

Public

Second National Strategy on Domestic, Sexual and Gender-based Violence, 2016-2021

Mid-term Review

Introduction

Cosc, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence, which is based in the Department of Justice and Equality, is in the process of undertaking a mid-term review of the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021.

As part of that review, it is consulting with stakeholder organisations and non-governmental organisations working in this area. Cosc would also appreciate the views of the general public. In that regard, you are asked to complete this questionnaire.

Please note:

- ✓ Be specific in your answers referring to particular actions under the National Strategy.
- ✓ A key section of the questionnaire asks you to say what additional actions should be undertaken during the remainder of the strategy's lifetime. You are also asked to identify actions that you consider need to be revised/recast (including timelines). Actions need to be feasible and do-able. Any contributions under these headings should include a rationale.
- ✓ The questions are purposefully open-ended. Please be as specific and as comprehensive as possible in your answers.
- ✓ Please remember that specific developments or actions are in relation to Travellers, LGBTI, people with a disability, older people, migrants, young people, pregnant women and those involved with substance abuse.
- ✓ Your submission will be published on the Cosc website with the mid-term review. Should you wish that any information supplied by you in your submission not be disclosed, please identify this information in your submission and specify the reasons.
- ✓ Your submission will be subject to the provisions of the Freedom of Information Act 2014. Information provided to the Department of Justice and Equality may be disclosed in response to a request under the Freedom of Information Act. Should you wish that any information supplied by you in any submission not be disclosed under the Act, please identify this information in your submission and specify the

reasons. The Department will consult with you about this information before making a decision on any request received under the Freedom of Information Act.

Name: Ruhama

What is working?

As a result of actions under the Strategy (Action Plan) Strategy (2017 Annual report) what in your view, if any, positive developments have occurred in relation to domestic, sexual or gender-based violence under the following headings:

- 1.1 Awareness raising (Action 1.100)
- 1.2 Education and training (Actions 1.200 – 1.910)
- 1.3 Provision of services to victims (Actions 2.100 – 2.1800)**

Ruhama welcomes having the opportunity to deliver specialised training to An Garda Síochána focused on human trafficking for sexual exploitation and appropriate policing responses to women affected by the exploitation of prostitution. We encourage the Department and AGS to continue to support the provision of this training for members of the Divisional Protective Services Bureaux in particular, who are tasked with investigating and responding to organised Prostitution and sex trafficking: both highly gendered phenomena.

Further, Ruhama is grateful for funding received from statutory sources to deliver its specialist ‘wrap around’ services to women affected by prostitution and sex trafficking who experience very high levels of violence and abuse within an inherently harmful, and highly gendered, environment: the commercial sex trade. The continued funding of these unique services to a particularly vulnerable and marginalised cohort of women (including transgender women) is vital to ensure their access to a wide range of services to meet their needs and assist in recovery from violence and exploitation. Such continued funding must also extend to statutory services providing specialist sexual health care such as that provided by the HSE Women’s health services to ensure a continuum of care can be provided.

- 1.4 Holding perpetrators to account (Actions 1.900 – 2.3900)**

Ruhama welcomes the enactment of the Criminal Law (Sexual Offences) Act 2017. In recognition of prostitution and commercial sexual exploitation as forms of violence, primarily experienced by women and girls, Part 4 of the Sexual

Offences Act 2017 explicitly targets the demand that fuels commercial sexual exploitation in identifying the sex buyer as both a driver and perpetrator of violence against vulnerable women and girls¹. Crucially, the legislation also decriminalises individuals in prostitution in important recognition that no person should be criminalised for their own exploitation.

Ruhama further welcomes the establishment of the National Protective Services Bureau, and subsequent implementation of Divisional Protective Services Bureaux. We acknowledge and also welcome the inclusion in the remit of these bureaux of organised prostitution and sex trafficking which are, as already noted, highly gendered and directly connected with a range of violence, particularly sexual violence.

1.5 Implementation and monitoring (Action 3.100 – 3.500)

The establishment of a monitoring committee to oversee the strategy's implementation is welcome in order to facilitate dialogue and information sharing amongst key-stakeholders, and offers the opportunity for frontline civil society organizations to feed into all relevant implementation and monitoring efforts.

1.6 Data and research (Action 3.600 – 3.1000)

1.7 **Outside the Strategy** what, if any, have been the positive developments in relation to domestic, sexual or gender-based violence, generally or under any of the categories above, in the period 2016-2018?

What is not working?

What Strategy actions in your view have been unsuccessful, or less successful than expected, in terms of their implementation and/or effect in relation to domestic, sexual or gender-based violence under the following headings:

2.1 Awareness raising (Action 1.100)

2.1.1. While we acknowledge the passing of the law, and welcome the first conviction of a sex-buyer in January 2019, we believe that further action could have been taken under the heading of Awareness Raising in the period since the enactment of the Criminal Law (Sexual Offences) Act 2017. There should be a campaign to raise awareness amongst the public that the purchase of sex

¹ “Trafficking for the purpose of sexual exploitation is the most common form of trafficking that is detected in this State and specific measures to reduce demand for these services were brought forward in [the Criminal Law (Sexual Offences) Act 2017]. [The 2017 Act] provided for the creation of offences of purchasing sexual services in the context of prostitution and trafficking.” *Second National Action Plan to Prevent and Combat Human Trafficking in Ireland*; 2016: 43. Department of Justice and Equality.

is now a criminal offence, and that individuals in prostitution are decriminalised. This would have the dual impact of highlighting the social message that it is not acceptable to buy sexual access to another person, and discourage the purchase of sex as part of a recognised and successful strategy to reduce the numbers exploited in the sex trade - particularly by organised criminals.

2.1.2 Secondly, with respect to the second phase of the national awareness campaign on domestic and sexual violence, which will address sexual violence: Ruhama reiterates its concerns in relation to the proposed focus on the 'bystander' for this campaign. We would welcome greater clarity as to the methodology and specific approach this campaign will take, including proposed mechanisms to gauge meaningful impact.

2.2 Education and training (Actions 1.200 – 1.910)

2.3 Provision of services to victims (Actions 2.100 – 2.1800)

We note with concern that there are significant insufficiencies in the provision of gender-specific services, particularly housing (please see 2.6 below), for our service-users. We have also experienced significant barriers in accessing health services for the women who access our services; in particular, there is a lack of mental health supports for women affected by prostitution and sex-trafficking, many of whom experience varying and often acute levels of trauma.

2.4 Holding perpetrators to account (Actions 1.900 – 2.3900)

2.5 Implementation and monitoring (Action 3.100 – 3.500)

2.5.1 While establishment of the Monitoring Committee for the strategy is welcome, as noted above, Ruhama retain concerns that this Committee meet now only twice per annum (the previous strategy committee having met quarterly), and are thereby restricted in their potential to meaningfully achieve an in-depth level of insight and input into the progress of the delivery of the strategy.

2.5.2 Given the highly gendered nature of human trafficking, Ruhama strongly recommends acknowledgment of same through insertion of an action on human trafficking. There should be a connection made with the concurrently running Second National Action Plan to Prevent and Combat Human Trafficking, whereby sexual exploitation is a key component of the experiences of the vast majority of female victims of trafficking (and whereby the majority of victims in Ireland are female).

²This strategy should explicitly give visibility to the State's efforts to combat this particular form of Gender Based Violence (GBV).

2.6 Data and research (Action 3.600 – 3.1000)

² "...women and children are the primary victims – overwhelmingly so for sexual exploitation." *Second National Action Plan to Prevent and Combat Human Trafficking in Ireland*; 2016: 4. Department of Justice and Equality.

2.6 Outside the Strategy what undesirable developments in your view, if any, have occurred in relation to domestic, sexual or gender-based violence, generally or under any of the categories above, in the period 2016-2018?

2.6.1 The evolution and worsening of a nationwide housing and homeless crisis has compounded the difficulties already faced by women affected by prostitution and sex trafficking in Ireland in accessing safe, secure and affordable housing. There is a notable lack of gender-specific and gender-sensitive emergency accommodation for women who are at risk of homeless, or actually homeless. This leaves women in both on-street and indoor prostitution even more exposed to experiencing violence at the hands of sex-buyers and third-party profiteers of prostitution.

2.6.2 Women who have been granted leave to remain following a period in the asylum-seeking process cannot access safe, secure and/or affordable housing meaning that many are staying in the direct provision system, which has been identified as unsuitable for women and girls who have been subject to, or are at risk of, sex-trafficking and commercial sexual exploitation in the first instance.

2.6.3 Ruhama notes with real concern the inadequate levels of units to support women and children fleeing domestic violence, which continues to fall far below recommended European levels.

The Evidence

3.1 Are you aware of evaluations or reviews by others of the impact of any actions under the Strategy? Please forward copies of any relevant publications or documents, or contact details of those who undertook the evaluation.

3.2 What gaps exist in evaluating the strategy?

As long as human trafficking for the purposes of sexual exploitation and prostitution goes unacknowledged as a distinct gendered form of violence against women and girls in the Strategy, Ruhama believes there will be a gap in evaluating the Strategy effectively. The experiences of violence for women and girls affected by sex-trafficking and prostitution are diverse, and their needs are complex. Women in these situations experience multiple and intersecting vulnerabilities, and may be subject to numerous forms of physical, sexual, psychological and domestic violence at the hands of: intimate partners; traffickers; pimps; sex-buyers; as well as others. As such, the nature of holding perpetrators to account under the strategy is particularly complicated for women in prostitution, and service and support providers must be sensitive to this.

There are specific challenges involved in changing societal attitudes around sex-trafficking and prostitution which ought to be taken into consideration when coming up with actions under the strategy. This includes tackling the narrative of prostitution as ‘empowering’ which we believe trivialises and undermines the lived experiences of the women who have been subject to commercial sexual exploitation.

As noted above, the strategy should make explicit reference to parallel efforts to combat the exploitation of trafficking and prostitution.

3.3 What actions would you recommend to facilitate enhanced evidence-informed evaluation?

Ruhama advocates for the explicit recognition in the strategy of human trafficking for sexual exploitation as a form of gender-based violence against women and girls. Furthermore, we recommend that evidence collected is further disaggregated to identify the vulnerabilities of prostituted women, the perpetrators of violence against women affected by prostitution and sex-trafficking and the effectiveness of service provision as experienced by women affected by the sex-trade in Ireland.

What can be done to improve the Strategies Action Plan?

4. Are there any actions in the strategy that you would like to see revised or dropped? (Please supply text of proposed revision)

We would like to see explicit naming of various target groups being targeted under each aim of the Strategy. Furthermore, we strongly recommend women affected by prostitution and sex-trafficking are acknowledged as a particularly vulnerable group in this, and that those groups who perpetrate violence against these women are specified (ie. Human traffickers, pimps, sex-buyers and others – including partners).

What additional actions should be undertaken, and by whom, in the remainder of the term of the Second National Strategy, i.e. 2019-2021 under any of the following categories and why.

We welcome the commitment from the Department of Justice and Equality to collect up to date and reliable data on the prevalence of sexual violence in Ireland, as outlined in the recent commitment to the carrying out of a second national sexual violence prevalence study and enshrined in the Memorandum of Understanding signed between the DoJE and the Central Statistics Office in January 2019 agreeing to carry out a nationwide survey every ten years.

However, we note with concern the current timeframe for the upcoming prevalence study which means that the results would not be available until 2024 at the earliest. We urge the DoJE to revise this timeline to bring the report

forward, while still conducting comprehensive, sensitive research. Similarly, we recommend that vulnerable minority groups, including women affected by prostitution in Ireland, are included and incorporated into the main study, and not surveyed as a separate entity after ‘SAVI 2.’ This will ensure that their specific needs are mainstreamed into actions and policy formulation and adaptation following the publication of the findings.³ We encourage the DoJE to work closely with the CSO and ensure sufficient resources are assigned in the coming years to comprehensively undertake this task.

5.1 Awareness raising (Action 1.100)

Ruhama advocates for further awareness raising on the Criminal Law (Sexual Offences) Act 2017, Part Four in particular, to inform the public that it is now recognised as a criminal offence to buy sex, and is punishable by a fine ranging from €500-€1000 or a prison sentence. A conviction under Part Four of the Sexual Offences Act 2017 may also result in the offender’s name being published in national media outlets.

As this has been recognised as an effective prevention mechanism to deter potential sex-buyers, we recommend the Department of Justice and Equality and An Garda Síochána work closely together and with civil society to raise awareness of the law in order to reduce the demand that fuels prostitution and ultimately decrease the number of people subject to commercial sexual exploitation in Ireland.

Further: awareness should be raised of the decriminalisation of individuals in prostitution to encourage greater levels of help-seeking and also increase confidence in reporting of crimes perpetrated against them to An Garda Síochána.

5.2 Education and training (Actions 1.200 – 1.910)

5.2.1 We recommend that the Department of Education (DoE) includes age-appropriate information on pornography and its negative impacts on boys and girls, men and women in any upcoming, updated Relationships and Sexuality Education Curriculum. We recommend that the DoE continues to carry out due diligence in its research to inform the curriculum, and are willing to support evidence collecting efforts that highlight the links between pornography, its consumption and commercial sexual exploitation.

5.2.2 Members of An Garda Síochána need to receive more in-depth and ongoing specialised training in relation to recent changes to prostitution legislation including good practice responses to engage with individuals involved in prostitution/potential victims of sex-trafficking.

³ “Concerns raised that report on sexual violence in Ireland will take five years” Kitty Holland, *The Irish Times*. 21 November 2018. <https://www.irishtimes.com/news/social-affairs/concerns-raised-that-report-on-sexual-violence-in-ireland-will-take-five-years-1.3706023>

5.3 Provision of services to victims (Actions 2.100 – 2.1800)

Ruhama advocates for increased gender-specific accommodation for women who have been subject to, or are at risk of, sex-trafficking, prostitution and commercial sexual exploitation. This includes the provision of gender-specific emergency accommodation, safe and appropriate accommodation alternatives to direct provision for victims of trafficking, and the allocation of social welfare to victims in need of it as they recover from their exploitation and try to rebuild their lives. This will require a waiver of the Habitual Residency Condition (HRC) in many cases given the prevalence of EEA nationals who are victims of trafficking but remain subject to the HRC. Policy measures should be taken to facilitate this waiver as a matter of priority.

5.4 Holding perpetrators to account (Actions 1.900 – 2.3900)

We would like to see continuing commitment from An Garda Síochána and the DoJE to the implementation of the Criminal Law (Sexual Offences) Act 2017 by increasing and maintaining momentum on the implementation of the legislation through further convictions for sex-buyers, as well as third-party profiteers, organisers of prostitution and human traffickers. We recommend that the DoJE assign sufficient resources to the implementation of this law.

5.5 Implementation and monitoring (Action 3.100 – 3.500)

The Strategy's Action Plan would benefit by having clear indicators

5.6 Data and research (Action 3.600 – 3.1000)

We would like to see an explicit commitment in the upcoming strategy to regular, robust and reliable data collection on domestic, sexual and gender-based violence which includes violence against women in prostitution, disaggregated fully in order to identify perpetrators of violence against women in prostitution, the specific vulnerabilities of women in prostitution which expose them to violence, and their experiences of accessing services following violence.

And finally

5. Please make additional comments, if any, here.

Unless human trafficking for the purposes of commercial sexual exploitation, and prostitution are both explicitly recognised as distinct forms of gender-based violence against girls and women in the Strategy, we believe the diverse and complex needs of this vulnerable group will not be made fully visible. They will remain at risk of violence and their needs not being met. Furthermore, we reiterate the need for increased and sustained momentum around preventing

commercial sexual exploitation in Ireland. This includes targeting the demand through full, effective implementation of the law on pimps, traffickers and sex buyers, while ensuring a range of supports and services are available for victims. This also requires fostering increased and enhanced awareness in society of commercial sexual exploitation and its impacts.