



Oireachtas Committee on Justice

General Scheme of the Domestic, Sexual and Gender-Based Violence Agency Bill

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The National Women's Council would like to thank the Oireachtas Committee on Justice for the opportunity to present on the proposed General Scheme of the DSGBV Agency Bill.

Founded in 1973, the National Women's Council (NWC) is the leading national women's membership organisation. NWC represents and derives its mandate from its membership, which includes over 190 groups and organisations from a diversity of backgrounds, sectors and locations across Ireland. NWC's mission is to lead and to be a catalyst for change in the achievement of equality for women. NWC's vision is of an Ireland and of a world where women can achieve their full potential and there is full equality for women.

NWC also chairs and convenes the National Observatory on Violence Against Women. The Observatory was established in 2002 and is an independent network of grassroots and national organisations that come together regularly to monitor progress on DSGBV in Ireland. It provides an important space for organisations to work towards improved policies and service provision to prevent DSGBV and support women victim-survivors of male violence. It raises visibility of the phenomenon of DSGBV, monitors government commitment at the national and international level—the Observatory links with the European Women's Lobby (EWL) European Observatory on Violence against Women.

NWC strongly welcomes the establishment of the DSGBV Agency as it will provide new coordination and a clear structure for delivering the Government's Strategy on DSGBV. The Agency will include a wide range of crucial functions to tackle DSGBV.

For the purposes of this brief presentation, we will focus on two key points of the NWC submission that we consider vital for the Agency to effectively and efficiently deliver a zero tolerance approach to DSGBV and that NWC and the National Observatory on VAW have historically been advocating on these issues through previous submissions and engagements.

It is important to highlight that the discussion about this Bill is taking place in the context of Ireland adopting a number of crucial international obligations and instruments¹, such as the Istanbul Convention, as well as multiple policy and legal changes aligning with the provisions of this Convention in the past decades².

This Bill to establish the Agency is an important step towards addressing DSGBV and it would be greatly strengthened by acknowledging via a preamble the importance of this Agency in the Irish context, including its purpose to promote Zero Tolerance, and recalling the Istanbul Convention and key international obligations to combat DSGBV adopted by Ireland, as part of a broader framework of fundamental human rights obligations.

1. Ensure Inter-agency collaboration and a whole-government approach

The Third National DSGBV Strategy acknowledges that a whole government approach involving all the relevant Departments, agencies and bodies is necessary to respond to DSGBV. For this Agency to be effective in its functions, cross departmental and multi-agency co-operation must be enabled by strong legislation, accompanied by a recognition of the role and commitments to meeting their responsibilities.

Without this in place, inter-agency collaboration coordinated by the new Agency will be challenging and we risk repeating errors from the past, such as fragmentation of policy development and service

¹ The Council of Europe Convention on Preventing and Combating Violence against Women; the UN Convention on the Elimination of All Forms of Discrimination against Women, the European Convention on Human Rights Act 2003; the European Convention on Human Rights (ECHR, 1953) and the European Court of Human Rights' jurisprudence; the UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and CEDAW's General Recommendations; the International Covenant on Civil and Political Rights (ICCPR, 1966); the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966); the UN Convention on the Rights of the Child (CRC, 1989); the UN Convention on the Rights of Persons with Disabilities (UNCRPD, 2006); the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organised Crime (the Palermo Protocol); UN Security Council Resolution 1325 on women, peace and security; the 2014 European Parliament resolution on sexual exploitation and prostitution and its impact on gender equality; the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention, 2007) and the Committee of Ministers to the Council of Europe Recommendation Rec(2002)5 on the protection of women against violence. Ireland is also bound by relevant EU Directives and regulations, 'in particular in the areas of judicial cooperation in criminal matters (especially as regards crime prevention and the rights of victims of crimes), equality between women and men and asylum policy'.

² Such as the coordination of all Government Actions set out by the National Strategies and implementation plans, such as the Third National Strategy 2022-2026, the enactment of the Female Genital Mutilation Act 2012, the Domestic Violence Act 2018, the transposition of the EU Victims of Crime directive through the Criminal Justice (Victims of Crime) Act 2017, the Criminal Law (Sexual Offences) Act 2017 and 2019, the Health (Regulation of Termination of Pregnancy) Act 2018 and the Criminal Law (Extraterritorial Jurisdiction) Act 2019

delivery competencies between different agencies, and dispersion of responsibilities across multiple government departments.

Therefore, NWC recommends for the Functions of the Agency on Head 14 to Insert a New subclause (8) to Provide that the Agency shall have all such powers as are necessary for the performance of its functions to oblige all public service bodies to fulfil obligations under agreed DSGBV strategies, policy and legislation.

On the issue of data collection and analysis, the Bill currently limits the Agency's function to assist only in the development of statistical information. The Implementation Plan of the Third National Strategy on DSGBV clearly gives a stronger and leading role to this new Agency, with the support from the CSO and the specialist and community based organisations.

Systematic and adequate collection of disaggregated data is crucial, not only to document the prevalence of DSGBV, but also to inform the legal and policy frameworks regulating the prevention, response and prosecution components, which Ireland did not fulfil under its Second National Policy. Therefore, NWC recommends Inserting a New subclause Head 14 (1) (m) to provide that the Agency coordinates the establishment and implementation of a 'gold standard' of data collection and analysis by all relevant public service bodies, with the support of specialists and CSOs.

2. Ensure meaningful participation of CSOs (including survivors) in functions and the membership of the Board

The Third National DSGBV Strategy is very clear about the importance of the genuine collaboration between CSOs and the Department of Justice, the development of the Strategy showed a positive commitment to move beyond traditional models of consultation to a more deliberative process of partnership and joint problem solving. This led to an ambitious comprehensive Strategy capable of tackling the complexity of DSGBV. It is critical now that the legislation establishing the Agency reflects this approach.

We are concerned that the current Bill does not clearly outline the mechanisms to ensure meaningful collaboration of CSOs in the performance of the Agency's functions. It is important that further clarity is provided in the legislation regarding the participation of CSOs in the functions of the Agency. NWC would like to see the recommendation of the explanatory report to the Istanbul Convention reflected in the legislation by putting in place operating guidelines, protocols and training for the Agency that will ensure meaningful CSO participation in the Functions of the Agency.

In addition the composition of the Board of the Agency is not reflecting this approach with regard to inclusion of civil society organisations and survivor experience.

This collaboration needs to be embraced, integrated and actioned throughout the establishment and performance of the Agency to ensure that the new structure is effective and has the capability to full deliver the ambitions of the Strategy.

Therefore, on Head 14, NWC recommends that the Agency not only focuses on CSOs consultation, but to Insert a New subclause (2) (d) to Provide that in performing its functions the Agency collaborates with civil society, including the participation of victims and survivors, on planning, implementation and monitoring of DSGBV, including guidelines, protocols, resources, funding and training of professionals. With regards the Board of the Agency, NWC recommends for Head 18 (2) (d) that The Board of the Agency shall be comprised of at least 2 members of CSOs and that the full composition of the Board reflects the diverse needs and experiences of all women survivors of DSGBV, including Traveller and Roma women, migrant women, disabled women.

We appreciate your consideration of our proposals and the full outline of our recommendations are contained in our [submission](#).