



DRCC

Dublin Rape Crisis Centre

Collected submissions on

Third National Strategy on
Domestic, Sexual and Gender
Based Violence

2021 & 2022

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Dublin Rape Crisis Centre exists to prevent the harm and heal the trauma of rape and other forms of sexual violence.

For any questions on these documents, contact: drccpolicy@rcc.ie

National 24-Hr Helpline 1800 778888 | www.drcc.ie

1. Submission on the Third National Strategy on Domestic, Sexual & Gender-Based Violence

June 2021

1. About Dublin Rape Crisis Centre

The mission of Dublin Rape Crisis Centre (DRCC) is to prevent the harm and heal the trauma of all forms of sexual violence in Ireland. DRCC has been at the forefront of the Irish response to sexual violence for more than 40 years. That response includes:

- Running the National 24-Hour Helpline;
- Providing individual advocacy, counselling and other support;
- Accompaniment and support services for those attending the Sexual Assault Treatment Unit (SATU) and those reporting to An Garda Síochána or attending court;
- Data collection and analysis on trends and issues relating to sexual violence.

As a frontline service provider, we work with and support people who have been directly affected by sexual violence. Through our work in the DRCC, we see first-hand the life-long consequences of the trauma and harm caused by sexual violence of all kinds. We are also committed to eliminating its tolerance through education, awareness raising, advocacy and policy analysis.

2. About this submission

We welcome the opportunity to contribute to the consultation process on the Third National Strategy on Domestic, Sexual and Gender-Based Violence (DSGBV). This submission is supplementary to the opportunity DRCC had to participate in a review of the current strategy and the development of the next national strategy with the consultants, KW Research & Associates.

3. Context

The first and second national strategies have been a whole of Government response to tackling DSGBV. They contained a range of actions to be implemented by Government Departments and agencies aimed at changing societal attitudes through awareness raising, improving services to victims and holding perpetrators to account. We have structured our feedback to focus on what has worked well, and the gaps and challenges within the current strategy. While we note that the new strategy will be aligned with but not confined to the Council of Europe's Istanbul Convention we have included commentary on the four pillars of Prevention, Protection, Prosecution and Co-ordinated Policies.

4. What worked well in the 2nd National Strategy?

The establishment of a monitoring committee to oversee the strategy's implementation facilitated both dialogue and information sharing among state agencies and offered frontline organisations the opportunity to engage in the implementation and monitoring efforts.

5. What were the gaps and challenges?

The accountability and oversight mechanisms in place within the current strategy lack incentive structures to adequately encourage state agencies to achieve an end goal of eliminating DSGBV. To ensure this is addressed in the new strategy, there is need for a central focal point in government to co-ordinate all necessary actions for combating DSGBV. Among their many recommendations, the Citizens Assembly recently proposed that “*All Government action to prevent and counter domestic, sexual and gender-based violence should be coordinated by a Cabinet Minister with direct responsibility for implementation of a national strategy*”¹.

The current strategy committed to establishing a bottom line ‘gold standard’ of data collection and analysis by all agencies working in the areas of domestic and sexual violence. The data collection commitments have not been realised during the lifetime of this strategy.

Quality data collection is a core requirement of many European and International obligations to which Ireland is committed. The data action of the next strategy must include regular collection, communication and analysis of quantitative and qualitative data, disaggregated by variables that take into consideration the nature, prevalence and impact of all forms of gender-based violence.

6. Third National Strategy on DSGBV

Work on this new strategy comes at a time when a considerable amount of work is underway in the area of DSGBV.

Since 2017, Irish laws have been updated to provide legislative descriptions of consent, and its absence, as a basis for assessing sexual offences. Coercive Control is now recognised as a criminal offence in some domestic relationships. The reality that victims have rights has been spelled out in law.

More recently, we have seen the publication of the O’Malley Review; the consequent implementation plan: *Supporting a Victim’s Journey*; the Audit into how DSGBV services are organised and the recommendations of the Citizens Assembly. As the Citizen’s Assembly identified, Ireland’s ambition to advance gender equality cannot be realised unless the barrier created by DSGBV is comprehensively addressed. All of these will have a bearing on and influence the new strategy.

The ratification of the Council of Europe’s Istanbul Convention obliges the Government to align its laws to the Convention, introduce practical measures and allocate resources to implement

¹ Report of the Citizen’s Assembly on Gender Equality. June 2021 <http://citizensassembly.ie/en/about-the-citizens-assembly/report-of-the-citizens-assembly-on-gender-equality.pdf>

the Convention and adopt a zero-tolerance approach to violence against women and domestic violence.

In addition to these policy and legislative developments, there has been a wider recognition in our society, reflected in the Programme for Government, that DSGBV constitutes a hidden, prevalent, harmful epidemic in our society that condemns those who experience it to enduring hurt, trauma and injury and which creates barriers to a safe and healthy society.

As noted above, this submission takes account of the four pillars of the Istanbul Convention, while recognising that that Convention itself has its limitations and does not adequately protect all those who are victims/ survivors of DSGBV.

► **Key actions concerning the Prevention of domestic sexual and gender-based violence**

Ireland's law on consent is a basis for identifying the criminal nature of rape but the issues we face in relation to sexual violence are much wider than our laws. Cultural channels such as media, literature, legal development, the status of women and religious formation have all combined to produce assumptions and stereotypes that influence everyone's understanding of consensual sexual activity. This can allow harmful sexual violence to happen in a way that makes it hard even for the victim to name, let alone to confront the violence and the perpetrator of it. It is essential to promote awareness through campaigns and education to ensure that the public are fully informed of the various forms of DSGBV. The Convention obliges governments to promote and conduct awareness-raising campaigns in conjunction with civil society organisations. The new strategy should include awareness, prevention and education campaigns aimed at eliminating the tolerance of DSGBV in society which are both inclusive and accessible by all.

The Convention seeks to promote, through the educational sector, values of gender equality, mutual respect and non-violence in interpersonal relationships, non-stereotyped gender roles, the right to personal integrity and awareness about gender-based violence and the need to counter it. The last comprehensive prevalence study: Sexual Abuse and Violence in Ireland (SAVI) Report found that one in four adults experience sexual violence in their lifetime². In light of this knowledge education programmes need to aim concretely and specifically to prevent future generations from having similar negative experiences. Thus, an understanding of sexual abuse and violence: what it is, how to recognise it and what to do about it, including how to access support, should be integrated into programmes. Ultimately, a relationship and sexuality education programme that covers sexual health and risks, as well as teaching children and young people about consent, understanding boundaries and equality, what a healthy relationship looks like and how to stay safe in the physical and the cyber world, will ensure they have a good foundation of knowledge on which to make informed decisions.

² The SAVI Report (2002) *Sexual Abuse and Violence in Ireland* Hannah McGee, Rebecca Garavan, Mairéad de Barra, Joanne Byrne and Ronán Conroy. <http://www.drcc.ie/wp-content/uploads/2011/03/savi.pdf>

► **Key actions concerning the Protection of victim/survivors of domestic sexual and gender-based violence**

When preventive measures fail and DSGBV occurs, it is important to provide victim/survivors with protection and support.

This means police intervention and protection as well as access to the services of specialised support agencies, like refuges and rape crisis centres. Access should not be dependent on status or location.

The impact of the trauma DSGBV is not well understood. It can affect victim/survivors differently. It is a real harm which can damage a person and impede their capacity to live a full life. Failure to properly train all personnel who interact with victim/survivors of DSGBV can result in unnecessary re-traumatisation. Victims who come forward to report their crimes will benefit significantly if all personnel involved in providing frontline services to them including medical personnel, legal personnel, educators and social workers are adequately trained.

The new strategy must be to the forefront in the implementation of the recommendations and proposals for reform set-out in *Supporting a Victim's Journey: A plan to help victims and vulnerable witnesses in sexual violence cases*. Victim/survivors of DSGBV must have access to all the specialised supports they need and those providing the supports should be adequately resourced to provide them. As the nature and prevalence of DSGBV crimes change, then those within An Garda Síochána but particularly those within the Divisional Protective Service Units, need to be re-equipped through adequate re-training. It is also important that private family lawyers, child protection lawyers and criminal lawyers dealing with abuse within a family setting substantially increase their understanding of the practice of each other's specialities as victims may be or have been disadvantaged where one areas of law did not understand the other. Ultimately the new strategy must recognise that victim/survivors experience of DSGBV is shaped by many different factors and so that the actions, goals and timelines are tailored so that the outcome is one of equality.

► **Key actions concerning the effective Prosecution of domestic sexual and gender-based violence**

To ensure the effective investigation and prosecution of DSGBV offences, all those engaged in the justice system, and the State in general must respect, protect and promote the rights of victims throughout the justice process.

The O'Malley Report referenced an emerging aspect of victims' rights which gives rise to tensions in practice. The trial system is noted as 'binary'³ with two parties, namely the

³ Section 6.2: page 64 -

http://www.justice.ie/en/JELR/Review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf/Files/Review_of_Protections_for_Vulnerable_Witnesses_in%20the_Investigation_and_Prosecution_of_Sexual_Offences.pdf

prosecution and the defence. Greater recognition is needed of how trials can must take a better account of the ‘triangulation of interest’⁴ in the light of the greater recognition of victims’ rights. While the O’Malley report offers welcome suggestions for improvement, there needs to be a further, thorough re-assessment of how the criminal law process addresses violence and offences committed in private and intimate settings.

This needs to start from an enquiry whether such intimate violence can be effectively investigated and prosecuted and the rights of victims protected through certain incremental adjustments of the existing system, assuming that such crimes are similar to others. As the O’Malley Review contended, those who suffer such intimate violence may be vulnerable witnesses merely by virtue of the type of offence – in that case sexual offences – and the enquiry should identify how the ‘triangulation’ to protect the rights of the State, victim and accused could be met.

Such enquiry should also recognise how certain practices emerge from societal biases which seem to have little logical place in a criminal justice system seeking to attain access to justice for all those involved.

When proceedings are held in-camera, as many sexual offences are, there are less opportunities for external scrutiny. DRCC believes there is a need for a dedicated reporting system to go beyond media and headline reports but to report on the totality of cases, similar to the Child Care Law Reporting Project (CCLRP).

► **Key actions concerning the implementation of Co-ordinated Policies for domestic sexual and gender-based violence**

The Convention is based on the premise that no single agency or institution can deal with DSGBV alone. This is also clearly understood in practice.

An effective response to such violence requires concerted action by many different stakeholders so that policies to prevent and combat violence such violence is carried out at all levels of government and by all relevant agencies and institutions. The State’s response to DSGBV is dispersed across several government departments, state agencies and functions outsourced to a wide range of non-governmental organisations. The government’s audit to specifically look at how the responsibility for DSGBV is divided out and to develop proposals on what infrastructure is needed will inform the new strategy when it is published.

A key difficulty for the current Second National Strategy has been the reality that while certain departments and agencies contributed fully and actively to its implementation, not all did so. The Third strategy should clearly highlight that accountability for the elimination of DSGBV will be across many State functions and should also address how those various functions should address their responsibilities. As stated above, there will be a need for a central focal

⁴ Ibid.

point so that at a high level, there is a clear line of vision over all of the elements needed to achieve the strategy.

At the same time, there are mechanisms which are already in place which could encourage and build capacity in those functions. Under the Irish Human Rights and Equality Act 2014, all public bodies have a statutory duty to eliminate discrimination, promote equality and protect the human rights of everyone affected by their plans and policies.⁵

In addition, most State bodies as organs of the State are obliged to perform their functions in a manner compatible with the State's obligations under the European Convention on Human Rights.⁶We submit that these already existing obligations could be effective ways for all of the various functions which have to engage in order to effect positive change to utilise their own sectoral knowledge and expertise to analyse their obligations to respect, protect and promote the human rights engaged in the third national strategy and to devise and implement plans to accomplish it to allows all relevant departments to work towards advancing the prevention of DSGBV, using their individual expertise and knowledge and building their plans into their wider systems. In turn, the focal point/ mechanism above would ensure comprehensive implementation of the strategy.

⁵ Sec.42 Irish Human Rights & Equality Act 1942

⁶ Sec.3 European Convention on Human Rights Act 2003.



2. Template for submissions on the draft Third Domestic Sexual and Gender Based Violence Strategy Action Plan.

Submission Deadline: 5pm Friday 4th March 2022.

Name of organisation:	Dublin Rape Crisis Centre
Name of person:	Shirley Scott
Contact details:	shirley.scott@rcc.ie

Using the 4 pillars of the Istanbul Convention, under which the Strategy is written, answer in bullet point format the following questions:

Prevention:

Which actions here have the potential to have most impact?

All necessary but our top picks are: **1.1.1** Change public opinion. **1.1.5** Consent campaign. **1.3** Curriculum development. **1.6** Safe workplaces

What in your view is missing/needs significant modification within this section?

In **1.1** instead of “raising public awareness” it should be changing public opinion. In **1.1.5** Recognise that DoJ has already agreed partnership approach e.g. DRCC Consent Project. In **1.5** Objective wording unclear. Query the quite limited action in an area where digital abuse is well established & expanding. In **1.5.1** scheme of legislation won’t permit accountability for individuals, it needs an individual complaint mechanism, power to evaluate, regulate educational, and awareness programmes on online safety. In **1.6.1** there should be a plan to make sexual harassment in the workplace a health and safety issue akin to bullying to strengthen workplace safety. And a commitment from every state dept. and agency to lead in their own workplace and implement safe practices as part of IHREC’s Public Sector Duty. In **1.6.2** should include recommendation that all state funding be subject to fundee commitment to zero tolerance of DSGBV. In **1.6.4** wording unclear if it is NGO-based campaign, it is important to say which NGOs and what campaigns. General language – are specialist services/support agencies the same thing?

Protection

Which actions here have the potential to have most impact?

All necessary but top picks: **2.1.3** Information for victims. **2.2.1** National Services Development Plan. **2.6** Resources for those in prostitution. **2.3.1** Accommodation for those at risk.

What in your view is missing/needs significant modification within this section?

In general, the Protection pillar lacks the health dimensions, both physical and mental of DSGBV. **1.1** Comments above repeated. In **2.1** needs rewording. Something like “Adequate, extensive, and accessible information, on and off line, with interpretation and translation services available” more appropriate. In **2.1.2** we welcome the inclusion of FLAC but could also include the Legal Aid Board and the frontline services aiding victims. In **2.1.3** there is no mention of the Gardai who are often first point of contact. In **2.2** there needs to be a designated lead as not all services are synchronized. In **2.2.1** urgent need for such plan. Cannot await setting up of agency in 18/24 months-time. Who will lead? Where is the link to providers of health services - DoH or HSE? **2.2.2** surely best practice models should be secured for all groups and genders, to include specific gender/ other vulnerability provision as appropriate. In **2.3** there should be the over-arching aim to build the capacity for victims to live safely in their homes. In **2.3.1** we suggest barriers already known. Shouldn’t focus be on removing those barriers rather than duplicating research that exists on what they are? In **2.3.1** include victims of sexual violence, victims in residential institutions, trafficked individuals, and attention to vulnerable groups. In **2.4** objective should recognise exponential increase in demand will need new solutions. In **2.4** implementation needs to be clear on how local pathways will be supported. In **2.4** there needs to be a clear lead to ensure a streamline of information,



services, and supports, as well as accountability for the provisions of such. **2.4.4** Is lead of Tusla correct? In **2.4.7** this strategy should work to eliminate waiting lists of longer than weeks and should have that as an objective, rather than the last line of an action. Will need much thought as demand should continuously increase if strategy, aimed at the encouragement of more people coming forward in the health or prosecution area, is successful. Therefore, the best practice research should focus on how to meet increased demand. In **2.4.9** there isn't a recognition that the main solution for many victims is access to services not to prosecution. Therefore, Supporting a Victim's Journey shouldn't be the only/main resource utilized. In **2.5.2** why is it not associated with every SATU in the country to reduce trauma for child victims? In **2.6** should not include only therapeutic supports, but also employment, education, social protection supports. Also, continued research and building exit strategy capacity are needed with the inclusion of support agencies.

Prosecution:

Which actions here have the potential to have most impact?

All necessary but top picks: **3.1.1** Co-ordinated trauma informed training, **3.2.1** Implement Supporting a Victims Journey, **3.2.7** Increased access to legal aid, **3.4.1** Fully staffed and equipped DPSUs, **3.4.6** Risk assessment protocols.

What in your view is missing/needs significant modification within this section?

In **3.1** training should also be provided to prison & probation staff. Also, there is a lack of inclusion of specialists and NGOs in the training leads/supports. In **3.1** the trainings mentioned are all performed by lawyers to lawyers. They are no specialists in trauma-informed approaches. In **3.2** there should be an objective/ action to set timescales within which most investigations/prosecutions/ trials should take place from time of complaint – of say 1 year in high majority of cases. In **3.2.4** clarify meaning of objective. In **3.2.7 & 8** there should be recognition of role of DPER. This should be included as lead/support in all actions requiring resources and DPER should have an action to engage equality and gender frameworks financing this area. In **3.2.10** this action needs to be more specific to ensure accommodation is adequate, accessible and appropriate. In **3.2.9** Why include? Has already taken place. In **3.3** further action needed to build awareness of the impact of prostitution to reduce demand. Similar on sexual offences and consent. In **3.4.5** suggest further bullet points of 'other offences' new offences. Idea of a review cycle to identify outstanding/ emerging trends is a good one. Will need digital expertise for support. In **3.4.6** inclusion of specialists and NGOs is needed in this development. In **3.4.9** is an example of being too specific. Why not harassment/ intimate image abuse? **Missing from this set of actions:** Establish sentencing databases/ guidelines. Lack of focus on cybercrime (cyber violence called 'new' in 4.4). An action on research on the conduct and reporting of in camera cases dealing with DSGBV. Missing a victim's commissioner by way of external oversight.

Policy co-ordination:

Which actions here have the potential to have most impact?

All necessary but top picks: **4.1** Central Agency, provided interim measures are put in place, **4.2.1** Monitoring and evaluation, **4.3.3** Data collection.

What in your view is missing/needs significant modification within this section?

In **4.1** danger of inaction/ deferral while Agency being created is not addressed. Needs an action about interim measure. The designated lead/support is the DOJ. However, the objective emphasizes regional coordination structures. Where are local entities and NGOs? Are other DSGBV services currently under HSE to transfer? In **4.1.2**, action should include 'effective' before implementation. In **4.1.4** this may intend to refer to partnership of DOJ with DRCC on consent? Surely **4.1.4**, and **4.1.5** should be in Pillar 1? Action needed rather than policy/ oversight. In **4.2** this is essential and urgent. Cannot wait for agency establishment. Lack of such monitoring and research proved downfall of last strategy. Should issue in conjunction with implementation plans. Needs to include NGOs or specialists in building it. In **4.3.3** is this to ensure all State departments and agencies ('we') have uniform systems? In **4.3.4** implement – as it's underway, should this read ensure speedy completion? In **4.6** objective should be much wider to link to wide variety of national and international strategies e.g. DFA Women Peace & Security, anti-racism, anti-poverty. Audit of all govt. strategies to ensure comprehensive overview. Should be an action to ensure all govt. policies are gender proofed to include DSGBV strategy ambition. **Missing from this set of actions:** Actions to build capacity of specialist/ frontline agencies to meet increased need and increased involvement in strategy implementation.

3. Further Concerns on the draft Third National Strategy on Domestic, Sexual & Gender –Based Violence

March 2022

Context

Per the consultation of civil society on the draft Third National Strategy on Domestic, Sexual, and Gender –Based Violence, organizations were instructed to submit a 2–page short submission on further considerations or concerns. Dublin Rape Crisis Centre welcomed this call for short submissions, but we would also like the opportunity to outline broader considerations and concerns that the 2–page limit would not allow us to express.

Further Considerations and Concerns

Development of an Ad Hoc agency

We commend the Department of Justice in endeavouring to create a new agency devoted to domestic, sexual, and gender –based violence. We are, however, concerned by the time necessary to develop this agency. It is reasonable to assume that the many facets of constructing a new government agency and implementing its mission cohesively will take a few years. In the interim, we propose an Ad Hoc agency to address immediate actions required to aid victims of domestic, sexual, and gender –based violence.

Co–designing

We note the strong effort of the draftees in delegating lead/support agencies, but we are concerned with the general lack of codesign with other departments. It should be noted that there were failures to co–design in past strategies pertaining to these issues and, subsequently, objectives and aims were not met. Further consideration and potential modification of the draft would provide much needed clarity and reassurance on this issue.

Role of Lead Supports

We once again note the effort of the draftees in delegating lead/support agencies, but there is general lack of clarity on who is the lead. Without clarification of this role, it will be difficult to determine accountability.

External Accountability

We are concerned of the lack of external accountability. We propose an Oireachtas committee or Victims Commissioner to meet this significant gap in the draft strategy.

Measurement

We are concerned with the general lack of a methodology to set indicators or measure progress. We note that in Section 4.2 monitoring is mentioned, but this needs to be a priority in a plan which is due to start immediately, particularly where some actions appear to be very specific and some are very general. Furthermore, the terms ‘effective’ and ‘robust’ are used within the monitoring context without providing a clear scheme on how these are to be accomplished. The lack of effective monitoring mechanisms was a key handicap to the previous strategy.

Gender Budgeting and resourcing.

We are concerned with the general failure to include the Departments of Finance & PER as key actors, as well as with the lack of mention of gender and equality budgeting even where new resources are essential. We note there is a specific reference to DPER in 3.2.7 on legal aid, but the draft strategy fails to mention it elsewhere.

Scale-up specialists supports

We note in a lot of the objectives and their corresponding actions, NGOs and service providers are going to have to do as much if not more than they do already. If the strategy is successful, there will be an increased demand for services. We are really concerned that chronically underfunded, under resourced entities which have not had the funds to invest in infrastructure and business skills will be required to scale up dramatically. This will of course demand funding but also will require many services to adapt at speed while maintaining good governance and regulation. We urge the Minister to recognise need for supports as would be provided by Enterprise Ireland on business planning, management, communication, marketing, human resources and the like. Whilst the Innovation Fund mentioned at 4.10 is

welcome, it will be for ‘new’ projects and even there, there is no indication that the need to support infrastructure and business planning will be recognised.

Links to health systems

We are concerned there is rarely mentioned links to the health system in this draft strategy. While the links to the justice system are clear, the healing and counselling services which form a core part of this plan are mental health services and need to be aligned to that throughout the strategy.

Cyber/ Digital based violence

Much of the harm now engendered is as a result of digital abuse. This is unlikely to decrease. To counter this, we suggest that there needs to be more thought in actions across the plan to ensure expertise and attention to prevention and prosecution of harm originating from cyber.

Support Agencies and Speciality Services

We note that ‘support agencies’ and ‘speciality services’ are mentioned throughout the strategy. Yet, it is unclear whether these are meant to be used interchangeably or if there is a distinction between the two. Further consideration and modification of language would be helpful to understand the lead/supports allotted to each objective and action.
