



**National Women's Council**

**Submission to the**

**Joint Committee on Tourism,  
Culture, Arts, Sport and Media**

## Introduction

Founded in 1973, the National Women's Council (NWC) is the leading national women's membership organisation. We represent and derive our mandate from our membership, which includes over 190 groups and organisations from a diversity of backgrounds, sectors and locations across Ireland. Guided by our **Strategic Plan 2021-2024, No Woman Left Behind**, our mission is to lead and to be a catalyst for change in the achievement of equality for women. Our vision is of an Ireland and of a world where women can achieve their full potential and there is full equality for women.

With respect to this submission, NWC chairs the Irish Observatory on Violence Against Women which is an independent network of 20 grassroots and national organisations working together to improve Ireland's response to violence against women (VAW). NWC established and chairs the National Advisory Committee (NAC) supporting the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) Framework **Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions**. The NAC is a cross sectoral body of the Higher & Further Education sector whose members include the Irish University Association (IUA), the Higher Education Authority (HEA) and the Technological Higher Education Association (THEA), representatives from higher & further education institutions, the Union of Students of Ireland (USI) and student unions across Ireland. NWC, with partner organisations Ruhama and the Immigrant Council of Ireland leads the **Beyond Exploitation** campaign defending the human right not to be bought or sold for sex.

NWC is a member of the Monitoring Committee of the Second National Strategy on Domestic Sexual and Gender Based Violence which is tasked with working to ensure the full implementation of the Istanbul Convention on a national basis. NWC is also a member of the HEA Advisory Group on Ending Sexual Violence and Harassment (ESVH) in Higher Education Institutions (HEIs)

## NWC Recommendations

### The Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media should

- Implement the recommendations of the **Citizens Assembly on Gender Equality for the Arts**
- Implement the recommendations of the **SPEAK UP: A Call for Change** Report
- Advocate for the establishment of a full Cabinet Minister (or equivalent) to tackle domestic, sexual and gender-based violence (DSGBV), a Victims' Commissioner and a National Rapporteur on DSGBV
- Develop an Action Plan for the department and relevant agencies to meet their obligations under the **Istanbul Convention**, the **Third National Strategy** and the **Public Sector Equality and Human rights Duty**
- Require each agency for which the Department is responsible, to develop an Action Plan to meet their obligations under the Istanbul Convention, the Third National Strategy and the Public Sector Equality and Human rights Duty
- Attach social criteria, clauses and conditionality with sanctions, to all of its funding, commissioning and procurement processes to promote gender and equality actions and outcomes, including issues of sexual harassment & violence
- Actively promote the recently published **IHREC Code of Practice on Sexual Harassment and Harassment at Work** to all staff and those with HR and employer functions
- Advocate for the ratification of **ILO 190** the international labour standard to address gender-based violence (GBV) and harassment in work
- Take a leadership role in reviewing the protections available to self-employed and contractor workers including exploring the extension of the provisions of the **Safety, Health, and Welfare at Work Act 2005**
- Establish a stakeholder group similar to **Arts and Culture Recovery Taskforce** to develop practical interventions and long term recommendations
- Advocate for the development of a national **Bystander culture**

## A Safe and Respectful Working Environment in the Arts

NWC and its member organisations share a common understanding of violence and harassment against women as a cause and consequence of gender discrimination that needs to be located within a gender equality framework. Research such as the #WakingTheFeminists 2016 report **Gender Counts**<sup>1</sup> and the Arts Council 2019 **Equality, Human Rights and Diversity Policy and Strategy**<sup>2</sup> are therefore very welcome and a necessary recognition of the need for fundamental and systemic change across the Arts sector in terms of representation, participation, and acknowledgement of women as creators, producers, participants, and consumers of the arts. As recognised by the **Citizens Assembly on Gender Equality Report** in 2021,

*Ambitious, not incremental, change is needed to ensure political, business, sporting and cultural institutions are more representative of Irish society in terms of gender balance and representation of minorities. Without affirmative action to increase the number of women in representative office at national and local level, change will be too slow and we want to see change now*<sup>3</sup>

In recognition of the importance that's Arts and Culture to the achievement of gender equality in Ireland, the Citizen's made specific recommendations that relate to the Arts:

### **22. Public funding to cultural, sports, arts and media organisations should be contingent on:**

*(a) A quota of 30% representation of women, and of men, on their Governing bodies by 2025 and 40% by 2030.*

*(b) Published plans to advance gender equality in their organisations.*

*(c) Annual reporting on progress towards agreed quotas on gender representation and funding.*

NWC urges the Department to develop an Action Plan that can implement these recommendations. As part of our advocacy and campaigning on gender and equality budgeting NWC has long called for outcome focussed social investment. We urge the Department to attach social criteria, clauses, and conditionality, to all its funding,

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<sup>1</sup> <http://www.wakingthefeminists.org/research-report/>

<sup>2</sup> <https://www.artscouncil.ie/uploadedFiles/EHRD%20Policy%20English%20version%20Final.pdf>

<sup>3</sup> <https://citizensassembly.ie/en/previous-assemblies/2020-2021-citizens-assembly-on-gender-equality/about-the-citizens-assembly/report-of-the-citizens-assembly-on-gender-equality.pdf>

commissioning and procurement processes to promote gender and equality actions and outcomes.<sup>4</sup> We note that witnesses to the Joint Committee<sup>5</sup> and the Speak Up Report have made similar recommendations.<sup>6</sup>

Creating a safe and respectful working environment should also address issues of low pay, precarious employment, the gender pay & pension gap, the care deficit, and the lack of diverse leadership in the Arts sector. The **Citizens Assembly on Gender Equality Report 2021** makes significant and radical recommendations that address these issues and NWC urges the Department to actively advocate and support the reforms, investment and actions outlined in the Report to ensure a sector that is equal, just and inclusive for all women.

## Violence Against Women

Violence and sexual harassment of women is a complex, widespread issue, constituting the most serious violation of women's human rights in Ireland today. Ending it is critical to ensuring women are safe and free to participate fully in society. Yet, Ireland has historically had a weak state response to the scale of the issue and to the different experiences of the most disadvantaged groups of women. Despite ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence, the Istanbul Convention,<sup>7</sup> the state is still at early stages of fully responding to the urgency of action required and publicly we have struggled as a society to recognise the epidemic of violence and harassment that so many women are faced with daily.

NWC awaits the forthcoming publication of the Third National Strategy (TNS) on Domestic, Sexual and Gender-Based Violence (DSGBV), welcoming its alignment with the obligations set forth in Convention, the substantive co-design and consultative process undertaken in its development by the Department of Justice and the emphasis on Prevention evident in the draft summary<sup>8</sup>. In addition, NWC notes that the state will make its first report to GREVIO,

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<sup>4</sup> <https://www.nwci.ie/learn/publication/a-feminist-recovery-plan>

<sup>5</sup> [Joint Committee on Tourism, Culture, Arts, Sport and Media debate - Wednesday, 17 Nov 2021 \(oireachtas.ie\)](https://www.jointcommitteeonartsandculture.ie/debate/wednesday-17-nov-2021)

<sup>6</sup> <https://www.irishtheatreinstitute.ie/wp-content/uploads/2021/10/ITI-Speak-Up-A-Call-for-Change-Report-Oct2021-Final-WEB.pdf>

<sup>7</sup> Hereafter referred to as the Istanbul Convention or the Convention, used interchangeably.

<sup>8</sup> <https://www.justice.ie/en/JELR/DSGBV-Summary-Documents/Files/DSGBV-Summary-Documents.pdf>

the committee of experts monitoring implementation of the Convention in August 2022<sup>9</sup>, at which time each sector of the Irish state will be required to outline the actions it has taken to meet the obligations of the Convention.

As part of its submission to the TNS<sup>10</sup>, NWC has recommended each governmental department or agency be required to draft their own Action Plan on the TNS to ensure that there is departmental buy-in and ownership of their role in addressing Domestic, Sexual and Gender based violence. Each department/agency would be required to furnish an annual or biannual Progress Report to the coordinating body/agency to ensure oversight and accountability of the Strategy as a whole. As such we welcome the attention and focus on the issue of in the Arts sector and hope that the department will develop a clear and coordinated action plan on how it will implement actions to deliver on its obligations.

**Please see the NWC submission to the 3<sup>rd</sup> National Strategy for our comprehensive recommendations including key governance principles:**

1. A whole of Government approach
  2. Driven and coordinated and by a person/team in a senior position
  3. Permanence of responsibility and office/agency
- The establishment of a full Cabinet Minister (or equivalent)
  - A Victims' Commissioner
  - A National Rapporteur on DSGBV

NWC recommends the Department actively advocate and support these calls for reforms, investment and actions which could be transformative in creating a national culture of zero-tolerance of violence and harassment of women.

The **SPEAK UP: A Call for Change** report and its comprehensive recommendations provides a strong framework for sectoral reform. The findings of its **Speak Up ACTION Survey** that

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<sup>9</sup> <https://www.coe.int/en/web/istanbul-convention/timetable>

<sup>10</sup> [https://www.nwci.ie/images/uploads/NWC-3rd\\_National\\_Strategy\\_DSGBV\\_Submission\\_JUNE\\_2021.pdf](https://www.nwci.ie/images/uploads/NWC-3rd_National_Strategy_DSGBV_Submission_JUNE_2021.pdf)

*the majority of those surveyed have experienced and witnessed harmful workplace behaviours that undermine people's right to dignity at work<sup>11</sup>*

is both shocking and unfortunately mirrors similar sectoral surveys, including the recent **Report on the National Survey of Student Experiences of Sexual Violence and Harassment in Irish Higher Education Institutions** and **Report on the National Survey of Staff Experiences of Sexual Violence and Harassment in Irish Higher Education Institutions**<sup>12</sup>. These surveys are part of the innovative work of the Department of Further and Higher Education, Research, Innovation and Science (DFHERIS) which includes the requirement for publicly funded higher & further education institutions to develop and publish Action Plans to tackle sexual violence and harassment in higher education<sup>13</sup>. The development of these plans is part of the funding agreements made between institutions and DFHERIS and NWC recommends this as a possible model for the Dept. of Tourism, Culture, Arts, Gaeltacht, Sport and Media also. The Department must require each agency for which it is responsible and provides public funding,

- To develop an Action Plan to meet their obligations under the Istanbul Convention, the Third National Strategy and the Public Sector Equality and Human rights Duty

And the Department should

- Attach social criteria, clauses and conditionality with sanctions, to all of its funding, commissioning and procurement processes to promote gender and equality actions and outcomes, including issues of sexual harassment & violence

The Department should proactively promote the responsibilities and obligations of employers and service providers in the Arts sector who are subject to **the Equal Status Acts 2000-2018** **Employment Equality Acts 1998-2015 (EEA)** and those who are in receipt of public funding should also be reminded of any obligations that have under the **Public Sector Equality and Human rights Duty**. This should include the active promotion of the recently published **Code of Practice on Sexual Harassment and Harassment at Work**<sup>14</sup>. The Code of Practice has been

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<sup>11</sup> [https://www.irishtheatreinstitute.ie/wp-content/uploads/2021/10/ITI-Speak-Up-A-Call-for-Change-Report-Oct2021\\_Final\\_WEB.pdf](https://www.irishtheatreinstitute.ie/wp-content/uploads/2021/10/ITI-Speak-Up-A-Call-for-Change-Report-Oct2021_Final_WEB.pdf)

<sup>12</sup> <https://www.gov.ie/en/publication/09bb5-report-on-surveys-of-experiences-of-sexual-violence-and-harassment-in-higher-education/>

<sup>13</sup> <https://www.gov.ie/en/press-release/391b5-minister-harris-welcomes-publication-of-action-plans-to-tackle-sexual-violence-and-harassment-in-higher-education/>

<sup>14</sup> [https://www.ihrec.ie/app/uploads/2022/03/Codes-of-Practice-Sexual-Harassment-FA\\_Digital.pdf](https://www.ihrec.ie/app/uploads/2022/03/Codes-of-Practice-Sexual-Harassment-FA_Digital.pdf)

approved by the of the Minister for Children, Equality, Disability, Integration and Youth and its provisions of are admissible in evidence in proceedings before a court or in proceedings under the EEA and in proceedings before the Workplace Relations Commission ('WRC') or the Labour Court. NWC has also called for the Irish government to ratify the international labour standard to address gender-based violence (GBV) and harassment in work was developed, **ILO 190**. If ratified by the Irish state, legislation and measures to protect & support workers experiencing GBV in the workplace would be mandated for development and strengthen the provisions of the EEA in this area.

However, as outlined by both witnesses to the Committee and the **Speak Up report**, many workers in the Arts sector do not fit the definition of employee and are not covered by the provisions outlined above. In addition, many venues, festivals, programmes and events are not in receipt of public monies. As with all workers who are in precarious employment these workers are more vulnerable to instances of harmful behaviours in work. As legitimate self-employed persons and contract working arrangements expand through the Irish labour force including the Arts sector, the safety and wellbeing of workers must be ensured. No-one should be excluded from the protections of the state from harassment and sexual violence in the workplace due to their employment conditions. Considering the particular circumstances of Arts workers, the Department should take a leadership role in advocating for a review of the protections afforded legitimately self-employed and contract workers impacted by these issues. In the first instance, NWC recommends the Department explores the extension of the provisions of the **Safety, Health, and Welfare at Work Act 2005** to these workers, possibly through the development of a Statutory Instrument.

The Department should build on the positive experiences of addressing the needs of Arts workers through the **Arts and Culture Recovery Taskforce** during the pandemic, and convene a similar stakeholder group with ICTU, contractors, employers, promoters, specialist support agencies working in ending DSGBV, and Dept. officials to develop practical interventions and long term recommendations, both for this specific group of workers and for the wider Arts sector as it seeks to challenge this harassment and violence.



Ultimately, women and girls will be safe and secure when society has a complete zero-tolerance approach to violence and harassment. This requires Ireland to develop a national Bystander culture where perpetrators are held to account and we all have a role to play in naming, challenging, and sanctioning all forms of harassment and violence. NWC recommends that the Department undertakes actions specific to its sectoral responsibilities but also advocates and acts to support the development of such a national culture through both political but also artistic and cultural advocacy and activism.

**For more information, please contact Jennifer McCarthy Flynn, Head of Policy**

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