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Ireland's Response to Domestic, Sexual and Gender-based Violence: An Interview with Orla O'Connor

Deirdre Kelly

Technological University Dublin (<Deirdre.Kelly@tudublin.ie>)

Abstract:

Orla O'Connor is the Director of the "National Women's Council of Ireland" (NWC), the leading national women's membership organisation with over 190-member groups. She has held senior management roles in several non-governmental organisations for over 25 years. *Time* magazine recognised her as one of the 100 Most Influential People in 2019 for her role as Co-director of "Together for Yes", the successful national civil society campaign that was influential in Ireland voting overwhelmingly in favour of removing the Eighth Amendment from the Constitution, a landmark referendum, which led to the legalisation of abortion in 2018. In addition to campaigning for women's reproductive rights, Orla has spearheaded several other prominent campaigns related to women's rights, including pension reform, social welfare reform, and the introduction of quality and affordable childcare. To mark the annual international campaign of the "16 Days of Activism against Gender-based Violence" – which started on 25 November with the "International Day for the Elimination of Violence Against Women", and ended on 10 December, "Human Rights Day" – Orla was interviewed on 8 November 2022. O'Connor discusses recent Irish legislation and policy developments in relation to Domestic, Sexual and Gender-based Violence (DSGBV), in particular, the government's ambitious "Third National Strategy" on the issue – the "Zero Tolerance Plan" – published in 2022. The following transcript has been edited for length and clarity.

Keywords: Domestic Violence, Legislative Changes, Gender-Based Violence, Sexual Violence, Violence Against Women

DK: Do you think the government's approach to handling the funding crisis for domestic violence provision is sufficient? I'm thinking, for example, of the plans outlined in the "Third National Strategy" to invest 363 million euros to tackle Domestic, Sexual and Gender-based Violence (DSGBV); to double the number of refuge spaces; and to improve services and supports for victims.

OOC: Right now, it's not sufficient because we're coming from a low base in terms of funding. There has been a real crisis,

particularly in terms of refuge spaces. The “National Women’s Council” has been campaigning on this because it’s such a key issue for our members, particularly those working on domestic violence and providing frontline services. We’re very supportive of the new strategy on DSGBV and the commitment to providing appropriate refuge spaces and accommodation. That is very welcome. So is the commitment by the Minister that the funding will be in place. We’re not at the right place now at all, but we certainly are much more hopeful in terms of the new Strategy and the background work that’s going into what appropriate accommodation should look like. There’s a lot of work happening in partnership with frontline services that’s really positive. It’s definitely on the right track but we’re certainly not there yet and we’re not meeting the commitments of the Council of Europe’s Istanbul “Convention on Preventing and Combating Violence Against Women and Domestic Violence”, which Ireland ratified in 2019.

DK: What do you think of the recent legislation on the plans for tackling DSGBV, such as the criminalisation of coercive control (Domestic Violence Act 2018) and of non-consensual distribution of intimate images (2020, known as Coco’s Law) and as you mentioned, the Zero Tolerance plan (2022)?

OOC: Coercive control was a significant campaign by many members of the “National Women’s Council”. We feel that the legislation on this is a huge step forward in Ireland, but also in Europe, because now other countries are looking at how coercive control is working in Ireland in terms of adopting it. This was really important in terms of saying domestic violence is not all about physical violence and physical abuse. It’s also about emotional and psychological abuse, which is an inherent part of domestic abuse. Criminalisation of coercive control is a really positive change, one that we campaigned for and really welcomed. There are now cases coming forward and that’s really positive, but it’s also about the message and how we understand domestic abuse now.

Legislation in itself is good, but there needs to be a greater awareness of it. We certainly would have liked to see a much greater national awareness campaign around coercive control. We are seeing the government put in place much better awareness campaigns, but they need to go hand in hand with all legislation. For example, new legislation on stalking, you’ve mentioned Coco’s Law. Awareness campaigns have to happen both for the state agencies, but also for women so that they know that they can go and report these new offences and that supports are there.

DK: You campaigned a lot in relation to the “Turn Off the Red Light Campaign” and then the “Criminal Justice Sexual Offences and Human Trafficking Bill” 2022. The “Third National Strategy” has outlined plans to provide better protection for vulnerable women against sexual exploitation. Do you think that this is sufficient and that it addresses the needs of people who are forced into prostitution?

OOC: This is a really critical issue for us in the “Women’s Council” and for our members and particularly for the front-line services on both domestic and sexual violence. They were all part of “Turn Off the Red Light” and are part of working with us now in terms of both looking at the current legislation but also looking at the gaps. I think there is a really big gap in the support for women to move out of prostitution and out of the sex trade. That’s an area that we want to see more focus on. A key aspect to this is the fact that prostitution, the sex trade and commercial sexual exploitation are now included in the definition of gender-based violence in the new government strategy. That’s a huge step forward for tackling sexual violence and goes further than the Istanbul Convention. It now means that women in prostitution need to be

included in all of the areas of the Strategy – protection, prosecution, prevention and coordinated policies – in a way that they haven't been before. We see that as really important and significant progress, and it provides an important mechanism to address the gaps in terms of how we support women, and the wraparound services we need to provide, particularly as recent research by the Sexual Exploitation Research Programme (SERP) shows that over 90% of those in the sex trade in Ireland are migrant women. At the moment, there's no wraparound support that includes addressing the immigration status of women which is critical to supporting migrant women in prostitution.

DK: You have worked a lot with the “Beyond Exploitation” civil society campaign.

OOC: The “Beyond Exploitation” campaign includes the “Women’s Council”, “Ruhama” – the organisation that works with women in the sex trade – and the “Immigrant Council of Ireland”, working in partnership and then there are civil society organisations that support it. There are two key elements to “Beyond Exploitation”. One is the support for the equality model in terms of the criminalisation of men and secondly the support for women in the sex trade. There has been a lot of focus on legislation and there needs to be so much more work done now in terms of supporting women out of the sex trade.

In the National Women’s Council of Ireland (NWCI), we have done quite substantial research into what the public’s thoughts are on the issue of pornography and that needs to be included in our work on sexual violence to a greater degree. Often the issue of the sex trade in the media is framed in quite narrow terms between those who see prostitution as a form of work and then us, the “Women’s Council”, being categorised as those who don't. Our research shows that the public are actually very concerned about the harms of prostitution, about women in prostitution, and about how you support women out of it. The public are also concerned about tackling the causes of prostitution, such as poverty, immigration, trafficking. That's been really useful in “Beyond Exploitation” as well, because it brings the discussion out much broader than the very polarised way it's characterised in the media.

DK: What is the relationship of NWCI with the “Immigrant Council of Ireland”?

OOC: We work very closely with the “Immigrant Council of Ireland”. They are a member of NWCI and they're a really positive organisation, in the work they do with migrant women as well as on the whole issue of migration. We support their campaigns and they are also members of the Observatory on Violence Against Women, which is a network of national organisations and front-line services focused on ending violence against women.

DK: What do you think the government have done or should be doing to promote the status and address the well-being of migrants, particularly migrant women in Ireland?

OOC: There is so much more we can do to address the well-being of migrant women, migration status, employment opportunities, racism and institutional racism, issues in relation to direct provision, access to services and the representation of migrant women across all sectors of our society. There is also a critical need to support migrant women who have come to Ireland as a result of the Ukrainian crisis. The Immigrant Council and Community Work Ireland are supporting a civil society approach to supporting Ukrainian people in Ireland. We had called for a national emergency committee in the same way there was for COVID – that was cross-de-

partmental and that would have key leads – and that hasn't happened. Our members are really concerned, both in terms of the lack of support for Ukrainian women and children, but also in terms of the lack of that national approach which is leading to difficulties in communities. We need to be so careful around this because it's a really vulnerable space in terms of where the far right, for example, can move into. We need that national approach, but we also need much greater supports for organisations on the ground and we're very conscious of that. We recently had a members' meeting on this, and members noted that some of the accommodation wasn't suitable – particularly in areas where people were being housed in hotels – and that the supports weren't there, especially in terms of health supports for women. Women's organisations have been trying to fill that gap and that's really difficult, to meet health needs and translation needs.

A central issue for migrant women is the system of Direct Provision and we welcomed the “White Paper on Ending Direct Provision”, which has been put aside. The “White Paper” – published in early 2021 – made a number of commitments to improve the treatment and reception of asylum seekers in Ireland. There are many people in “Direct Provision” who should and could have been moved out into accommodation, but because of the housing crisis, that hasn't happened. There really is a crisis in terms of all these issues, both in terms of how we're handling the Ukrainian crisis, but also the issue of “Direct Provision” because it's tied with our housing crisis.

DK: What do you think of the new “Higher Education Sexual Violence and Harassment Implementation” plan and the promise of an extra 1.5 million euros in funding, announced by Minister Simon Harris in October 2022?

OOC: This is one of the areas that we, the NWC, have been working on with the Department of Further and Higher Education, Research, Innovation and Science. This started a number of years ago in the “Women's Council” because we had a European transnational project that started this work. While there was work taking place on campuses around consent and student campaigns, there was very little happening in terms of wider support at a leadership and governance level in Higher Education Institutions (HEI) and at a strategic level in the Department of Education. So the NWC brought together the higher education institutions and the student bodies under the “National Advisory Committee” (NAC). That set the foundations for the work of the Department in developing a Framework for consent and supporting initiatives in HEI throughout the country. We're very positive about it. It's needed. However, there are issues that still have to be tackled and one of them is the power of the Department and the Higher Education Authority (HEA) over the universities to ensure that change is happening. They're all required to do action plans for how they're addressing this issue of harassment and sexual violence. But the HEA doesn't have the power to go in and investigate, to check that they're doing what they say they're going to do. Also, we want to see a more comprehensive approach so that in addition to including measures focusing on students we need to see the inclusion of all staff in HEI, everyone who's working on campuses, so as to achieve the zero tolerance approach.

DK: Keeping with education, what do you think of the current plans to overhaul the “Relationships and Sexuality Education” (RSE) and the “Social, Personal and Health Education” (SPHE) in schools?

OOC: Much needed. We really need a comprehensive RSE programme within both primary and secondary schools. The review that's happening at the moment is badly needed. We made submissions to it in relation to both primary school and second level. It's going to need

real leadership from the Department of Education to ensure that schools actually roll out a comprehensive programme because it's so *ad hoc* at the moment and there are so many different things happening in different schools. There's still no comprehensiveness about it and it's also very weak in many schools. It is significant progress that sex education is included in the Third Strategy on DSGBV and the commitments in the Strategy need to be reflected in the current Review. Including the issue of consent in the new curriculum will be important and also that it needs to start from primary school and continue to secondary and on to Third Level.

DK: I'm already trying with my three-year old!

OOC: I saw a fascinating video on social media. It was for children going into school to teach them about consent and they were very young. It was about how children want to be greeted in the school, so they pressed a button to signal if they wanted a high five, a hug, to shake hands or if they didn't want to be touched that day. This is so clever in terms of teaching consent from an early age, that the children get to choose and they get to choose in terms of touch as well. That's the type of thing that we need to do, and not just one day on sex education.

DK: I read an interesting quote from you about Women's Health on your "National Women's Council" website in relation to your "Every Woman" campaign, about women's health taking up all the stages of a woman's life. How do you see the government's "Women's Health Action Plan" 2022-2023 fitting into that idea?

OOC: It's important that the government have a "Women's Health Action Plan". This is one of the things that we campaigned for because for a long time, there have been men's action plans and there wasn't a focus on women's health. The reason the new plan is good is that it shows that the Department of Health and those working in health services see women's and men's health needs differently and that targeted measures are needed. So that is positive. The "Women's Health Action Plan" focuses on particular areas. It's not considering every area of women's health, but it does focus on particular areas and that is positive and if it was implemented would bring things forward. A lot of work went into the current "Health Action Plan" in terms of the 'radical listening exercise', which involved listening to the experiences of women and included a specific focus on the experiences of marginalised women. The plan commits to continuing to listen to women and responding to women's needs. I think that's really important and needs to happen. Women are in the best place in terms of talking about their health needs and what they need in terms of managing their own health and being given much more agency in terms of their health management. That needs to be in-built to policy development and delivery of services to a much greater degree so it's not just these once-off consultations. There needs to be a clear pathway for how that will be continued in the implementation of the Plan. You're right to raise the question of comprehensiveness. The "Women's Health Action Plan" targets particular areas where they think that change is possible and I can see that it makes sense pragmatically. Of course, we want to see progress on all areas of women's health.

DK: What's your view of the scheme announced in 2022 to make contraception freely available to 17 to 25-year olds?

OOC: I think it's really positive. That was one of our recommendations from the time of

the “Repeal the Eighth” campaign. It was part of the Joint Oireachtas Committee’s ancillary recommendations. When they recommended the constitutional change, sex education and contraception were seen as a way of reducing crisis pregnancies in the long term. For us in the “Women’s Council”, this is one positive step, but we obviously want to see that extended, and we also want to see the way in which contraception is made available to be more accessible. It needs to be universal contraception. Contraception that’s universally and freely available to anyone who needs it whenever they need it.

We’ve done a reiteration of “Every Woman”. We launched “Every Woman” about a year before the referendum, and we launched a new version focusing on issues of contraception and sex education and the reforms needed in our abortion legislation to ensure every woman can access abortion when they need it in Ireland. In relation to contraception, we recommend that contraception can be made available in pharmacies because they’re so much more accessible than going to your General Practitioner (GP), particularly with the shortage of GPs. Not all contraception can be made available in pharmacies but the contraceptive pill can be made available. It’s available in Scotland for example, and now in the United Kingdom. We want to see more accessibility as well as it being more universally available. It’s really important for those who need it. They should be able to get it in consultation with their doctor and it should be available to get in pharmacies.

DK: What’s your view on the plans for the National Maternity Hospital?

OOC: We campaigned for the hospital to be a secular hospital. We didn’t want it to be part of “Saint Vincent’s Healthcare Group”. We were very concerned about the whole approach. That campaign has gone on for a long time in terms of the hospital. There have been changes made and some of those are absolutely positive. But, ultimately, we will spend millions on a hospital that still won’t be a secular hospital. We have very few secular hospitals. There was a motion at our Annual General Meeting (AGM) about two years ago that really affirmed that, in terms of saying we needed to continue to campaign for secular health services and education and that’s very much our position. We still have concerns about the close relationship with Vincent’s, and the governance structure. There’s the issue of the influence of the church but also, this is very much a private body and we want to see public hospitals that are secular.

DK: What do you think needs to be done about the perinatal mental health service?

OOC: From all of our work, both in terms of women’s health and particularly in terms of mental health, there has been a real absence of perinatal services and support services. It’s positive to see the new developments in this area.

DK: And a broader absence of mental health services?

OOC: Absolutely. Yes. We’ve done quite a bit of work in terms of looking at issues around women’s mental health, but this issue of perinatal services really came up as part of that and looking at supports in relation to postnatal depression, but also looking at supports for women right through pregnancy and after pregnancy. It’s good that we’re seeing some focus on this, but this is something that’s really going to have to be worked on because, again, it’s one of those issues that we’re coming at from such a low base. But you’re right, the whole area of mental health is something that really needs radical reform.

DK: What do you think of the domestic violence leave, proposed in the “Work Life Balance and Miscellaneous Provisions Bill” 2022?

OOO: That's really important. For practical reasons it's important in terms of providing leave for victims, for women who are going to court, but also for needing leave in terms of having space. The original “Private Members’ Bill” from Sinn Féin was ten days. The government have settled for five days. Our view is that it should be as long as possible. The 10 days made sense. In addition to the practicalities of it, it's also the message it sends out. We're talking about at least one in four women who will have experienced domestic violence and it absolutely affects every aspect of their life, including their working life. There's something really important about this leave highlighting the fact that this is happening to women. It affects their working life and it brings it more out into the open. In a way, so much of domestic violence and abuse is hidden and this leave moves away from feeling ashamed and instead encourages those affected to say ‘look, this is something that's happening and yes I need support for it’. It makes supports more accessible for people. There are lots of reasons why this is important as well as the practical aspect.

DK: What did you think of the response of the Irish Business and Employers Confederation (IBEC) to it?

OOO: I have to say I thought their response, in terms of looking for proof, was very negative and unnecessary. It showed a real lack of understanding in terms of domestic violence and how difficult it is to come forward. Imagine how difficult it would be for a person to say to their employer, ‘this is what's happening to me’. Then imagine looking for proof. It almost assumes that somebody would be using the leave for another excuse. We know from all our work with women how difficult it is to say that they are victims of domestic violence. IBEC's response really showed very poor understanding, which was surprising as I think that we are at a point where there is a better understanding of domestic violence.

DK: Particularly if you take into account the psychological abuse aspect of it, which is very difficult to prove anyway.

OOO: Yes. I think that's very important about the leave. It's not just about appearances in court where you have to bring a letter, it's about recognising that this is really difficult and those affected may need time off to cope with it for different reasons.

DK: In early November 2022, the Minister for Justice, Helen McEntee, announced the introduction of new laws on gender-based violence, such as the maximum sentence for assault causing harm, the family Court Bill, and said that they will hopefully be in place by the end of 2022. Do you think what they're suggesting is sufficient or do you think more needs to be done?

OOO: I think these pieces of legislation are important. We've welcomed them. So have other services and organisations in the area because again, it moves us forward in seeing these offences as serious offences and also recognising the serious impact they have on people. We have this really good strategy now and it's important that those pieces of legislation go forward. It's also important that we look at the implementation of the whole strategy because there are so many different key pieces in it. That's going to be the real challenge for the department, for the Minister and for the government. This is an ambitious strategy and it's going to need work on all fronts across the four

pillars of the Strategy and the Istanbul Convention. Keeping the pressure on, keeping the momentum there, putting the resources in place, all of this is going to be a challenge. Our job, in the “Women’s Council”, is really to try and push this now and to hold them to account because in our view this is a really positive strategy. If that whole strategy was implemented, women would be in a much better place in Ireland in terms of both domestic and sexual violence and all forms of violence. But we know we’re also good in Ireland at coming up with strategies that we don’t necessarily go on to deliver. That is the challenge. Yes, these pieces of legislation are good, but within that wider context of needing to keep this moving on all fronts.

DK: In your view, how could Ireland better fulfil its commitments under the Istanbul Convention?

OOO: I think there are some key things that are now in the strategy, so that’s good, but there are aspects that we just have really been poor on. One very specific one is the data. This has been cited repeatedly. It was in our previous strategy and we still aren’t really in a better place. One positive thing on the data is that the “Central Statistics Office” will do the prevalence study on sexual violence and there’s a commitment to have a similar one on domestic violence. But the real gap is in the data that comes from the different agencies. For example, if I’m writing something now, I’m still quoting the “EU Fundamental Rights Agency” data. It’s years old. The data that comes from the Garda Síochána, from Tusla (“The Child and Family Agency”), from the courts, we still haven’t found a way to bring that together.

Data allows both the government and the department, but also us and civil society to analyse it, to see where we are making progress, where the gaps are. We know that there are high attrition rates, but we don’t exactly know where women are coming out of the system and what could be done to prevent that because we lack that data. It’s a fundamental part of the Istanbul Convention. The “Women’s Council” chairs the annual “Observatory on Violence against Women”, which brings together all the Non-Governmental Organizations (NGO) who work on violence against women. In November 2022, we launched the first Shadow report on “Greivio” for Istanbul, which says that Ireland is not meeting the requirements of the Istanbul Convention but if we did what was in the new strategy, then we would be meeting the requirements. The government has, through the strategy, met the requirements of Istanbul but the question is will they be implemented. Right now we’re not meeting Istanbul in lots of different areas and we certainly aren’t in terms of what they call the gold standard of data collection. We’re not meeting the refuge numbers that are laid out in Istanbul but that is now in the strategy. If what is in the strategy is implemented, then we will be meeting our requirements. One aspect that was important about the strategy and within Istanbul in terms of the policy coordination and the institutional pillars is the support for civil society and we have been weak on that in Ireland. One of the important parts of the strategy was that they used a co-design process. The strategy was co-designed with civil society and it was, I would have to say, probably one of the strongest collaborations I’ve seen in terms of working with our sector to tackle gender based violence. That co-design process is meant to follow through throughout the implementation of the strategy. That’s a real challenge. It’s easier to co-design when developing a strategy, but on implementation it is much more challenging. That will also be a really good marker in terms of how well we’re doing.

DK: You’ve mentioned all these different fragmented areas that aren’t really coming together. Do you think the idea of assigning clearer departmental responsibility is important?

OOO: Yes. In the aftermath of the murder of Ashling Murphy, there was a big call from civil society and front-line organisations about just how fragmented everything is. The govern-

ment made a significant decision that the Department of Justice would hold the responsibility and that is a positive step forward. We now have a lead department and that's really important. They are going to set up a new national agency. Only time will tell how that works out. That infrastructure is important and we hadn't seen that before. I think, in this area in terms of women's rights, we have reached a turning point. Unfortunately, this has come on the back of some horrible tragedies and murders of women. But it feels like there is a moment and a turning point in this area which is good and I think there is genuinely a very committed minister.

DK: Making laws is one thing but what do you think needs to be done to change societal attitudes and ingrained sexual and gender stereotypes that influence violence against women?

OOC: The cultural aspect of DSGBV is key and it's also the hardest bit to change. In the strategy, this is related to the part on prevention. Some of the awareness campaigns that the government are running look at how to start challenging those attitudes. I think there's different strands to it. As we discussed, sex education is key – primary, secondary and third level – but so are things such as training for statutory agencies. There's also the question of how we engage men in this. If we're talking about a society free from violence, how do we raise our boys? We have to take into account masculinities and what we are teaching boys. There are some interesting things happening in that space but they're quite sporadic. A lot of it is probably more school-based, with new programmes that have been developed by individuals. There needs to be more teaching about what it means to grow up as a boy in society in terms of understanding about gender equality, about patriarchy, but in a way that's age appropriate. That really needs to be incorporated into the SPHE. In terms of violence against women, we need the legislation that targets perpetrators. But then we also need to have as many programmes in place that talk about how we can change our culture. In the aftermath of Ashling Murphy's murder, various civil society organisations, including for example sporting organisations, contacted the "Women's Council" to see what they could do. There's definitely more of a desire to bring about change. But I do think we're struggling a bit figuring out how to bring about that societal change. I don't think we have all the answers aside from the educational aspect. And that's not enough because that's going to take too long. We have to make the difference now.

DK: It's very hard to tackle those things in the media if there are specific stereotypes that are propagated again and again.

OOC: There was an event on 4 November 2022, a Shared Island Dialogue that focused on tackling gender-based violence. Naomi Long – the Alliance Leader and former Minister for Justice for Northern Ireland – and Minister McEntee – the Justice Minister for the Republic – were present, along with civil society organisations. The author, Louise O'Neill, gave an address and she talked about this area of cultural change. She made the comparison with drink driving – and I've heard a good few people in the sector make that comparison – about how we had the legislation but also the cultural shift, and how we can do it in a similar way with gender-based violence. With drink driving, of course, there's the legislation and the penalty points, but it's also about what people think about it. It's just not accepted. People would say 'don't do that', and that's quite normal. So how do we get violence against women into the same space? We haven't found the answers as to how we achieve that cultural shift but there is a realisation that we need change on all fronts to transform society and a big part of that is engaging men and boys.