



6.3.2024

NOTICE TO MEMBERS

Subject: Petition No 0802/2023 by M. M. (Irish) on access to justice for victims of domestic violence in Ireland

1. Summary of petition

The petitioner is complaining that her children and herself are victims of domestic violence and they have no access to Irish Courts. She explains that her ex husband has made vexatious applications to court that have been proven to be false and that her maintenance hearing was never heard. She claims that the Minister for Justice has unlawfully legislated for an "intersection" in May 2023 where the police will be involved in a civil case where domestic violence took place, which she considers to be a step backwards for justice and in breach of high court orders in Ireland. She adds that Irish police allegedly do not investigate crimes against women and children being sexually abused. Therefore, she requests that mothers be not discriminated against anymore in the courts in Ireland.

2. Admissibility

Declared admissible on 24 November 2023. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 6 March 2024

Preventing and combating gender-based violence is one of the key priorities of the Commission and the Commission remains fully committed to promote women's rights across the EU. The Gender Equality Strategy¹, available in 23 languages, presents the Commission policy

¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A Union of Equality: Gender Equality Strategy 2020-2025, COM(2020) 152 final, 5 March 2020, [2023 report on gender equality in the EU \(europa.eu\)](https://european-council.europa.eu/media/en/press-communications/123456/attachment/123456/1.pdf).

objectives and actions to make significant progress by 2025 towards a Union of Equality free from all forms of violence against women and girls.

The Victims' Rights Directive² is the main horizontal instrument that provides for minimum standards on victims' rights. In particular, the Directive provides for a set of rights for all victims of crime, including a right to be recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner. Special attention should be paid to victims with specific needs, such as victims of gender-based violence and violence in a close relationship, in view of protecting them from secondary victimisation, retaliation and intimidation. Such victims shall also have access to specialised support services.

On 12 July 2023, the Commission adopted a proposal for the revision of the Victims' Rights Directive³ to further strengthen the rights of victims of crime in the EU. The proposal aims to ensure, *inter alia*, that victims' needs for support and protection are met accordingly and that victims can more effectively participate in criminal proceedings.

In March 2022, the Commission adopted a proposal for a directive on combating violence against women and domestic violence to ensure that victims of such violence receive adequate access to justice, protection and support. Moreover, the proposal includes an obligation for Member States to take appropriate actions to prevent violence against women and domestic violence, including through awareness-raising campaigns, research and education programmes, and trainings for professionals who are likely to come into contact with victims. The proposal includes an obligation to provide specific support to child victims of domestic violence.

Interinstitutional negotiations with the European Parliament and Council of the European Union are being finalized in February 2024. When the proposed directive is adopted by the Union co-legislators, it will have to be transposed into national law. The Commission will then assess whether the national laws of the EU Member States – including Ireland – meet the standards set at the EU level.

Furthermore, the EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), is a milestone in the EU's commitment to stepping up actions against gender-based violence across the Member States and in support of all victims of violence against women and domestic violence. The Istanbul Convention entered into force for the EU on 1 October 2023 and the EU is now bound by ambitious and comprehensive standards to prevent and combat violence against women in the area of judicial cooperation in criminal matters, asylum and non-refoulement and with regard to its public administration.

In addition, the Commission launched an EU network on the prevention of gender-based violence, bringing together Member States and stakeholders to exchange good practices in November 2023. Violence prevention focusing on men, boys and masculinities will be of central importance in its work.

Harmful patterns of behaviour are often influenced by prejudices, stereotypes and gender-

² Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, OJ L 315, 14.11.2012, p. 57.

³ COM(2023) 424 final, 12.7.2023.

biased customs or traditions. The need to overcome such stereotypes is recognised in the Istanbul Convention, which calls for a gendered understanding of violence against women and domestic violence as a basis for all measures to protect and support victims.

In this context, in November, the European Commission launched the second wave of its awareness-raising campaign to challenge gender stereotypes, which started on 8 March 2023. While it concerns all EU Member States and is available in all EU languages, it has a specific focus on young audiences. The campaign tackles gender stereotypes in different areas of life, such as career choices, sharing care responsibilities and decision-making, and focuses on youth engagement. The campaign materials are available for download in all EU languages on the campaign website⁴.

The Commission has also launched the “Eyes open” campaign on victims’ rights⁵ to raise awareness about victims’ rights and to promote specialist support and protection for victims with specific needs, such as victims of gender-based violence. The aim of the campaign is to create a movement of support and of people willing to see and recognise victims in their social circle, to help victims use their rights and inform them about the available victim support. During its 6 months of dissemination – from January to June 2023 - the campaign was very successful and well accepted by the target groups.

The Commission has no general powers to intervene in the day-to-day administration of the law enforcement or justice in the Member States. It can only do so if an issue of European Union law is involved. It is for the Member States, including their judicial authorities, to ensure that fundamental rights are effectively respected and protected in accordance with their national legislation and international human rights obligations. However, on the basis of the facts provided there seem a priori to be no indications pointing to a breach of EU law. The petitioner may pursue her case as appropriate at national level.

The Commission notes that Women’s Aid provide a 24-hour helpline (Freephone 1800 341 900) and support services for women and children who are victims of domestic violence, and a court accompaniment service, and that the petitioner may wish to be in contact.

Conclusion

As part of the Gender Equality Strategy, the Commission is active in several fronts in the fight against gender-based and domestic violence. The Commission remains fully committed to promote women’s rights across the European Union.

However, the Commission has no general powers to intervene in the day-to-day administration of the law enforcement or justice in the Member States. The petitioner may pursue her case as appropriate at national level.

⁴ [End Gender Stereotypes \(europa.eu\)](https://europa.eu)

⁵ [Keep your eyes open to the different forms of violence. | Victims Rights \(europa.eu\)](https://europa.eu)