

March 2023

**Women's Aid Submission  
to the General  
Scheme of the Domestic,  
Sexual and Gender Based  
Violence Agency Bill**



Women's  Aid

## **Submission to the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill**

### **Introduction**

Women's Aid is a leading national organisation that has been working in Ireland to stop domestic violence against women and children since 1974. In this time, the organisation has built up a huge body of experience and expertise on the issue, enabling us to best support women and share this knowledge with other agencies responding to women experiencing domestic violence. More information is available at [www.womensaid.ie](#).

Women's Aid welcomes the General Scheme of a DSGVB Bill and we look forward to the establishment of the Agency. We make the following suggestions in relation the General Scheme:

### **Head 2**

- i. The definition of "service provider" is unduly restrictive, as it does not include providers which in whole or in part provide functions other than support services for victims. These functions include for example policy, advocacy, awareness raising and cultural change. All of these functions are necessary to achieve significant reduction of the rate of DSGVB and to strive towards its elimination. This should be reflected in the definition of service provider (Head 2) as well as in the functions of the Agency as outlined in Head 14 (see below).
- ii. We are surprised that the DPP and the Legal Aid Board are not included in the List of "public service body" in Head 2 and agree with Safe Ireland that they should be included, as they play a crucial role in protecting victims of DSGVB and prosecuting offenders.

### Recommendations

In Head 2 (1) under Interpretation:

1. amend the definition of service provider by deleting “(a)” so that it reads  
*“service provider” means a person involved in the provision (other than for profit) of services which, in the opinion of the Agency, are consistent with the Agency’s functions under Head 14(1);*
2. include the DPP and the Legal Aid Board in the list of public service bodies.

### Head 3 and Head 4

- iii. The wording below, repeated in Head (3)(2)(a) and Head 4(1) describing the functions of the Agency, public bodies and service providers does not mention anything in relation to accountability of the perpetrators of DSGBV  
*the purposes of increasing awareness and understanding of the nature and prevalence of domestic, sexual and gender-based violence, reducing its incidence, or protecting and supporting victims and persons at risk,*
- iv. While other state agencies are tasked with criminal and civil sanctions, there are aspects of perpetrator accountability that the Agency could and should be involved in, such as perpetrator programs, monitoring that sanctions are effective and suggesting policy and legislation to increase perpetrators accountability. Certain public bodies and service providers also carry out these functions in relation to perpetrators and should collaborate with the Agency in this regard.

### Recommendations

3. That in Head 3 (2) (a) and Head 4 (1), the wording is changed to  
*“the purposes of increasing awareness and understanding of the nature and prevalence of domestic, sexual and gender-based violence, reducing its incidence, protecting and supporting victims and persons at risk, **and ensuring accountability of perpetrators**”.*

### Head 13

- v. It is essential that the staff of the Agency, whether moved to it from Tusla or otherwise hired/appointed, has relevant experience in DSGBV and that they are provided with appropriate and ongoing training, which should be devised in conjunction with specialist women's services who have a wealth of experience and knowledge on these issues.

### Recommendation

4. Insert a provision in Head 13 to specify that staff of the Agency shall have relevant experience and shall be provided with ongoing specialist training in conjunction with specialist services.

### Head 14

- vi. Women's Aid has a number of suggestions to improve clarity and extend the functions of the Agency, as follows:

Firstly, Women's Aid believes that the Agency should lead on and coordinate the State response to DSGBV. As such it should have a comprehensive role, encompassing a range of functions. While service provision is an essential one, other functions are equally important and this should be reflected in this Head. In particular, the Agency, drawing from the experiences of specialist service providers and in consultation with them; should have a key role in generating new policy and proposing legislation to address any gaps and emerging issues relating to DSGBV. This should be as well as leading in cultural change and awareness raising, commissioning research and the promotion /coordination of data collection from service providers and relevant state agencies.

The overarching role of the Agency in combating DSGBV is very important and needs to be made explicit.

#### **Recommendation**

5. To insert at the start of Head 14 a description of the overarching role of the Agency, for example:

*“The Agency overall role is to lead, develop and coordinate the State response to DSGBV, in consultation and partnership with specialist service providers”.*

- vii. Women’s Aid also believes that a key function of the Agency should be to lead in and coordinate the implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (henceforth Istanbul Convention).

#### **Recommendation**

6. That the following line is added in Head 14 (1)

*“(I) coordinate the implementation of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence”.*

- viii. In Head 14 (1) (a) to (k), listing the functions of the Agency there is nothing in relation to perpetrators accountability, leaving perpetrators invisible and outside the scope of the Agency.
- ix. While other state agencies are tasked with criminal and civil sanctions, there are aspects of perpetrator accountability that the Agency could and should be involved in, such as

perpetrator programs, monitoring that sanctions are effective, and suggesting policy and legislation to increase accountability.

#### Recommendation

7. That the following line is added in Head 14 (1)

*“(m) collaborate with relevant state agencies to ensure accountability of perpetrators”.*

- x. Head 14 (d) regarding the provision of information on services, specifies that information is also provided to children and young people. There is however no mention of other specific groups, (for example people with a disability, migrants, ethnic minorities etc.), whom may also need tailored information. It is important that this vital information is delivered to groups who experience marginalisation or disadvantage and may need additional inclusion measures, as noted in the Third National Strategy on DSGBV<sup>1</sup>.

#### Recommendation

8. Women’s Aid suggest that “and groups with additional challenges/vulnerabilities” or similar wording should be included in (d) so that it reads

*“(d) compile, maintain and appropriately promote and distribute information (including information for children and young persons **and groups with additional challenges/vulnerabilities**) regarding services available nationally to victims of domestic, sexual or gender-based violence and persons who may be at risk of these forms of violence”.*

---

1 ZERO TOLERANCE Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026, page 20



- xi. In Head 14 (e), outlining the role of the Agency in information campaigns, the Agency is to provide “advice and support” in the development of campaigns by civil society organisations. For clarity Women’s Aid suggest that the role of the Agency is expanded to clearly include funding for this purpose.

#### Recommendation

- 9. To amend the last lines of Head 14 (e) so that it reads

*“provide **advice, support and funding** in the development and promotion of relevant information campaigns by other public bodies and civil society organisations;”.*

- xii. Head 14 (j) outlines the functions of the Agency in advising and making proposals on policy matters. Women’s Aid believes the Agency should have the same role in proposing legislative changes which the Agency may believe to be necessary and appropriate.

#### Recommendation

- 10. In Head 14 (j) include “**and legislative**” after policy.

- xiii. Head 14 (k) outlines the research and data collection functions of the Agency. Women’s Aid welcomes this inclusion, however this data collection function seems limited to statistical information relevant to the planning of services for victims. While this kind of data is essential much more is needed, for example on prevalence of various forms of DSGBV. Data is also lacking from various systems that interacts with

victims such as the justice and the health systems. The Agency should therefore oversee, promote and support data collection from relevant government agencies and ensure regular prevalence survey are carried out, as per Article 11 of the Istanbul Convention.

### **Recommendation**

**11.** Women's Aid recommend to reword Head 14(k) to extend the data collection function of the Agency so as to ensure the data collection requirements of the Istanbul convention are met.

### **Head 18 and Head 19**

- xiv. These Heads deal with membership of and recommendation for appointment to the Board of the Agency. They establish that only 2 members of the Board need to have experience in the key function of the Agency, that is, only 2 members out of 9 (8 members plus the Chair) need to have relevant expertise in DSGBV with 2 members having expertise in governance and 2 in financial management.
- xv. Women Aid is surprised at the low number of Board members with specific expertise required and suggests that consideration is given to increase it in both Head 18 (2)(b) and Head 19 (4)(a).
- xvi. Expertise in DSGBV is very specific and essential in making sure that any intervention, whether in service provision or policy/legislation, does not inadvertently harm rather than benefit victims/survivors. Women's Aid believes the Agency would benefit by having a greater number of members with specific expertise.

### **Recommendation**

**12.** That consideration be given to increase the minimum number of Board members with specific DSGBV expertise in Head 18 (2)(b) and Head 19 (4)(a)



### Head 28 Corporate Plan

xvii. Head 28 (3) states that

*Before preparing the corporate plan the Agency shall make arrangements for obtaining views from bodies or persons who are likely to have an interest in the content of the plan.*

and Head 28 (4) states that the Agency shall have regards to such views (among others)

xviii. Women's Aid believes it is important the relevant DSGBV service providers are specifically mentioned here, as they have a wealth of expertise and they are partners of the Agency in delivering services and achieving the goals of the National Strategy.

### Recommendation

13. In Head 28 (3) specifically mention the above services thus

*3) Before preparing the corporate plan the Agency shall make arrangements for obtaining views from bodies or persons who are likely to have an interest in the content of the plan, including relevant DSGBV service providers.*

### Head 36

xix. Women's Aid is concerned that there is nothing in this Head regarding criteria for selection of the service providers, in particular in relation to their expertise on DSGBV.

Women's specialist services have a long history of providing such services and recognising their critical role is required by Article 9 of the Istanbul Convention.

### Recommendation

14. Women's Aid recommends that criteria for the selection of service providers are included, which recognise the expertise and role of specialist women's services.

### Head 38

- xx. Women's Aid notes that subhead (1) of Head 38 amends the Child and Family Agency Act 2013 by deleting paragraph (b) of section 8(3) thereof, viz. the reference to "care and protection for victims of domestic, sexual or gender-based violence, whether in the context of the family or otherwise" as a function of the Child and Family Agency.
- xxi. We understand that this relates to the transfer of this function from Tusla to the new Agency. However, Tusla remains responsible for child protection therefore will remain involved in families where there is domestic abuse to provide services and protection to children at high risk in these circumstances.
- xxii. Children living with domestic violence are often at high risk of abuse: child abuse and intimate partner violence often co-occur, with the perpetrator abusing both the partner and the children. Moreover, even when not targeted directly, children suffer emotional abuse when witnessing the abuse of their mother and/or other family members.
- xxiii. In practice therefore Tusla will retain responsibility for the care and protection of **child victims** of domestic violence in certain circumstances. Similarly, Tusla will retain a leading role in protecting children from other forms of DSGBV, such as: trafficking/ sexual exploitation of minors or Female Genital Mutilation.
- xxiv. There needs to be vigilance to ensuring that this agency and Tusla not only clarify their mutual and distinct responsibilities to avoid creating gaps – but also to avoid duplication

and facilitate best practice in holistic family support to include specialist DSGBV services working in conjunction with Tusla staff in the best interests of all victims and survivors - adults and children.

- xxv. Women's Aid therefore is concerned that deleting altogether paragraph (b) of section 8(3) of the Child and Family Agency Act 2013 may inadvertently create a legal vacuum regarding which agency has responsibility for children where child protection and domestic abuse (or other forms of DSGBV) overlap.

### Recommendation

**15.** Women's Aid recommend re-considering the wording of Subhead (1) of Head 38. To make sure Tusla there remains some recognition that Tusla retains responsibility in some circumstances for the protection of **child victims** of domestic abuse and other forms of gender-based violence in some instances, and that the agency will need to work effectively with Tusla to ensure a holistic, joined up response to children and families.

### Guiding principles

- xxvi. Women's Aid also supports the inclusion of Guiding Principles in Head 1 as suggested by Safe Ireland in their submission.