell the story" and narrative and other "soft" data should be part of any data system and used to verify and amplify statistical information.

<p>important, as one person described: "Data is key. Can be expensive to set up but you're spending money anyway and you don't know what's working. SAVI will show the impact of various programmes, over time."</p>	
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4.6 Strategy

Current and previous	Future
<ul style="list-style-type: none"> ▪ The current strategy was described by most people as having been "cobbled together" and "made up of actions that organisations were in the process of doing anyway". More generally, the document format was felt to be "all over the place" and "impossible to follow". Reporting and monitoring was considered to be "ad hoc" and "had ground to a halt". ▪ The <i>First National Strategy</i> was seen by most as a better strategy, described as having "a vision and a clarity about what was needed". The document format, and implementation management, including independent reviews were all seen as positive. ▪ Identified weaknesses, which applied to both strategies were the absence of proper implementation plans, not costing the implementation of actions contained in them, taking account of the cost to individual organisations of implementation and not paying sufficient attention to the issue of children affected by DSGVB, perpetrators, male victims, migrants, and groups who are marginal in some way or another. 	<ul style="list-style-type: none"> ▪ A strategy that is ambitious, with agreed principles and philosophical underpinnings, focused on prevention and meaningful interventions that have the victim at their centre and that recognises the need for "whole of society" approaches. ▪ A strategy that borrows from experience of what works elsewhere but is tailored to the situation in Ireland and builds on the Istanbul Convention. ▪ A strategy document with a clear vision and outcomes, with targets that are agreed, not imposed, and realistic. A robust monitoring and evaluation framework and recognition of the resource implications of its implementation, through costing of the actions. ▪ A strategy which has a focus on

<ul style="list-style-type: none">▪ A few individuals with direct experience of the National Strategy for Women and Girls thought that it was a more appropriate strategy document and that its implementation and monitoring mechanisms were more functional.	<p>costs. This to include the cost to society of DSGBV (in terms of broken lives, lost careers and earnings, demands on services, etc), the cost of not making an intervention to prevent it and the cost of the actions in the strategy.</p> <ul style="list-style-type: none">▪ A strategy process that will identify other relevant national strategies and assess how respective actions are complementary and do not duplicate so that there is clear integration between them.▪ A Government approved and ringfenced budget for the strategy and the implementation of its actions.
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4.7 Structure

Current and Previous	Future
<ul style="list-style-type: none"> ▪ The structures arising from the Task Force report in 1997 were seen as successful in bringing relevant players together, providing opportunities to build relationships which often led to the instigation of new and different responses and providing "up, down and across" discourse and sharing. ▪ Cosc was valued by people as "the go to place" for anything to do with DSGBV. Its research, support for innovation and the opportunities it offered for exposure to other ideas were particularly important for those organisations for whom DSGBV is not their core work. A few people felt that Cosc had not been given the status that it deserved, that it had "never attended a Cabinet or Oireachtas committee for example", felt that it should have been taken more seriously and that "this reflected the low status of the issue in Government". ▪ Most participants had been involved in Cosc and its demise was seen as a "loss". People are curious about why Cosc has gone because it just "seemed to fade out" and asked "what happened to it". Some have rationalised it as being related to "recession and cut-backs" and the "restructuring in the Department of Justice", but no one has explained the decision making process. Its leaving seems to reflect its arriving, with many participants complaining that Cosc "was imposed without any discussion". 	<ul style="list-style-type: none"> ▪ A dedicated national coordinating office, with authority "to get things done", and comprising representatives from the "various strands"; a "centre for excellence" to bring together and gather all the "very best research on various issues including prevention" (like the NDA which sets standards and does research); a "national structure with clear oversight" ▪ A "parliamentary style structure with subgroups"; providing "opportunities for engagement and working together", and "looking at specific issues, through smaller groups"; "replicate the joint working at local level around individuals". "A structure that has national, regional and local elements, with communication up, down and across". ▪ Led by one identifiable body. Most people were in favour of this being the Department of Justice for various reasons: fit with the Istanbul Convention, its responsibility for criminal justice and policing aspects of DSGBV and because of the relationships that had been established with it over the years across the spectrum of services, and the evident improvement in these in recent times. Four people

<ul style="list-style-type: none"> ▪ The main component of the current structure, the Monitoring Committee is generally considered to be a poor replacement for Cosc and it was widely criticised for being "too big", difficult "to get a word in" and that it is not taken seriously - that some officials "don't turn up' and when they do "they don't have their homework done" and of the DOJ not being able to do anything about it: "Justice cannot hold them to account because they are outside their department". One positive aspect identified is its responsive to emerging issues which can be accommodated into the plan. • While on the one hand the Committee is seen as ineffective in holding bodies to account, a number of statutory members made comments indicating that they felt very much held to account: "same people get hammered all the time", "feel like I'm in the dock all day", "statutories get held to account- everyone needs to be held to account", "a chance to hold our feet to the fire". Some felt that the atmosphere of the Committee can be "emotive" and "adversarial", with some "grandstanding" by NGO members. • There is no clarity about the criteria for membership of the Committee, although as one person quipped: "having decision making authority is obviously not one of them". The minutes indicate that the numbers attending is consistently about 20, out of a possible 24. 	<p>suggested that it should be led by the Department of Taoiseach with a view to ensuring that there would be authority "over all Departments".</p> <ul style="list-style-type: none"> ▪ Held to account at a high level. A large number were in favour of its having a reporting relationship with a Cabinet Committee or similar entity. ▪ Across the NGO sector it was felt there was a need for the structure to be led at the very highest level, by a Minister. This was not generally supported by officials as it was difficult for it to work well in a practical sense, although there was a view that people "pay more attention to what they're doing if a Minister is going to check it". There was strong support across all sectors for clear direction, leadership and joint working among officials and organisations. • Several people suggested an independent chair for the structure, believing that this would be an effective way of leading the structure. Qualities of an effective chair seemed to be the ability to keep a focus on the job, facilitate discussion so that participants felt heard and could reach decisions, hold all parties to account, and inspire action.
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<ul style="list-style-type: none">• The key criticism though is that the Monitoring Committee has no connection with the work on the ground and is operating in a vacuum. While it is not a popular structure, there is a general view that it has improved greatly since the current Chair took over and "put a stop to the waffling" and "created a sense that things might get done".	<ul style="list-style-type: none">▪ As part of the broader apparatus for DSGBV, four people suggested that there should be an Ombudsman for Victims, one a Rapporteur for DSGVB and another a Commissioner for DSGBV.▪ The approach of a single structure providing leadership in the implementation of policy is one that is in place in other sectors in Ireland (homelessness and the drugs strategy were particularly referred to as being successful) and in other countries in relation to DSGBV. The most relevant of these seem to be in Australia, New Zealand and Canada and a summary of these is presented in Appendix 3.
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SECTION 5:

Discussion and Analysis

5.1 Introduction

This section discusses the findings in terms of examples of fragmentation across and within structures as it emerged from the consultation. In this context fragmentation is taken to include lack of coordination and progress in implementation, misalignment of policy objectives, practices and resources, and disconnections between functions, services, and people. The section begins by discussing the evidence of fragmentation and then reflects on their implications for any future infrastructure for DSGBV.

5.2 Fragmentation within the structure

There is a wealth of experience, talent and commitment among the people involved in this sector and an appetite for joint working and coordination. However, there is also evidence of distrust, disrespect, blaming, othering, and perceptions of incompetence and lack of concern. These are most clearly manifest between NGO and government bodies but not exclusively and they indicate fragmentation within the structures.

This fragmentation is likely due to several interrelated issues. DSGBV raises and addresses fundamental issues about society, gender, violence, and destructive dynamics. These dynamics can be played out and negatively mirrored in organisations and structures established to address it if they are not understood and addressed in a deliberate way. DSGBV is also a complex and systemic social problem. As such it cannot be solved by quick fixes and linear thinking but requires fresh approaches and understandings, and collaborative working.

Working collaboratively is itself challenging, and to be effective needs time and attention to be paid to building relationships; developing a shared language and a culture of understanding; and joint problem solving and planning.

5.3 Fragmentation In progress

It is widely acknowledged that significant progress has been made in tackling DSGBV particularly in the areas of legislation, public awareness, policing, and judicial processes. However, there are some areas that have seen little or no progress. These include gaps in data collection and analysis, in service funding and delivery, and meeting victim needs, particularly those who are marginal or otherwise vulnerable.

These were among the issues discussed and provided for in the recommendations of the *Task Force on Violence Against Women* published in 1997; objectives to address them are contained in both the first and second *National Strategies*; and the lack of progress in their implementation has been raised in every review of those strategies. These gaps in progress indicate a significant disconnection between intended and actual action and raise questions about what is blocking progress and how it can be addressed.

There is no doubt that these can be challenging issues to address, involving as they do apparently conflicting or contradictory forces such as the need for budgetary control *and* flexibility in service delivery or for privacy *and* data collection, but they can be successfully accommodated, and must be if the nature and extent of DSGBV is to be understood and tackled effectively and demonstrably.

5.4 Fragmentation in whole of government approach

The approach of cross government working is now well accepted among officials but there are signs that it may not be well embedded in practice. Some departments are consistently poor attenders at Monitoring Committee meetings and at providing progress updates; and neither the Senior Officials Group nor the Cabinet Committee appear to have paid any attention to the work of the Monitoring Committee or the progress of the *Second National Strategy*. That this situation has continued unaddressed suggests a lack of concern or interest about DSGBV or about non-participation by key government players, or both, in the government system.

There is evidence of other fragmentation in the government system, for example when decisions about budgets, staff levels, staff grades and related issues are made at a remove from the core of the problem or issue which need to be addressed. These decisions have very direct and sometimes devastating impacts on projects and services, and the people involved in them, and indicate the need for better information exchange, understanding and alignment across all government functions and policies. They also point to the need for robust information, not just on service performance but also impact, to inform budget and expenditure related decisions.

There is a lack of clarity as to how the role of NGO and other stakeholders in the whole of government system is conceived and envisaged, and about respective roles and relationships. The *Task Force* describes partnership with voluntary, statutory and community bodies as necessary, the *First National Strategy* refers only to relationships and coordination; and the *Second National Strategy* reverts to partners and states that "there will never be nor should there be, a complete understanding of the issues and the potential remedies between all of the parties" (2014:4).

5.5 Fragmentation between policy and services

Under the leadership of the Minister, the Department of Justice has responsibility for government policy in relation to DSGBV as set out in the Programme for Government. It has also led on the development and implementation of the two National Strategies and the operation of Cosc and has lead responsibility for the implementation of the Istanbul Convention.

The Istanbul Convention requires a comprehensive framework of service and policy interventions. The Department of Justice is the lead agency for the implementation of the Convention and all the bodies with responsibility for the interventions covered in the Convention are under its remit, except for DSGBV services (refuges, rape crisis centres, helplines) which are the responsibility of Tusla. Neither Tusla nor its line Department (Children, Department of Children, Equality, Disability, and Inclusion), has any policy role in relation to DSGBV.

This disconnect between policy and practice is detrimental to the optimum functioning of both. Policy and practice should be connected and closely aligned to provide coherence between them and ensure that one is informed by the other in an ongoing cycle. When this is not the case, it is easy for policy to become disconnected from the actual needs it is intending to address and for policy makers to be literally out of the loop in terms of how policy works in practice. In the context of the Istanbul Convention, the disconnect between DSGBV services and the Department of Justice dilutes the comprehensiveness of the overall framework of responses and reduces its coherence and potential impact.

5.6 Fragmentation in service delivery

The shared vision of the future that emerged from the consultation is one of services that are centred on, and 'wrap around', those who need them through a 'continuum of service' at the point of delivery; that operates seamlessly between specialist DSGBV related services (helplines, women refuges, rape crisis centres, SATU, Gardaí, legal advice, information and representation, the courts and related support; perpetrator services and supports) and community-based services (information and advice, Gardai, primary care, mental health

and addiction, housing, rent supplements, income maintenance, education, childcare and schools).

Current practice is far from this vision and victims/survivors/service users must navigate a range of different agencies for responses to their needs. In this context service outcomes are inevitably uncertain and often poor; duplication is likely, and resources are not used efficiently. Achieving a continuum of services requires agreement across the lead government departments to ensure that there is a coherent policy approach to integrating service delivery *and* an area-based framework to lead and support implementation locally - with the appropriate delegated authority to enable a seamless response.

5.7 Lessons and implications

As part of this review, we looked at what structures are in place in other countries and how well they are working and would fit in an Irish context. Initiatives to tackle DSGBV are invariably led at a high level in government, sometimes by a Minister (for women or for Justice) and sometimes by a senior official, or specially appointed leader. The approach to the task follows a regular pattern of consultation and research to identify issues and the development of a plan to address and progress action; and the inclusion of relevant experts such as service providers and academics, in this ongoing process.

This is the approach that has been followed in Ireland with some success and progress but also significant fragmentation and little or no progress on some key issues. In reflecting on this, there are issues such as lack of clarity about roles and responsibilities, the wrong people at meetings and a range of other issues that were raised during this review which according to available research¹ do impact on the quality of processes and practice.

But the most important lesson to emerge from the review is that the way that the structure is conceived and designed is of the utmost importance to securing a sense of ownership and commitment among stakeholders. The best way of doing this is to involve stakeholders from the beginning in the design of a new structure that will reflect their shared vision of its purpose and ways of working and to ensure that due attention is paid to nurturing and sustaining this ownership and commitment.

¹ See for example Connolly et al (2020); Calvard, T and Jeske, D. (2020); Cosc (2011).

SECTION 6:

Conclusions and Recommendations

6.1 Conclusions

- There is a wealth of experience, talent and commitment among the people involved in this sector and an appetite for joint working and coordination. However, there is also evidence of distrust, disrespect, othering and blaming among them. These behaviours manifest where insufficient attention is paid to building trust and relationships in structures and in this case may also involve the dysfunctional mirroring of the dynamics of DSGBV.
- There is a clear need to change the way in which governments respond to DSGBV. However, putting in place a new structure, changing a policy or the location of policy or services will not address the range of weaknesses identified. Solutions to these can only be found in a different model of cross government and cross agency working, which must be designed and developed with stakeholders to ensure that all have a real and shared stake in its success.
- To be effective, cross agency working and coordination must be well led, and based on trust, respect, understanding (of different perspectives), clarity about roles and responsibilities and programmes of agreed actions. Insufficient investment has been made in building this culture in DSGBV structures, and good communications which is its foundation, has been particularly weak.
- This report is the latest of several reports and reviews that have examined the operation of DSGBV services and other responses in the context of a whole of Government approach. The findings and recommendations are consistent across the reports but have not been actioned. This poses a challenge to the Government to understand what has prevented their implementation to date and what needs to be done to change that pattern.

6.2 Recommendations

- It is recommended that policy leadership for DSGBV be placed clearly with the Department of Justice. This would address any confusion of responsibility, bring all relevant policy elements under one Department, provide a lead and accountable body for the totality of DSGBV policies and interventions, and a strong basis for compliance with the provisions of the Istanbul Convention.
- To reduce fragmentation between policy, funding and services, it is recommended that responsibility for the funding and commissioning of all DSGBV services should also be with the Department of Justice, together with responsibility for service development plans and other measures discussed in this report. In this context DSGBV services are Refuges, Rape Crisis Centres and Helplines and any ancillary activities undertaken by the organisations providing them.
- The needs of victims of DSGBV cannot be met by specialist services alone and a range of other community based services, provided by public and NGO bodies, must also be enabled to respond appropriately to their needs, as part of an overall framework of services. It is therefore recommended that DSGBV should be a specific theme within existing local structures and networks and that it be incorporated into the pilot Community Safety Partnerships for review following the pilot phase.
- It is recommended that a dedicated “DSGBV office” be established, to lead joint working, holistic responses and the implementation of agreed strategies and developments. This will differ from previous structures by being the subject of a process of co-design by stakeholders to ensure that there is understanding, agreement and ownership of it, providing a strong basis for joint working and problems solving into the future.
- Functions for the "office" suggested in the consultation included the provision of supports to services and policy makers; opportunities to reflect, learn and continually improve effectiveness, support to develop relationships, skills and innovation and the provision of spaces for the “frank conversations” that are necessary from time to time to reach agreement on difficult issues.
- The "office" must have sufficient authority, staff resources and expertise to carry out its

agreed roles. It should be led by an officer at Assistant Secretary level with a direct reporting relationship to the Secretary General of the Department of Justice.

- An Advisory Committee of senior officials, experts and service providers should enhance and support the work of the office. Officials should include the Departments of Justice, Children/Tusla, Social Protection, Housing, Education, DPER. Similar structures are in place in the Departments of Children, Equality, Disability, Integration and Youth and Foreign Affairs to support their Children and Young Persons and Women Peace and Security strategies.
- A special Ministerial Committee and/or Cabinet Committee be established as a functioning body, to oversee the implementation of the next strategy, ensure that all elements of the State apparatus contribute to its achievement and to intervene if progress gets "stuck" for any reason.

The Council of Europe Convention on Preventing and Combating Violence against Women & Domestic Violence



Responsibility is segmented across Departments – DOJ most appropriate place for Audit’s recommended DSGV Office – the specifics to be the subject of a co-design process with stakeholders, Statutory and the NGO Sector to ensure there is shared understanding and agreement of its purpose, role and modus operandi and its limitations.



General consensus to have Policy and Services together

Having analysed how responsibility for DSGBV is segmented across different government agencies it is the recommendation of this Audit that a dedicated "DSGBV Office" be established in the Department of Justice.

A strong lead is necessary in one Department with responsibility for the whole of government response to DSGBV. This will include the facilitation of the necessary vertical and horizontal collaboration, between state agencies and the NGO sector who provide frontline services; therapy, helplines, refuge shelter, court and SATU accompaniment and training.

Possible high level structure:

DSGBV Cabinet Committee
Minister for Justice
Secretary General DOJ
Assistant Secretary lead DSGBV Office
(Structure of office co-design process; State and NGOs)
Advisory Committee: Members to represent relevant Statutory and
NGO Sector.

Appendices

Appendix 1: List of Consultation Participants

Appendix 2: References

Appendix 3: Summary of structures in Australia, New Zealand and Canada

Appendix 4: Terms of Reference

Appendix 1: Consultation Participants

This table sets out the names, organisations and positions of the individuals who took part in the consultation. Some interviews were held in groups and this is indicated in the "person" column. Positions appear in the same order as the list of person/s. The (MC) beside a name indicates current membership of the Monitoring Committee.

Organisation	Person	Position
Akwida	Allanah NicEoghan, Salome Uibuga (MC), Dr. Caroline Munji	Policy Officer, Head of Operations, Migrant Women's Health Co- Ordinator
An Garda Siochana	Declan Daly	Detective Chief Superintendent GNPSB
	Drew Harris	Commissioner
	Kate Mulkerins	Executive Director, Legal & Compliance (formerly Legal Adviser RCNI)
Bar of Ireland	Aoife McNickle (MC)	Barrister
Cosc	Eimear Fisher	Former Director
	Greg Heylin	Former Assistant Director
	Philip McCormack (MC)	Former Head of Research
Courts Services	Kevin Fidgeon (MC)	
	Emer Darcy, Elaine Kenny (MC), Stephen Owens	Chief Clerk of the Dublin Circuit and District Courts, Circuit and District Court Operations
	Roderic O'Gorman, T.D.	Minister for Children, Equality, Disability, Integration and Youth
Department of Children, Equality, Disability, Integration and Youth	Conor Rowley, Carol Baxter, John Lohan (MC), Jane Ann Duffy, Deirdre Ní Neill	Assistant Secretary, Assistant Secretary, Principal Officer, Principal Officer (Equality and Gender Equality Unit), Assistant Principal Officer (Equality and Gender Equality Unit)
	Ruth Doggett (MC)	Assistant Principal Officer, Member Liaison Group
Department of Education and Skills	Stephen Beamish (MC)	HEO, Curriculum Assessment Policy Unit
Department of Foreign Affairs	Aine Hearn	Director of Conflict Resolution
Department of Health	Fiona Conroy (MC)	Principal Officer, Drugs Policy and Social Inclusion Unit
Department of Housing, Local	Graham Hopkins (MC), Aidan O'Reilly	Assistant Principals, Homeless Policy, Social Housing

Government & Heritage		
	Helen McEntee, T.D.	Minister for Justice
Department of Justice	Deaglán Ó Briain (MC, Chair)	Principal Officer, Member Liaison Group
	Ben Ryan	Assistant Secretary
	Oonagh McPhilips	Secretary General
	Ross Wynne (MC)	Formerly Cosc
Department of Public Expenditure	Ronnie Downes	Assistant Secretary Equality and Gender Budgeting
Department of Social Protection	Des Henry, Joe Meehan	Principal Officer, Assistant Principal Officer
Department of the Taoiseach	Mary Keenan	Principal Officer, Justice and Policing Reform
FLAC	Eilis Barry	CEO
HSE	Joe Doyle (MC)	National Lead, Social Inclusion
Law Society	Joan O'Mahony (MC)	Member Monitoring Committee, former Chair of the Law Society Family Law Committee
Legal Aid Board	John McDaid and Tomás Keane	CEO and Assistant Director Internal Communications Officer
Migrant support services	Clare Mackey, Fiona Hurely, <i>NASC</i> ; Richard King, Amy Tyndall, <i>Crosscare</i> ; Colin Lenihan, <i>Immigrant Council of Ireland</i> ; Rachel Bermingham, <i>Doras Luimní</i>	Pathways to Employment coordinator, Policy and Communications; Team Leader, Information and Advocacy Officer; Information and Support coordinator; Legal and Information Officer.
Men's Aid	Katherina Bentley, Karl Heller, Andrea McDermott	CEO, Head of Court Accompaniment; Social Care Team Manager
Men's Development Network	Sean Cooke	Director
Move Ireland	Mary McDonald, Owen O'Neill (MC)	Senior Probation Officer NE Intervention Programme for DV Perpetrator programme; CEO Move
National Women's Council of Ireland	Orla O'Connor (MC), Jennifer McCarthy Flynn, Dr. Hayley Mulligan	Director, Head of Policy, VAW Officer
Office of the	Helen Kealy, Alva	Senior Principal Prosecutor

Director of Public Prosecution	O'Herlihy, Tricia Harkin, Roni Buckley, Grainne Glynn	Prosecution Policy & Research Unit; Principal Prosecutor District Court Section; Principal Prosecutor,
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		Prosecution Policy & Research Unit; Legal Researcher Prosecution Policy & Research Unit: Senior Principal Prosecutor Directing Division
One in Four	Maeve Lewis, Deirdre Kenny	CEO and Director of Advocacy
Pavee Point Traveller & Roma Centre	Laura Pohjolainch (MC) and Tessa Collins (MC)	Coordinator and Senior Community Development Worker, Violence Against Women Programme
Probation and Welfare Service	Mark Wilson and Carmel Donnelly (MC)	Director and Senior Probation Officer, leading DV Policy & Practice
Rape Crisis Centres	Noeline Blackwell (MC), Mary Crilly, Claire Williams, Shirley Scott (MC), Cathy Connelly (MC), David Madden	CEO DRCC, Director Cork SVC, Dir. Wexford RCC, DRCC Policy, CEO Galway RCC, Director Sligo RCC.
Rape Crisis Network Ireland	Clíona Saidléar (MC) and Caroline Counihan (MC)	Executive Director and Legal Policy Director
Royal College of Surgeons Ireland	Professor Hannah McGee	Dean of Faculty of Medicine & Health Sciences, Author SAVE Report, 2002
Ruhama	Barbara Condon (MC) and Aimee Millar (MC)	CEO; Policy and Communications Officer
SAFE Ireland	Mary McDermot (MC), Miriam Kivihan, Lisa Marmion (MC)	CEO; Policy Director; Head of Services
	Caitriona Gleeson	Former Policy Director
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Appendix 3: Summary of approaches in Australia, New Zealand and Canada

1. Australia

The Minister for Women administers the portfolio through the Office for Women which is located within the **Department of the Prime Minister and Cabinet**. The budget is administered through the **Department of Social Services**.

Currently, the Minister works with other Government Ministers to ensure that women's issues and gender equality are taken into consideration in policy and programme development and implementation. **The Office for Women** supports the Minister in this role and is the central source of advice for Government agencies on the impact of Government policies and programmes for Australian women.

The Office for Women works across government to deliver policies and programmes to advance gender equality and improve the lives of Australian women. The priorities are:

- strengthening women's economic security and prosperity, including women's workforce participation:
- improving women's leadership choices:
- ensuring that women and their children are safe from violence:
- supporting Australia's international work on gender equality and women's empowerment.

On 29 May 2020, the Prime Minister announced the creation of an NFRC (National Federation Reform Council) **Taskforce on Women's Safety** to continue the critical work in reducing violence against women and their children. Under the NFRC framework states and territories will take collective action to reduce violence through the **Fourth Action Plan**. **The Office for Women** is in the Department of the Prime Minister and Cabinet and provides secretariat support for the Taskforce.

Context of Australian Government response to DSGBV

The Australian Government response to DSGBV is based on viewing the problem from the perspective of the individual, within relationships, within communities and as a whole of society problem.

Its structures harmonise efforts of government agencies in all Australian jurisdictions (**all-of-government response**), which takes a socio-structural approach to violence against women. This means recognising the relationship between violence and the patriarchal traditions that have found expression in laws, institutions, attitudes and perceptions.

From the strategic perspective they hold that **an action plan needs to be long-term and holistic** and must be built around targets and timeframes that are linked to accountability mechanisms (assigning responsibility to relevant agencies) and evaluation.

They recommend that there must be **substantial and continued funding** and a leadership body that is stable and permanent.

The underlying principles of an action plan should also include:

- **prevention** - violence against women and their children requires long-term strategies, such as education and public-awareness campaigns, to change community attitudes and help prevent violence in the first instance;
- **provision** - appropriate and targeted services should be available to all victims/survivors for their physical, mental and social wellbeing, as well as for their protection from further violence;
- **prosecution** - barriers to prosecution must be removed and any action plan should ensure that all forms of violence against women and their children are investigated, prosecuted and punished in accordance with the gravity of the crime, and that victims/survivors receive appropriate remedies

Structural

The Australian Government has structures in place that seek to harmonise responses to violence against women and their children, both within the Australian Government and with the states and territories. These include the following:

- **The Office for Women** and the **Safety Taskforce Branch** are policy and program branches within the **Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)**. The primary goal of the Office is to mainstream women's issues to ensure that people recognise that women's experiences, issues and perspectives affect everyone and are therefore everyone's business. The Safety Taskforce Branch funds activities targeting sexual assault and domestic and family violence, including the **Women's Safety Agenda** and the **Indigenous Family Safety Program**. It is also responsible for the coordination and development of:

Time for Action: *The National Council's Plan for Australia to Reduce Violence against Women and their Children. 2009-2021*

Australia and New Zealand Collaboration on Violence Against Women

The Commonwealth, State, Territory and New Zealand Ministers' Conference on the Status of Women (MINCO) meets annually and aims to:

- provide a Commonwealth/state and territory mechanism for the coordination and development of policies that affect the status of women, especially on issues that cross Commonwealth/ state, territory and New Zealand borders;
- facilitate action on matters of mutual concern; and refer and/or present agreed strategic issues to other ministerial groupings. The Secretariat is provided by the Australian Government's Office for Women.
- A senior officials' group, the **Women's Advisers Meeting (WAM)**, provides high level support to MINCO. The National Women's Safety Taskforce is a sub-committee of the WAM.

2. New Zealand

In 2016 the New Zealand Government committed to an Integrated Safety Response (ISR) to combatting Family and Sexual Violence and ran two pilots. When the pilots were reviewed it was decided to continue with the ISR model with a number of recommended additions and roll it out nationally. During a subsequent consultation process, the idea of a **Joint Venture** emerged. The Joint Venture comprised Chief Executives across all government departments with responsibility for Family and Sexual Violence prevention, provisions of services and protection. The Cabinet **Social Wellbeing Committee** now has overall ministerial oversight of the Joint Venture.

The Chief Executives of the Joint Venture sit on the **Social Wellbeing Board** and they are from the Department of Prime Minister and Cabinet, Oranga Tamariki, Health, Te Puni Kōkiri, Social Development, Education and Justice, with the addition of Police, ACC and Corrections. Police, ACC (Accident Compensation Corporation) and Corrections are also included because these agencies have a critical role in the family violence and sexual violence system.

To support this joint venture, the Director of a dedicated business unit reports to these Chief Executives. In turn, they report to the Under-Secretary, as the lead Minister. The lead Minister was supported by a Ministerial Group comprising Justice, Social Development, Māori Development, Children and Seniors Ministers. **The Cabinet Social Wellbeing Committee** had overall Ministerial oversight for the joint venture and the integrated, whole-of- government work programme.

The joint venture was also informed by an independent Māori body (Te Rōpū) and a broadly- based external advisory group to support the government to work in partnership with the sector and to learn from the experience of victims, perpetrators, and children affected by violence. Building Māori partnership into the model, and ensuring those affected by violence were integral to the work, and helped drive significant improvements in the system.

The joint venture also worked with existing advisory groups, reference groups, boards and panels to ensure wider stakeholder input. This included groups such as rainbow, disability, youth, migrant communities, the E Tu Whānau reference group, and Pasefika Proud.

At the end of 2020 the New Zealand Government appointed its first Minister for the Prevention of Family and Sexual Violence. The Joint Venture with its multi-agency team of Chief Executives has responsibility for the day to day oversight of the delivery of the strategy under the new Ministry.

3. Canada

In 2017, the Government of Canada initiated its Gender-based violence strategy, building on current federal initiatives, coordinating existing programs and laying the foundation for greater action on GBV.

The Strategy's initiatives are organized across three pillars:

- Preventing gender-based violence
- Supporting survivors and their families
- Promoting responsive legal and justice systems

The Strategy is intended to fill gaps in supports for diverse populations, including women and girls; Indigenous women and girls; LGBTQ2 (Lesbian, Gay, Bisexual, Transgender, Queer, Two-Spirit) and gender non-binary individuals; women living in Northern, rural, and remote communities; women and girls with disabilities; immigrant and refugee women; children and youth; and senior women.

Federal budgets in 2017 and 2018 provided over \$200 million, starting in 2017-18 until 2022-23, and over \$40 million per year ongoing to establish, launch, and expand the Strategy; including the creation of the GBV Knowledge Centre, housed within Women and Gender Equality Canada (WAGE). Details found at Annex A.

The Strategy is a whole-of-government approach to ending GBV, encompassing all federal initiatives to prevent and address it; however, six federal departments and agencies received funding for specific initiatives:

- Women and Gender Equality Canada (WAGE)
- Public Health Agency of Canada (PHAC)
- Public Safety Canada (PS)
- Department of National Defence (DND)
- Royal Canadian Mounted Police (RCMP)
- Immigration, Refugees and Citizenship Canada (IRCC)

The Department of Justice Canada provides comprehensive information regarding the suite of legislative measures, both national and sub-national, currently in place to address family violence on its [website](#).

At the same time, in recognition of the inadequacies of the current legal regime, the Government of Canada is making changes to existing laws and introducing new laws to help reduce violence and promote healthy relationships. The Office of Federal Ombudsman for Victims of Crime provides advice on how to improve issues for victims.

The work of the Federal Ombudsman for Victims of Crime

Below is a list of issues that the OFOVC has identified through our contacts with victims and victim serving agencies, media reports and ongoing research. These issues must be addressed for victims to obtain justice.

- Enduring biases and stereotypes related to gender, based on obsolete social and religious constructs that privatize and protect abusers while disabling victims
- Coercive and controlling behaviours not yet recognized as criminal
- Victim blaming/failure to believe victims

Suggested considerations in the creation of a GBV/DV strategy for Ireland

- Establish a permanent government department, together with a minister of state, dedicated to gender equality and family issues.
- Ensure a robust legal framework is in place to underpin government initiatives and both civil and criminal justice processes related to GBV and DV. The framework to include an enforceable victims' bill of rights, if one does not already exist. Examine the existing legal regime with the objective of detecting and deleting legislation that supports gender biases and/or disadvantages women or gender-diverse citizens.
- Ensure that justice system professionals are well-trained in the dynamics of GBV and DV, including the negative effects of gender bias and trauma and that implementation of training is monitored and evaluated.
- Create a network of housing, legal aid and psychosocial support and services for survivors and treatment for perpetrators, with permanent funding.
- Develop a public information campaign about GBV and DV, and how to prevent it, as

well as how to maintain healthy relationships. It is particularly important to educate young people, both before and during the time when they are beginning to establish those relationships.

- Create a Victims Commissioner and/or Domestic Abuse Commissioner with independent oversight mandates – if they do not yet exist.

Appendix 4: Terms of Reference

1. To analyse and review the effectiveness of the current structure overseeing the delivery of domestic sexual and gender-based violence (DSGBV) policy and services in Ireland with particular reference to:
 - a. preventative policy and services
 - b. policies and services designed to respond to victims' practical needs
 - c. the criminal justice process of bringing perpetrators to justice quickly, and available effective rehabilitation
 - d. public awareness campaigns and informational measures to tackle discriminatory societal attitudes towards women and girls
 - e. policies and services in place to support victims throughout the criminal/investigatory process
 - f. data collection and analysis to inform policymaking across the sector.
2. To consult with relevant Government Ministers, Departments and agencies, NGOs and service providers, in particular to identify areas where the current allocation of responsibilities or funding has led to gaps or inhibited effective delivery, including to otherwise vulnerable groups
3. To conduct an evaluation of similar structures in other comparable jurisdictions where changes in practice can be seen to have had positive outcomes
4. To make recommendations regarding the optimum structure to lead coordination of Government policy and service delivery holistically, with specific reference to each category mentioned in (1).

