

Breaking the Pattern of Male Violence

Speech by Minister for Employment affairs and Social Protection

Regina Doherty TD

Ladies and gentlemen, I would like to thank Margaret Martin for inviting me to speak at this important seminar. Being here gives me the opportunity to acknowledge the importance of this Sunday, 25th November, designated by the United Nations as the International Day for the Elimination of Violence Against Women, to listen to the contributions from those working at the coal face who are supporting women and children, and also to outline some of the initiatives the Government is progressing in this crucial area. In short I am here to listen and to support.

And listening is so important.

The recent #Metoo phenomenon, for me, was a moment of hope. It felt to me that maybe a tipping point had been reached and that now – maybe – women would be believed when they came forward with their stories and shared their experiences. And for a few weeks it went like that.

And then you hear a story about a Barrister raising a thong as evidence in a courtroom as a valid defence strategy. Legal professionals are many things but they are not stupid. A tactic like this reflects the fact that we still have a deeper problem within our culture where victim blaming – woman blaming in most incidences – is an acceptable practice. Social media can help raise consciousness but we still have a long way to go to change the culture.

So we still need to listen.

Today is a perfect forum to do so and I'd like to particularly pay tribute Chris and Susanna Cawley as well as Jessica Bowes for sharing their stories today. I remember when Jessica first went public with her story and I remember she was particularly concerned that Irish society does not always take women seriously when they report abuse – that culture again. Chris and Susanna's experience reminds us that while Celine was a victim of domestic violence, that crime impacts on so many more people as well. Such violence has many victims.

So despite the hashtags, and because of the underlying culture, violence against women remains a reality and it is vital that we acknowledge the eroding harm it causes.

Thankfully, in recent years, progress has been achieved, in no small part thanks to the work of organisations such as Women's Aid, and I want to assure you that this Government is committed to combatting the scourge of violence against women and is committed to the full implementation of the Istanbul Convention.

Istanbul Convention

The Convention is a significant legal instrument in the fight against Domestic and Sexual Violence.

Ireland signed the Convention in November 2015. At the time, the Government gave approval to an action plan that contained those outstanding legislative and administrative actions that were identified as being necessary to enable Ireland's ratification of the Convention. As ratifying the Convention is a Government priority, work on implementing those actions has been progressed by Departments and agencies.

I will give some more detail on the ground breaking Domestic Violence Act in a moment, but it is important to say that its enactment in May significantly advanced the progress to ratification of the Convention.

I am also pleased to say that my colleague, the Minister for Justice and Equality, Charlie Flanagan T.D., will very shortly publish the Criminal Law (Extraterritorial Jurisdiction) Bill 2018.

This Bill is the final legislative action required to enable Ireland to ratify the Istanbul Convention. This technical piece of legislation will provide for individuals who commit particular offences abroad being liable to prosecution under Irish law. It is hoped that the legislation will be enacted speedily to ensure ratification of the Istanbul Convention in early 2019.

The ratification of the Istanbul Convention will send an important message that Ireland will not tolerate violence against women or domestic violence, and is committed to protecting and supporting victims of this violence.

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

The Second National Strategy on Domestic, Sexual and Gender-based Violence is a whole of Government response to domestic and sexual violence and contains a range of actions to be implemented by Government Departments and agencies. The bulk of the strategy's actions are rightly concerned with holding perpetrators to account and improving services to victims. The Strategy is also a perfect example of how the State and voluntary sector can successfully work together. I would like to acknowledge the role of NGO's, including Women's Aid Ireland, in the monitoring and implementation of the strategy and to acknowledge Margaret Martin for her expert contributions as a member of the strategy's monitoring committee.

Domestic Violence Act 2018

A key action in the Second National Strategy is the Domestic Violence Act. This important legislation was enacted on 8 May and represents a significant improvement in legal protections available to victims of Domestic Violence.

The voluntary sector has been important in the development of the legislation and in strengthening the provisions of the Act.

I am advised that the Minister for Justice intends to commence the Act in January and that the relevant Government agencies are working hard to ensure their readiness for commencement at this date.

The Act improves access to barring orders and, significantly, also recognises the serious impact of Domestic Violence upon children and the legislation contains new provisions pertinent to children when deciding a Domestic Violence barring order. When considering such applications the court will now be obliged to consider factors such as whether the child is in danger of being exposed to violence, whether there is a history of violence in the home and the severity, frequency and escalating nature of such violent behaviour. A child's views can also be taken into account.

Further, the Bill provides greater supports for victims in such areas such as court accompaniment. Support in court by a Domestic Violence service worker or other person of an applicant's choice does much to make the Judicial process less daunting and intimidating. I want to acknowledge that Women's Aid provide this immensely important service, helping women through what can be a very stressful process.

The Domestic Violence Act also provides for the victim to be able to give evidence by live television link and there will also be new restrictions on attendance at criminal court proceedings to protect the victim's anonymity.

The Act includes for the first time the recognition of coercive control, emotional abuse, humiliation or intimidation – I think that is hugely significant. Such behaviours may not be physical in nature but their effects can be as harmful to victims as physical abuse because they are an abuse of the unique trust associated with an intimate relationship. Creating a specific offence of coercive control sends a clear, consistent message that non-violent control in an intimate relationship is criminal. Explicitly capturing this in legislation will also help victims identify the behaviour they are suffering as wrong and encourage them to report it, and cause perpetrators to rethink their controlling behaviour.

Importantly an intimate relationship between victim and perpetrator will now be regarded as an aggravating factor on sentencing for a wide range of offences. Offences committed by one intimate partner against another are especially grave in nature. The new provision sends a message beyond the courtroom that society will no longer tolerate the appalling breach of trust committed by one partner against the other in an intimate context.

Awareness Raising

However, stronger laws - while necessary – are only one avenue of approach. We still need to look at our culture, how we as a society tackle domestic violence. The State can only do so much and every person has a role in overcoming domestic abuse and sexual violence.

One key action in the national strategy is to raise awareness of these important issues. The Campaign “What would you do?” commenced in November 2016. This multi-annual campaign which to date has been focused on domestic violence, with the aim of changing societal behaviours and activating bystanders, to prevent domestic violence and letting the public know the ways of helping people experiencing domestic violence from a bystanders perspective.

Next year will see the focus of the national campaign shift to Sexual Violence. This shift in emphasis is timely. It is very important that we shine a light on this problem and encourage the whole of society to get involved in combatting sexual violence.

Other Measures

We have a number of other significant developments in the fight against sexual violence:

The Criminal Justice (Sexual Offences) Act 2017 criminalises harm perpetrated against children, particularly through technology, including new offences relating to child sexual grooming and new and strengthened offences to tackle child pornography. This Act introduced a statutory definition of 'consent' to a sexual act, which provides legal clarity and is something I know that people working on the frontline have called for, for some time.

The Criminal Law (Sexual Offences) (Amendment) Bill 2018 is progressing through the Oireachtas and will provide for presumptive minimum sentences for repeat sex offenders.

My colleague, Minister Flanagan has recently ordered a review of the investigation and prosecution of sexual offences with an emphasis on vulnerable witnesses. We are all anxious to ensure that victims have appropriate protections during a court process. The review group, chaired by Tom O'Malley of NUI Galway, an expert in this field, are engaging with a range of stakeholders and have been instructed to prepare a final report by 31 December this year.

But the message from women is very clear – we will not tolerate victims of sexual violence being traumatised in our courts.

And, finally, this week, the Government gave its approval to the undertaking of SAVI 2 - a national survey on sexual violence commencing in January 2019. This much called for survey will provide us with invaluable, robust data to inform Government policy in this area, and I very much welcome and support this initiative.

Conclusion

Women's Aid is an important organisation. Listening without judgement, assuring someone that you believe them and supporting them makes a huge difference.

While much progress has been achieved, and it is important we acknowledge that, events like today remind us all that there remains much work to be done. You play a vital role in keeping this critical issue firmly at the forefront and I thank you for that.

I understand that Margaret Martin, Director of Women's Aid, will be retiring early next year. I want to pay tribute to the enormous contribution that Margaret has made in raising awareness around domestic violence and tirelessly campaigning and working for victims of domestic violence over the years. Thank you Margaret and I wish you well.

To wrap up, while we are making progress, we have much more to do to change the culture. No woman 'asks for it', no victim of violence 'gets what they deserve', there are no mitigating factors for abuse or murder. We sometimes pride ourselves for being a sophisticated and nuanced society but, I think in some regards, we could do with being more black and white.

Rape is caused by rapists

Domestic violence is caused by the perpetrator

Murder is caused by murderers

END OF.

We must always encourage and support victims to come forward and know that they will be listened to, that they will be believed and they will be protected.

And, we all need to listen to the victims and allow their experiences educate and shape how we as a society tackle the issue of domestic violence.

Thank you for allowing me to speak – and more importantly – listen today.