

State/Ngo

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

Mid-term Review

Introduction

- ✓ Please complete the questions below which relate to your area of work or experience.
- ✓ 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 you can undertake 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 specific developments or actions are in relation to vulnerable or high risk groups, including 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 of your
Organisation: Rape Crisis Network Ireland**

1. What is working?

As a result of actions under the Strategy (Action Plan) Strategy (2019 Annual Report) what, 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)

1.1.1 Action is on track and delivering a sustained campaign

1.2 Education and training (Actions 1.200 – 1.910)

1.2.1 1.300 NCCA is undertaking a comprehensive overhaul of the 2nd level programme and its whole of school delivery. NCCA have consulted extensively.

1.2.2 1.400 a number of evaluated and proven modules are now available. Innovation is ongoing.

1.2.3 1.400 In addition, the Minister for Higher Education has committed to integrate a set of whole-of-institution Framework aimed at combatting sexual harassment, violence and promoting safe and healthy relations, into the strategic dialogue between publicly funded HEIs and the HEA. The Minister's expert group of which RCNI's Cliona Saidléar was a member, has completed its work (Feb. 2019) in building the framework document which is now moving to the implementation phase. The Framework is expected to be made publicly available shortly.

1.2.4 1.500 DPSU set up involves the training of both An Garda Síochána (AGS) and Tusla specialists. Our understanding is that Garda National Protective Services Bureau is now working with Tusla to finalise a Joint Working Protocol and a Special Interviewing Protocol. There will also be an Information Sharing Protocol as between AGS and Tusla.

1.2.5 1.500 The HSE commissioned Sonas to develop and roll out train the trainer HSE National Domestic, Sexual and Gender-Based Violence Training Resource Manual-Recognising and Responding to Victims of Domestic, Sexual and Gender-Based Violence (DSGBV) in Vulnerable or At-Risk Communities.

1.2.6 1.500 We are unaware of any activity in the area undertaken by Tusla DSGBV team however the implementation of the HIQA

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

report of June 2018 <https://www.hiqa.ie/sites/default/files/2018-06/HiQA-Investigation-Executive-Summary.pdf> and Tusla action plan arising (Nov. 2018) https://www.tusla.ie/uploads/content/HiQA_strategic_action_plan.pdf includes urgent action on work force training and skills (see action 1.5 which aims to deliver in Q1 and Q3 2019 also 3.3 and 3.5 also 4.4, 5.3, 7.58.1, 8.2, 8.5, 9.1). It is currently unclear how these aspects positive actions report into the National Strategy monitoring and oversight structures.

1.2.7 1.800 RCNI were pleased to engage with the Law Society and Bar Association (as listed in returns) in a number of their training initiatives and collaborations.

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

1.3.1 As services for children and young people need more resources and a specialist approach at the investigation stage which reduces or even eliminates the need for multiple interviews, we welcome very much the new One House pilot initiative in Galway (DCYA, HSE, Tusla, AGS);

1.3.2 Feedback from member Rape Crisis Centres about the operation of the new specialist Garda DPSUs (where applicable) has been very positive. 9/28 DPSUs are now operational with another 6 due in May 19.

1.3.3 Feedback about Garda Victim Services offices from our clients has generally been positive.

1.3.4 “Option 3” (storage of evidence) in SATUs and new SATU guidelines outlining procedures to implement it (4th ed), are both very welcome.

1.4 Holding perpetrators to account (Actions 1.900 - 2.3900)

1.4.1 Post-charge conviction rates remain high, and sentences for sexual offences are, generally speaking, commensurate with the gravity of the offending behaviour.

1.4.2 The new Garda specialist approach is very welcome.

1.4.3 There is a significant increase in reporting which might indicate increased confidence. However, given the general level of awareness and public activity on sexual violence it is not possible to attribute increased reporting to any specific positive changes in the system in the absence of further research.

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

- 1.4.4** The forthcoming Sex Offenders (Amendment) Bill, together with already enacted SO provisions in the Criminal Law (Sexual Offences) Act 2017, should make it easier for AGS and Probation Service to manage risk posed by sex offenders in the community effectively.
- 1.4.5** **2.150** The Review of the investigation and prosecution of sexual offences, now being conducted by Dr Tom O'Malley, is a very positive development. Our understanding is that it will soon be completed.
- 1.4.6** Criminal Justice (Victims of Crime) Act 2017 and Criminal Law (Sexual Offences) Act 2017 both increase rights, support and protection for victims of sexual offences (both are now in force) and thereby make it easier for them to play their part in holding perpetrators to account.
- 1.4.7** Finally, the Criminal Law (Sexual Offences) Act 2018, just signed into law, addresses sentencing of sex offenders for subsequent sexual offences (once commenced).

1.5 Implementation and monitoring (Actions 3.100 – 3.500)

1.6 Data and research (Action 3.600 – 3.1000)

- 1.6.1** RCNI welcomes the Government commitment to the creation of a new sexual violence prevalence survey embedded within the CSO ensuring prevalence data into the future.
- 1.6.2** An Garda Síochána have now got more resources for intensive data collection and analysis, which means that they will be able to produce more fine-grained and more reliable crime statistics into the future. CSO engagement to ensure reliable and high standards of data outputs from the pulse system is reassuring.

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?

- 1.7.1** RCNI's Safe to Learn advocacy over the past decade has found purchase in 2018 in the HEI initiative and in influencing the NCCA review of second level.
- 1.7.2** Public awareness and engagement has been significantly influenced by events and advocacy.
- 1.7.3** Victim blaming is increasingly being recognised by the public and challenged regularly thus shifting norms.

- 1.7.4 Consent matters, forming an integral part of sex education is now largely unchallenged.
- 1.7.5 Facts regarding gender inequality are more likely to be known and less likely to be challenged than was the case in 2016.

2 What is not working?

What Strategy actions 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 Specialisation was not an integral part of the development of the campaigns.
- 2.1.2 While a range of agencies and professionals were paid to produce the campaigns, the specialists in the subject were unpaid out of the budget.
- 2.1.3 Specialists were insufficiently consulted and too late in the process.
- 2.1.4 The consultation that was undertaken was Dublin centric and appeared to be based on a criteria of Monitoring Committee membership rather than sexual violence specialisation per se.
- 2.1.5 Where an opportunity existed within the consultation phase to widen the scope of the limited consultation one service (DRCC) was repeatedly consulted rather than the net cast wider.

2.2 Education and training (Actions 1.200 – 1.910)

- 2.2.1 Social worker specialisation in sexual and domestic violence is inconsistent within Tusla (see HIQA report June 2018).
- 2.2.2 Specialist child interviewer social workers to facilitate joint interviewing are still insufficient in numbers but more are currently being trained by AGS.
- 2.2.3 The best practice of joint interviewing is not the norm yet in DPSUs.
- 2.2.4 HEI and NCCA initiatives are very welcome but the NGO stakeholders have insufficient resources to engage fully with this review and infrastructure to ensure the voice of the survivor

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

informs the commitments, policies and protocols and are sufficiently equipped to provide specialisation and advocacy where required. Eg although RCNI provided specialist advice and advocacy to the Minister for Higher Education and the expert group, RCNI has no dedicated training and education capacity. HEIs have requested we provide them with support developing their responses, policies and protocols to meet emerging and issues and their forthcoming obligations but we are currently unable to provide same given lack of resources. Sustaining independent specialisation is critical to this (and other) initiative's implementation and development.

2.3 Provision of services to victims

- 2.3.1** Provision of SATU services is in a critical state at present, with too few staff and victims having to travel long distances to access services when nearer SATUs are closed due to lack of staff. We await the outcome of Dept. of Health review into SATU Services with great interest and hope that services will become sustainable and expand into more areas (currently there are 7 x SATU services around the country).
- 2.3.2** More resources are needed to provide specialist crisis (including SATU) and more long-term counselling support to children and young people who fall victim to sexual violence. Tailored responses are required and where children are accessing existing adult services waiting lists must be reduced urgently.
- 2.3.3** To address this gap for the child victim, Tusla commissioned a needs analysis of service provision for the child victim of sexual violence (August 2018). In the tender Tusla made commitments to the independent consultant to provide a range of data and resources that did not exist. We understand the methodology has been reworked after clarity was arrived at. Tusla appear to expect Rape Crisis Centres to give resources to the analysis without any advance consultation and in the absence of the centres having capacity to do so or a plan to give centres said resources. The deadline, we understand, will now be extended. In addition to the delay in this vital project there is the risk that the 'solution' to this range of difficulties with this tender will be for Tusla to seek to manage this issue by increasing control of the community-based non-governmental organisations through contractual conditions and other mechanisms that will impact RCCs' capacity to offer confidential and survivor-centred services.
- 2.3.4** More resources are also needed to provide these services to adult victims of sexual violence, including those with (various forms of) disability.

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

2.3.5 State funded legal advice for victims of sexual violence should be extended, both in terms of time (from the moment of assault) and in terms of the range of offences covered (all sexual offences). In this context, we welcome the publication of the Criminal Justice (Victims of Crime) (Amendment) Bill 2018.

2.3.6 The range of special measures to which victims are now entitled cannot be fully realised unless all relevant professionals have specialist training not only in the legal effect of the measures themselves but also in the reasons for their introduction – to enable victims to give their best evidence with the minimum risk of re-traumatisation by the experience of the criminal justice process itself. This process is well under way in An Garda Síochána. The role of Government with regard to judges, prosecutors, defence lawyers and DPP staff is to ensure that all these groups have access to high quality training in special measures and the rationale for them, which is appropriate to their role. It is for the judiciary, the DPP and the legal professions to encourage all their members to undergo this training. All of these groups should be encouraged to consider a self-governing “ticketing” approach, meaning that no judge or DPP staff member or independent lawyer deals with any case involving domestic, sexual or gender-based violence without having undergone specialist training in the relevant area. Finally with regard to the Courts Service building programme, where old court buildings designed without adequate space for victims, must be used till they can be refurbished, an imaginative approach is needed to ensure that the chances of the victim having to share space with the accused are minimised, for instance by arranging for the victim to arrive ahead of the defendant and his supporters, to be provided with a private, dedicated consultation room for as long as s/he has to be at Court, and to leave either ahead of, or after the defendant at the close of proceedings each day.

2.4 Holding perpetrators to account (Actions 1.900 - 2.3900)

2.4.1 At present, separate investigations by Tusla and An Garda Síochána into child protection allegations can work against each other to make it difficult if not impossible to hold perpetrators to account. The two investigative streams should be co-ordinated to prevent this as far as possible, and if legislation is needed to effect this, it should be drafted and submitted to the Oireachtas without delay.

2.4.2 The forthcoming Sex Offenders (Amendment) Bill should be published as soon as possible, now that the Joint Oireachtas Committee on Justice and Equality pre-legislative scrutiny report is to hand. These enhanced powers and protections have been

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

a long time coming and are urgently needed by all concerned (AGS, Probation Service, survivors among them).

2.4.3 The protections provided by the Harassment, Harmful Communications and Related Offences Bill, which does not appear **at all** on the Government Legislation Programme for the Spring 2019 session, are also **urgently** needed.

2.4.4 Statutory provisions on the admission of evidence of the complainant's "other sexual experience", in the Criminal Law (Rape) Act 1981, need **urgent** revision, and perhaps expansion to exclude evidence adduced by defence in order to advance "rape myths".

2.5 Implementation and monitoring (Actions 3.100 – 3.500)

2.6 Data and research (Action 3.600 – 3.1000)

2.6.1 3.603 & 3.800 Tusla have failed to produce any standardized data in accordance with the gold standard across all the SV and DV services for which it has responsibility after three years of funding a dedicated data and information post to this end.

2.6.2 In direct contradiction of **3.800 (b)** Tusla have encouraged and financially assisted the fragmentation of data collection at the frontline which has meant they receive fragmented and unusable data with no coherent or dependable shared use of definitions or categorisations at point of data entry. (Under RCNI system 93% of frontline SV data was collected and nationally collated in a coherent, standardised, verified and safe manner. The HSE had negotiated with us to extend categories to DV services' data).

2.6.3 3.800 (b) Tusla have not developed **knowledge management systems** for the sector. Instead, they have created duplication and reliance on a variety of not fit for purpose and possibly unsafe, commercial systems and in some cases regression to paper based data collection where a custom built system collecting 93% of RCC service users existed previously. Frontline resources have been used and continue to be used to create this fragmentation and duplication.

2.6.4 Tusla appear to be attempting to build a knowledge management systems for Tusla, which in the absence of good-data-in capacity will serve no function.

2.6.5 Tusla do not yet have the GDPR compliant infrastructure to engage in data processing from external agencies (domestic and sexual violence services).

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

- 2.6.5.1** See action 5.4 of the *Tusla strategic action plan arising from the HIQA investigation into the management of allegations of child sexual abuse against adults of concern by the child and family agency*, (Nov 2018) 'The agency will scope out a Data Management Plan and implementation plan encompassing data governance, data management procedures, data architecture and the information life cycle within the agency. (Scoping Q2 2019, Full: Q3 2020).'
https://www.tusla.ie/uploads/content/HIQA_strategic_action_plan.pdf
- 2.6.5.2** In addition Tusla would not appear to have had a legally mandated DPO in position since GDPR became law.
<https://www.digitalrights.ie/tusla-questions-to-answer-about-data-protection/>
- 2.6.6** The above points notwithstanding Tusla seeks to collect granular data from often small services thus significantly increasing data breach risk, putting both survivors and the services at risk.
- 2.6.7** The data Tusla now receives from individual centres cannot be cleaned, aggregated or relied upon by Tusla.
- 2.6.8** Tusla have yet to engage in negotiating a Data Processing Agreement (DPA) with services despite reassurances that they would do so before collecting data.
- 2.6.9** Tusla have made the delivery of data from funded services to Tusla contingent on the receipt of funding despite the absence of a DPA.
- 2.6.10** Tusla have on occasion published inaccurate data regarding funded services' activities which they have then withdrawn (please see appendix one below for an example).

Tusla cannot fulfil its responsibility to data and evidence informed decision making given fragmented data collection across non-governmental organisations. As recognised by the HSE procurement body in the collapse of a tender process for this data gathering in 2013/14, RCNI is a unique supplier in this matter. We respectfully submit that RCNI should be tendered to provide the necessary infrastructure and supports including training and expert support to its RCNI database collection officers around the country, and to collate and analyse the data on an annual basis and also on a thematic basis, as and when needed and agreed, to meet the evidence and analytical needs of statutory bodies, including Tusla in its national planning remit. RCNI's service data has been upheld and promoted as a model of best practice in this field by EIGE. It provides invaluable information on those survivors who access services but do not make a formal complaint to the authorities (about two thirds of the total).

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

This data, unlike much of statutory sourced administrative data, is largely volunteered under the legal basis of consent and is based on trust. The majority of this data cannot be collected under the contractual legal basis and cannot be legally compelled from the data subjects in exchange for service delivery and Tusla activity here risks the relationship of trust and confidentiality that is core to NGO's unique access to this knowledge and the services' usefulness to our service users, particularly the three quarters of whom who choose not to disclose to the authorities at this point.

2.6.11 3.600 & 3.620 Courts Services Data, particularly pertaining to family law courts which are held in camera, has the potential to add greatly to our understanding and capacity to improve justice and process. Notwithstanding the Courts Services commitment to develop CSOL for the collection of the gold standard data, a significant amount of additional administrative data would be needed to add a degree of transparency to the engagement of the courts in domestic and sexual violence. A process of attaching multiple cases pertaining to the same parties to each other, would empower court agents in their duties also. We would advocate the prioritisation of the development and collection of a range of additional data points with the aim of increasing transparency.

2.7 Outside the Strategy what undesirable developments, 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?

2.7.1 Online safety, cyber sexual crime and the mainstream influence of pornography are significant challenges in that they are the messaging and means by which negative norms are established that are facilitative of the perpetuation and prevalence of sexual violence.

2.7.2 Though we cannot be certain of this in the whole population without a new prevalence study, it seems clear from our own work with our clients that sexual violence is now being committed by ever younger people against other young people the same age or younger. CSO Crime statistics (though under reservation) indicate that more sexual crimes are being reported, and it is possible that this increase reflects greater prevalence of sexual violence. More needs to be done to prevent sexual violence and also, intervene early in sexually harmful behaviours, ie when they are found in young people who have not been in any trouble with the law before.

2.7.3 We are also concerned that frontline services will soon not be able to cope with the continuing increases in survivors of sexual violence seeking assistance from Rape Crisis Centres. Retention and specialist training of the workforce on of counsellors and support workers on the frontline needs urgent attention and is currently not resourced from any statutory source.

2.7.4 Independent, survivor-led, specialisation and advocacy is also at risk. Frontline services are increasingly unable and at times barred

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

from, devoting resources to advocacy, community engagement and awareness raising.

The mechanisms for building specialism collectively and enabling national advocacy at policy level are also under threat as they are severely underfunded and at times operating in a hostile environment (regulation, legislation and funding arrangements that threaten and limit voice, autonomy and independence). At present these limited specialist voices providing much needed collaboration and insight to policymakers are unsustainable. There is no coherent government plan in place to support and sustain specialist policy capacity.

3 The Evidence

- 3.1 What actions did you take to evaluate or review the impact of any of the actions under the Second National Strategy? Please forward copies of any relevant publications or documents.
- 3.2 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.
 - 3.2.1 Sources cited above where relevant.
- 3.3 What gaps exist in evaluating the strategy?
 - 3.3.1 Data gaps cited above under 2.6 in particular.
 - 3.3.2 If they have not already been included in the questionnaire list, RCNI submits that it would be very valuable for the evaluation to include responses from both judges and independent lawyers (barristers and solicitors) on the Strategy.
 - 3.3.3 Siloing across government, in particular in this strategy, resulting in a large blind spot, to Tusla. It may well be that developing a National Child Sexual Violence strategy is necessary rather than attempting to fix that issue within this strategy.
- 3.4 What actions would you recommend to facilitate enhanced evidence-informed evaluation?
 - 3.4.1 The dearth of capacity within civil society organisations and structures which would allow for a comprehensive, reflective and fully informed analysis of the national strategy needs to be addressed urgently. Civil society capacity to hold society, government and the state to account has been shrinking significantly over the past decade on multiple fronts. For sexual

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

and domestic violence, government need to put in place and resource a plan to sustain and support policy specialisation.

3.4.2 Under the strategy there was a statutory data group established. We understand this group moved to bi-lateral rather than group methods. Reports, outputs or materials from these activities are not publicly available (that we are aware of) limiting its usefulness in enhancing evidence informed evaluation.

3.4.3 Cosc convened a NGO data group to allow NGOs review statutory data provision. This was welcome but the NGOs had no resources to take advantage of this group and so the structure produced no outputs. This type of review and collaborative structure can only be useful if the NGOs have policy capacity.

4 What can be done to improve the Strategies Action Plan?

By you

What additional actions is your organisation proposing to undertake during the remainder of the term of the Second National Strategy ie 2019-2021, under any of the following categories below?

4.1 Awareness raising (Action 1.100)

4.1.1 RCNI does not have resources to engage strategically with this action

4.2 Education and training (Actions 1.200 – 1.910)

4.2.1 RCNI does not have resources to engage strategically with this action.

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

4.3.1 RCNI provides some legal assistance to victims and to rape crisis staff and volunteers, but otherwise does not get involved directly in service provision. Our work in this area is to support Rape Crisis Centres who need legal information and training, governance (e.g. by devising best practice standards in many areas), and supplying information and materials for use by survivors on the law in particular.

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

4.3.2 RCNI recommends that this work continue to be funded by the Department into the future, in the interests of all survivors and rape crisis staff who support them.

4.3.3 RCNI advocate the development of a national Strategy on Child Sexual violence.

4.4 Holding perpetrators to account (Actions 1.900 – 2.3900)

4.4.1 RCNI will continue to advocate for early passage of relevant legislation, in particular the forthcoming Sex Offenders (Amendment) Bill 201, the Criminal Justice (Victims of Crime) Bill and the Harassment, Harmful Communications and Related Offences Bill.

4.4.2 RCNI will also urge Government to pay more attention to sentencing, in particular by providing for sentencing guidelines to be generated, and by examining the vexed issue of concurrent sentencing.

4.4.3 RCNI will continue to advocate for legislative and other changes to benefit vulnerable witnesses, especially victims of sexual violence, including through the development of rules to exclude evidence of complainant's dress, appearance, etc for the sole purpose of promulgating "rape myths".

4.4.4 RCNI will continue to bring other specific issues of concerns to victims of sexual violence to the attention of Government and to advocate for positive changes including legislation, as and when necessary.

4.4.5 In particular, RCNI will continue to advocate for changes to criminal procedure to put pre-trial hearings and rulings on a statutory basis and to enhance case management obligations, through the forthcoming Criminal Procedure Bill and otherwise, so that **delays** before cases come to court can be minimised. Reduced delay goes a long way to reduce trauma for victims of sexual (and other) crimes. Further, a more robust approach to case management at an early stage means that the risks of re-traumatisation of victims of sexual violence and other vulnerable witnesses from criminal proceedings, is reduced and the quality of the evidence which these witnesses can give, is much increased. Putting pre-trial hearings on a statutory foundation is key.

4.5 Implementation and monitoring (Actions 3.100 – 3.500)

4.5.1 It is currently unclear how relevant Tusla actions pertaining to sexual and domestic violence, outside of the representation of Tusla's SVDV service delivery responsibility, is visible to, or reports into the National

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

Strategy monitoring and oversight structures. The strategy only seems to have a line of sight into the Tusla DSGBV office which accounts for just under 4% of Tusla's budget and is silent on the other 96% of Tusla's budget spend, much of which significantly impacts sexual and domestic violence matters.

Possible solution/s to this:

4.5.2 The development of a separate National Strategy on Child Sexual Violence

4.5.3 The inclusion of relevant matters in this strategy and the integration of the senior executive of Tusla into monitoring mechanisms.

4.5.4 To ensure the efficacy of specialist input and meaningful monitoring, RCNI advocate a government action on sustainable specialist policy level capacity on DVSV.

4.6 Data and research (Actions 3.600 – 3.1000)

4.7 Are there any actions in the strategy that your organisation would like to see revised, and why? (Please supply text of proposed revision)

4.7.1 See point 1.2.6 above - this should possibly be written up as a national strategy action to be monitored alongside a review of 1.6. 1.6 currently fails to fully reflect both the wider Tusla landscape (1.2.6) and the importance of independent agencies setting professional survivor-led standards outside of the institutional needs of Tusla.

4.8 What specific actions is your organisation proposing to undertake for victims generally which will also apply to victims of domestic, sexual or gender-based violence, in the period 2019-2021, under any of the above categories?

4.8.1 RCNI will continue to advocate for enhanced transparency and coherence of systems to ensure the optimum survivor centred responses.

4.8.2 RCNI will be advocating for a national children sexual violence strategy.

4.8.3 RCNI will continue to support the voice of survivors and the survivor led need for confidential and independent services and advocacy.

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

- 4.8.4** RCNI will continue to provide up to date legal information in written form for survivors of sexual violence and eventually also, lawyers advising them.

5 By others

What additional actions should be undertaken and by whom in the remainder of the term of the Second National Strategy ie 2019-2021 under any of the following categories?

5.1 Awareness raising (Action 1.100)

5.2 Education and training (Actions 1.200 – 1.910)

- 5.2.1** In addition to that named above, the Dept. of Education and Skills to resource specialisation to collaborate with THEA. IUA and HEA in the implementation of the HEI framework on sexual harassment, violence and sexual consent.

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

- 5.3.1** Vulnerable victims and other witnesses: special measures and other supports should be an important focus for Government, for relevant State agencies and for independent professionals (judges and lawyers). The exact shape that these should take will depend of course on the recommendations made by Prof O'Malley in his final Report due this spring 2019. There is more which could be done to facilitate these groups to give their best evidence with much reduced risk of re-traumatisation.

- 5.3.2** There should be a dedicated, multi-agency, high-level response to child sexual abuse, to ensure that victim support is specialist and appropriate, that investigation and prosecution are undertaken by specially trained and dedicated professionals and are completed to the highest possible standards, to ensure that child victims are enabled to give their best evidence and that they can do so with minimal risk of additional trauma.

- 5.3.3** Where an investigation does not result in a criminal conviction, the national strategy must ensure actions and oversight of the system of the protection and risk management actions which are demonstrably appropriate and effective for the vulnerable party/s in the first instance rather than protectionist of the institution. The measure of success must not be on the containment of institutional risk and the silencing of the voice of the vulnerable person/s.

- 5.3.4** A professional and specialised victim Support and Advocacy worker service in Rape Crisis Centres should be established. An

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

advocate should be appointed to all victims from the point of reporting to stay available to them throughout their engagement with the process. The worker's role would be to provide advocacy, general support and liaison with more specialist services as needed, and also to provide accompaniment services as needed, to individual survivors, for as long as needed.

5.4 Holding perpetrators to account (Actions 1.900 – 2.3900)

5.4.1 See earlier answers relating to legislation already in train.

5.4.2 It is also necessary to do more to make third party internet service providers accountable for any failures to monitor, detect and if necessary, take down sexually abusive material. In this regard, RCNI welcomes the forthcoming Online Safety Bill.

5.5 Implementation and monitoring (Action 3.100 – 3.500)

5.6 Data and research (Action 3.600 – 3.1000)

Actions are generally specified above under their respective headings.

6 What specific actions should be undertaken and by whom for victims generally which will also apply to victims of domestic, sexual or gender-based violence, in the period 2019-2021, under any of the above categories?

Actions are generally specified above under their respective headings.

7 Are there any actions in the strategy that your organisation would like to see revised, and why? (Please supply text of proposed revision)

RCNI would like to see the strategy include a clear statement that every possible avenue will be explored, through inter-agency structures where appropriate, to tackle two things at every stage of the criminal justice process: (1) Unjustifiable delay and (2) Additional and unnecessary trauma caused by the criminal justice process itself.

And finally

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

Appendix 1

Case study of data outputs re SV service NGO delivery by Tusla.

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

On the 8th of December 2017 Tusla tweeted the following:



This number 10,000 is incorrect on the face of it.

A number of possibilities as to how this figure was arrived at can be explored:

- Does the 10,000 relate to **face to face clients**? We have counted face to face clients and can estimate the 2016 figure as follows:

In 2013 RCNI stats (when 15 of 16 centres minus Cork participated, pre Tusla) 2,467 people attended face to face - this figure includes children. Where age is known 7% of clients were children. Cork had not released annual reports but according to the evening Echo Nov 30th Cork Sexual violence centre stated they saw 310 face to face including 37 children in 2017. **This adds up to 2,777.**

Therefore, with a very big 'approximately' health warning and a generous margin of error that still leaves us over 7,000 short of the 10,000.

- **We can add Garda and SATU accompaniment** to that figure.

The figure is 603 in RCNI 2013 figures, Cork city has a SATU so they will have decent numbers here - let's give them a guess of 200. So again, adding a generous margin of error, we are **reaching 3,800**. So far no relationship to the figure of 10,000.

- We can add **phone support** to this count – however, we cannot count people here as we do not know how many repeats there are from one person so this number represents calls not people. The RCNI 2013 figure is **32,026**. It would not appear that the figure 10,000 includes phone call figures.

Note we have stats for 2014 and 2015 (with different numbers of centres participating and DRCC put out their individual centre stats annually). Looking across these there is no variation significant enough to get us to anything close to 10,000 in 2016 on these numbers.

RCNI submission to mid-term Review of the National Strategy on DSGBV 2016 - 2021

- **Have they mixed domestic violence data into the sexual violence data?** This is a possibility. It's concerning if they have in terms of the possible impacts this will have on sexual violence services and our understanding of service need and demand. In addition DV services will be significantly undercounting SV as it is not their focus and their service users do not necessarily disclose SV at this point. DV services are often engaged in crisis responses which are safety and risk driven. Generally survivors need to be safe *before* they start to look at addressing the impacts of SV eg long after they have fully exited a DV situation and supports.