

# Women's Aid Submission to the Joint Committee on Gender Equality on the Recommendations of the Citizens' Assembly

March 2022



Women's  Aid

## Introduction

Women's Aid is a national, feminist organisation working to prevent and address the impact of domestic violence and abuse (henceforth DVA) including coercive control, in Ireland since 1974. We do this by advocating, influencing, training, and campaigning for effective responses to reduce the scale and impacts of domestic abuse on women and children in Ireland and providing high quality, specialised, integrated, support services. More information on Women's Aid is available on our [website](#).

Women's Aid is pleased to provide a submission to the Joint Commission on Gender Equality on the recommendations made by the Citizens' Assembly on Gender Equality regarding Domestic, Sexual and Gender-based Violence (henceforth DSGBV).

## Summary

The Citizen Assembly made a number of recommendations regarding domestic, sexual and gender-based violence. These include Recommendations 37 to 41 under the heading *Domestic, Sexual and Gender-based Violence* as well as Recommendation 27 under the heading *Norms & Stereotypes and Education* and Recommendation 24 under the heading *Leadership in Politics, Public Life & the Workplace*.

Women's Aid agrees with all the recommendations mentioned above and will discuss some of them in more detail below.

## Relevant recommendations of the Citizen Assembly on Gender Equality

**Recommendation 37.** *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.*

Women's Aid agrees with this recommendation, which has been included in the Third National Strategy on DSGBV, with the Minister for Justice taking on the coordination role. We welcome this

development, and emphasise the critical/vital role of the central oversight to ensure all of government realise and meet their obligations. This must have clear and well-resourced structure and secretariat to ensure it can do so effectively.

We also reiterate the importance of specialist NGOs being actively involved working in collaboration with senior officials of the Statutory bodies in monitoring the implementation of the Strategy.

**Recommendation 38.** *Eliminate tolerance in our society of domestic, sexual and gender-based violence by developing and implementing awareness, prevention and education campaigns which may include children of an appropriate age on: (a) The impact and harm caused by domestic, sexual and gender-based violence. (b) Supports available to victims/survivors.*

Women's Aid strongly agrees with this recommendation and notes that the draft Third National Strategy on DSGBV includes a number of relevant and welcome actions.

However, we would like to emphasise the importance of **specific research-based awareness campaigns** and **in depth interventions** for Young People's (including minors) who experience DVA in their own intimate relationships, (not just where they are subject to DVA as children in their family).

A recent WHO global prevalence review has found that intimate partner violence starts early, with 24% of women aged 15–19 years and 26% of women aged 19–24 years having already experienced physical and /or sexual violence by an intimate partner<sup>1</sup>.

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1 Lynnmarie Sardinha, Mathieu Maheu-Giroux, Heidi Stöckl, Sarah Rachel Meyer, Claudia García-Moreno, Global, regional, and national prevalence estimates of physical or sexual, or both, intimate partner violence against women in 2018. WHO, 2022, available at: <https://www.thelancet.com/action/showPdf?pii=S0140-6736%2821%2902664-7>

Our own research<sup>2</sup> confirms that in Ireland **1 in 5 young women** (18-25) have suffered relationship abuse by a current or former intimate partner, including psychological abuse and coercive control, physical abuse, sexual abuse and coercion, financial abuse and online abuse. For **51%** of these young women the abuse started when they were **minors**. The research also shows that a significant number of young people are not aware of the legal remedies afforded to survivors of domestic abuse/coercive control nor of services available to support them.

Further research Women's Aid carried out in 2021 found that there is a need for greater awareness to help young people challenge the social norms and behaviours that justify and enable men's violence, and to model healthy, mutual, positive and respectful relationships. Young people demonstrated a strong desire to intervene and keep each other safe from abusive intimate partners, however they expressed concerns on how to do this safely and effectively and wished for more support and information to be able to do so. Our research concluded that there is a need to **work more with young people** to increase their understanding of intimate partner abuse and knowledge of supports available and how to help<sup>3</sup>.

**Recommendation 39.** *Support justice for victims/survivors by:*

*(a) Reviewing and reforming the courts system - including the family courts - to better protect and support victims/survivors of domestic, sexual and gender-based violence and their dependents and remove barriers to justice.*

*(b) Developing guidelines and specialist training for judges and lawyers regarding the treatment of victims/survivors, including the exclusion of the consideration of sexual history, character, attire and counselling/medical records.*

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2 Women's Aid, 2020, One in five young women suffer intimate relationship abuse in Ireland, available at [https://www.womensaid.ie/assets/files/pdf/one\\_in\\_five\\_women\\_report\\_womens\\_aid\\_2020.pdf](https://www.womensaid.ie/assets/files/pdf/one_in_five_women_report_womens_aid_2020.pdf)

3 Women's Aid, 2021, Yes it's abuse: Young people's understanding of and attitudes to intimate relationship abuse, available at [https://www.womensaid.ie/assets/files/pdf/yes\\_its\\_abuse\\_-\\_young\\_peoples\\_understanding\\_of\\_attitudes\\_to\\_intimate\\_relationship\\_abuse.pdf](https://www.womensaid.ie/assets/files/pdf/yes_its_abuse_-_young_peoples_understanding_of_attitudes_to_intimate_relationship_abuse.pdf)

*(c) Introducing tougher sentences and rehabilitation programmes for the perpetrators of domestic, sexual and gender-based violence and sexual crimes.*

*(d) Providing specialised confidential health care and other support services for victims/survivors including legal representation.*

*(e) Putting in place a Victims/Survivors Commissioner as an independent advocate and voice for victims/survivors.*

Women's Aid strongly supports this recommendation. Our day to day work as well as our research confirm that the justice system, including both Family Courts and Criminal Courts often fail women and children who are victims of Domestic Violence and Abuse.

Women's Aid has held serious concerns about family law outcomes and processes for many years. Women regularly tell us that proceedings are biased against them and that many professionals, including judges and child report experts, do not understand the issues faced by women separating from an abuser nor the impact of domestic abuse on children.

Women's well founded fears for the physical safety and the psychological well-being of their children and themselves are often dismissed. Criminal behavior is not taken into account in the Family Law Court even when the abuser has been convicted of serious offences against the mother or a sibling of the child. Orders under the Domestic Violence Act are similarly not taken into account as domestic violence is considered a "separate issue".

At times, when a woman reports the abuser to the Garda and/or Child Protection because of criminal behaviour against herself or her children or seeks protective orders under the Domestic Violence Act, she is made out to be a "vindictive" or "alienating" mother in the Family Law Court. The current attention given to the discredited theory of Parental Alienation is very worrying in this regard.

Moreover, the voice of the child is often not heard in proceedings and their expressed wish not to be forced to have contact with an abusive parent is ignored.

As a result, custody and access orders are made which are dangerous and/or detrimental to the safety and the well-being of children and their mothers and which allow the abuse to continue post separation.

Access to Legal Aid is also problematic, with Legal Aid over-stretched and not sufficiently resourced to meet need.

The Government is currently in the process of doing important work on Family Law, including establishing a dedicated Family Law Court and developing a Family Justice Strategy.

Unfortunately, there is no data in Ireland on the number of family law cases (including separation, divorce, custody, access and maintenance) where domestic violence is an issue. However, data from other countries suggest that domestic violence is a feature of many relationships ending up in the Family Law Courts, and that proceedings in these cases are particularly difficult and protracted. Women's Aid believes that for these developments to make a real impact, domestic violence victims/survivors must be recognised as a **key Family Court user group** and work on Family Law reform must be **designed with the safety of victims of domestic violence and their children at its heart**, with this group actively consulted.

#### **Reform must include:**

- training for all professionals, (including judges and expert child welfare assessors) on domestic violence and coercive control, impact of DVA on children and post separation abuse.

- establishing a scheme of regulated and trained experts to provide assessment on the safety and welfare of the child in Custody and Access cases where there is DVA or child abuse.
- improving coordination and linkages between Family Court, Criminal Courts and Child Protection.
- screening, fast-tracking, risk assessment and case management for DVA and child abuse cases.
- improvement of Family Court accommodation and facilities.
- ensuring ways to hear the voice of the child.
- extending access to Legal Aid.
- safeguards in relation to mediation where DVA is alleged.
- establishment of safe contact centres.<sup>4</sup>

In relation to criminal justice, a range of offences are committed against women by their partners and ex-partners such as: assault, threats to kill, rape, false imprisonment, sexual assault, trespassing, breaches of DV orders, abduction, attempted murder. In the worst case scenario Domestic abuse can end in murder. 57% of women killed in Ireland since 1996 were killed by a partner or ex-partner.

A 2019 Women's Aid study<sup>5</sup> found that women did not think the Criminal Justice System made them safer nor provided them with justice. While individual professionals within the CJS provide an excellent response, and some recent developments in a Garda Síochána response must be noted, such as the establishment of DPSUs and Operation Faoiseamh, the system itself is not designed

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4 For more information, see Women's Aid submissions to the Family Justice Oversight Group, February 2021 and to the Family Court Bill General Scheme, February 2021 both available at <https://www.womensaid.ie/about/policy/publications.html>

5 Women's Aid, Mazzone, M. (2019) Unheard and Uncounted: Women, Domestic Abuse and the Irish Criminal Justice System. [https://www.womensaid.ie/assets/files/pdf/unheard\\_and\\_uncounted\\_women\\_domestic\\_abuse\\_and\\_the\\_irish\\_criminal\\_justice\\_system\\_full\\_report.pdf](https://www.womensaid.ie/assets/files/pdf/unheard_and_uncounted_women_domestic_abuse_and_the_irish_criminal_justice_system_full_report.pdf)

with victims of domestic violence in mind, whereby crimes are committed repeatedly against the same victim who has significant emotional, family and financial ties with the perpetrator.

The criminal justice system incident based approach minimise the experiences of survivors, as generally only a few recent incidents are taken into account. The impact of the cumulative experience of abuse and the serious risk the perpetrator may pose are often invisible to the Court. The disconnect with the Family Law system mentioned above also works against victims obtaining safety and justice.

A victim-centered approach should include: measures to ensure safety in court, providing the support of victims' advocates for court related matters, linking all women with support services in relation to non-legal needs and engaging victims as participants in the legal process by providing information, updates and where possible choices. Moreover, delays and adjournments should be minimised as much as possible<sup>6</sup>.

*Supporting a Victim's Journey, a plan to help victims and vulnerable witnesses in sexual violence cases*, is a promising model of a victim-centred reform which will also benefit victims of DVA who have suffered sexual abuse from their partner. **A similar comprehensive review and plan should be developed to support victims of other forms of DVA in the criminal courts, including coercive control.**

Given the complexity of this issue, the interconnection with other systems and the low level of satisfaction women victims of DVA have with the CJS Women's Aid supports the establishment of a Victims/Survivors Commissioner as an independent advocate and voice for victims/survivors.

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<sup>6</sup> For more information see Women's Aid Submission to the Criminal Justice Sectoral Strategy: Public Consultations Women's Aid, August 2020, available at <https://www.womensaid.ie/about/policy/publications.html>



**Recommendation 40.** *Ensure sufficient publicly funded provision of beds, shelters and accommodation for victims/survivors of domestic, sexual and gender-based violence across the country and their dependents in line with the Istanbul Convention.*

Women's Aid is very pleased that this recommendation has been included in the draft Third National Strategy under Action 2.3.2 Develop, resource, and implement an agreed Strategic Accommodation Solutions Development Plan to implement the recommendations of the Review of Emergency Accommodation for victims/survivors of DSGBV

We agree with the findings and recommendations of the above mentioned Review, addressing emergency accommodation needs. However, there is also a need to provide for **long term housing** for victims of DSGBV. This is a major issue for survivors, especially in light of the overall housing crisis in the state. Medium and long term accommodation for victims of DVA must be included in the National Housing for All strategy.

Women's Aid also believes that more should be done to give victims of DVA the option of remaining safely in their own home while removing the perpetrator. Moreover, barriers to eligibility for social housing must be eliminated and the DV Emergency Rent Supplement, piloted during the Covid-19 emergency should be retained.

**Recommendation 41.** *Recognise female genital mutilation (FGM) as a ground for seeking asylum, and provide culturally sensitive specialised services for victims/survivors.*

Women's Aid agrees with this recommendation, but we do not have any further comments.

**Recommendation 24.** *Strengthen legislation, reporting and monitoring of press and social media by:*

*(a) Holding technology and social media companies accountable for immediately removing online content that constitutes sexual harassment, bullying, stalking, sexually violent or abusive content that they have identified or about which they have been informed.*

*(b) Penalising and eliminating hateful and abusive language, including on the basis of gender, with regular reviews to ensure legislation keeps pace with technological advances.*

Women and girls dis-proportionally experience severe type of cyber-harassment, including cyber-stalking, online sexual harassment and image based sexual abuse.<sup>7</sup>

A lot of progress has been achieved in this regard, particularly with the enacting the Harassment, Harmful Communications and Related Offences Act 2020, which has created new offences in relation to image based sexual abuse.

However criminal prosecutions take time and, for a variety of reasons, do not always go ahead. For many women, the most pressing concern is to **have harmful content removed** before it goes viral and causes significant and permanent damage. A fast, free and effective way to remove harmful content, especially but not only in relation to image-based sexual abuse, is needed.

We are aware that further work on online abuse is in progress through the Online Safety and Media Regulation Bill, which will establish an Online Safety Commissioner and that in this context the Minister has established an expert group to look into the viability of individual complaints mechanism, so far not included in the Bill.

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7 EIGE, 2017, Cyber violence against women and girls. Available at <https://eige.europa.eu/publications/cyber-violence-against-women-and-girls>

Women's Aid strongly believes that individual complaints and most importantly providing the Online Safety Commissioner with the power to make take down orders is essential to hold technology and social media companies accountable and to protect women and girls online.

***Recommendation 27. Curriculum review and development should:***

*(a) Promote gender equality and diversity.*

*(b) Explicitly cover gender power dynamics, consent and domestic, sexual and gender-based violence – both online and offline – within the revised Relationships and Sexuality curriculum.*

Women's Aid believes that Education is vital for preventing all forms of DSGBV and is delighted that the Citizen Assembly included this recommendation in its report. The draft of the Third National Strategy includes a number of actions to implement this recommendation, which we support.

ENDS