



SUBMISSION TO THE HOUSES OF THE OIREACTHAS JOINT COMMITTEE ON JUSTICE

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

15th March 2023

Submission to the Houses of the Oireachtas Joint Committee on Justice

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1. Introduction

Akina Dada Wa Africa Ireland (AkiDwA) is pleased to make a submission to the Houses of the Oireachtas Joint Committee on Justice (the Committee) on the General Scheme of the Domestic, Sexual and Gender Based Violence Agency Bill 2023 (the General Scheme).

Akina Dada wa Africa-AkiDwA (Swahili for sisterhood) is a national network of migrant women living in Ireland. Established in 2001, AkiDwA’s mission is to promote equality and justice for migrant women, with a vision for a just society where there is equal opportunity and access to resources in all aspects of society: social, cultural, economic, civic, and political.

For AkiDwA, the term ‘Migrant Women’ includes not only recent immigrants, asylum seekers and refugees, but also migrant workers, students, trafficked and undocumented women. It also includes those who have acquired Irish citizenship but who still consider themselves to be outside the mainstream society in terms of their linguistic, racial or cultural backgrounds, and who therefore still define themselves as Migrants.

The organisation's work on Domestic Sexual and Gender-Based Violence reflects the intersectionality between migration, gender and gender-based violence, and focuses on four areas: Domestic Violence, Female Genital Mutilation (FGM), Early /Forced marriages and Trafficking.

AkiDwA welcomes the publishing of the General Scheme, including all 6 Parts made up of 38 Heads. Observations and suggestions on the relevant heads in Parts 1-5 are set out in this submission (section 3) to assist the Committee in its scrutiny of the General Scheme.

2. Contextual Evidence and Background to Observations/ Recommendations

In order to preface AkiDwA's recommendations that will come in Section 3, we lay out the grounding evidence which is helpful and necessary for the Committee to understand the observations and contributions to come.

AkiDwA's work on domestic violence in the last nine months shows an increase in the number of women coming forward to seek support, due to the specialist provision of information and raising of awareness on the topic by our Victim of Crime Support Officer in this inaugural programme at AkiDwA. Migrant women face many challenges while trying to access services and support which include structural, social cultural and economic barriers, and culturally-sensitive delivery proves to be paramount for successful interventions.

According to [AkiDwA's statistics on the prevalence of FGM](#), by 2017 there were 5975 women who had been subjected to FGM living in Ireland. In 2020, Ireland saw the first case of FGM performed on a 21-month-old baby girl, which led to conviction under the Criminal Justice Act (Female Genital Mutilation) 2012. In 2020, according to the European Institute for Gender Studies, 6,000 girls born in Ireland or originating from FGM-affected countries under the age of 15 and living in Ireland were at risk of female genital mutilation.

While the issue of early and forced marriage is under-researched in Ireland, it has been happening. AkiDwA's 2021 report on [Forced Marriages and Child Marriages](#) flags the hidden nature of these practices, with victims having a significant lack of contact with service providers and agencies both on the state and NGO spaces. Evidence comes primarily from media sources and anecdotally although the GNIB can attest to having investigated several marriages of children under the age of 18, now illegal in Ireland as of the

amendments of the Civil Registration Act 2004. This is a contextually and culturally sensitive topic that warrants further community-rooted research and specialist intervention to address.

Trafficking of women for sexual exploitation/ prostitution remains a huge issue globally and in Ireland. According to [Ruhama's report](#) on their provision of support in 2018, out of the 251 women supported by the organisation, 201 were migrant women. Moreover, as the Committee will be aware, of the 44 victims of human trafficking identified by An Garda Síochána in 2020, 98% were migrants, as highlighted by the [Department of Justice annual report on Trafficking in Human Beings in Ireland \(2021\)](#).

For such victims of all the diverse forms of DSGBV listed above, service delivery and information provision needs to be undertaken in a diversity-embracing, inclusive, trauma-informed, culturally aware manner, to ensure meaningful engagement with the Agency, in its practice and by its agents. An Agency that does not take such an approach does not stand in a good stead to meaningfully address the full range of forms of DSGBV present in Ireland.

3. Head by Head Observations and Suggestions

Part 1 – Preliminary and General

The Agency must be based on the experiences of all women, girls, men and boys in Ireland. It must recognise all and the diverse forms of DSGBV, as set out in the Istanbul Convention framework, and to which Ireland is Party. Ireland's is a population with diverse background and diverse needs, and the Agency must operate from an open understanding that recognises that more nuanced approaches are needed than a "one-size-fits-all" tactic.

Head 4.1

There is a need for safeguarding measures to uphold the specialist services of DSGBV agencies who ensure representation of all minority groups.

Head 9

Consultations must be ensured with all stakeholders in all stages of the development of the agency– from the establishment all the way through to every stage of implementation.

Part 2 – Agency

Head 10(11)

A complaints mechanism to be included for minority stakeholders who may not necessarily be included in the board, ie. an external complaints mechanism, to be included in the process for removal of the chief executive. Agencies, particularly those representing minority groups, need to have a clear complaint procedure, should they feel their concerns / issues are not being recognized.

Head 13 – Staff of Agency

To ensure adequate representation of minority groups within the agency, a staffing quota should be implemented. This will safeguard against unconscious bias of the agency, promote diversity and inclusion.

Considering that the DSGBV agency will take responsibility for the delivery of DSGBV services and oversee funding, there must be representation from all minority groups to ensure equal access to resources and consideration/understanding/awareness of issues affecting all groups.

Moreover, it is necessary to ensure that the staff of the agency receives adequate *training* to prepare them to work with diverse service users – including cultural competency and trauma-informed training.

Head 14 – Functions of the Agency

Head 14(1)(a)

“the provision of support services” must be replaced/ better nuanced with wording such as “*appropriate* support services” or “*culturally sensitive* support services” to ensure that the diverse identities to be served in these support services can adequately achieve their outcomes

Head 14 (1)(d)

“distribute information (including information for children and young persons) regarding services available nationally.....” also warrants further nuancing to account for the linguistic and cultural appropriateness of the materials and the manner in which they are to be distributed.

Translation and interpretation of all such informational materials should be provided by the Agency in order to “appropriately distribute”. Staff must be

adequately trained and required to consult translators to provide input. Materials must be published in different languages and in accessible languages and mediums (eg pictures) necessary for persons of minority groups around the country to be able to understand and access the services being flagged by the Agency. Community-based distribution and peer-to-peer dissemination should also be factored in.

Head 14(1)(e)

This head would be helpfully clarified by including reference to what kind of support public bodies and CSOs could expect from the agency and within what time period. While welcome references are made to financial considerations, will any networking support, or coordination between the stakeholders enlisted as service providers or providers of ancillary support be offered, for example?

Head 14 (1)(f)

Further clarification is also warranted here, as in light of Head 14(1)(e), especially if the CSOs themselves will be leaned on by the Agency to develop the general and sector-specific information campaigns, by what mechanism and how often will such consultations with the DSGBV sector be had, and how will representation of the minority organisations in this space be ensured?

Head 14(2)(a)

One more, a very important clarification is warranted on the term “appropriate” in this Head and the reference to “as appropriate” should be nuanced to ensure the consultations are appropriate and representative. Preferable would be a provision that reads “consult consistently” / “consult throughout” / “consult on a regular basis”, as expertise from the DSGBV sector should be considered a crucial guide in the Agency’s operations. This is especially important for working with service users from minority groups.

Head 14(2)(c)

it would be advisable that the wording of this head reflect the need for a measurement of the benchmarks “beneficial, effective and efficient” to also have full regard for *equality* and *equity* in the spending of resources.

Part 3 – Board of the Agency

Head 18 – Membership of the Board

(2) AkiDwA strongly recommends nested gender quotas to be included in this provision on the composition of the Agency’s Board, to ensure adequate representation of women and ethnic minorities in the higher levels of governance of the agency. In line with Article 4(1) on the Convention of the Elimination of All Forms of Discrimination Against Women, and as per General Comment No. 25 of the Committee on the Elimination of All Forms of Discrimination Against Women, such ‘temporary special measures’ can be used by the state to ensure the

Given [the current lack of even female representation in higher levels of civil service](#) and *especially* in light of the lack of representation of ethnic minority groups in the Irish civil service in general, not just at the higher levels, such temporary special measures are certainly warranted in the interim, until such a time as a gender equal and representative board can be achieved without such measures.

This measure would better ensure equality of opportunity for representatives of some of the groups most vulnerable to DSGBV to have voice and agency in the running of the Agency. This would be combined with the selection and recommendation process for board members of the Agency under **Head 19, especially Article 19(3)** which affirms the need for sufficient experience and expertise will ensure a safeguard against any feared “tokenism” and ensure that those members of the board have the adequate skills to be in such roles

Part 4 – Governance and Accountability of the Agency

Head 27 - 28.3 - Agency’s Performance Framework and Corporate Plan

Inclusion of agencies representing minority groups in these stakeholder engagements / consultations and processes will ensure that the needs of marginalized groups are being met; gaps/issues can be identified; and key recommendations made to improve policies/services.

Part 5 – Provision of Services

Head 36 – Arrangements with service providers

(8) While welcoming this head, AkiDwA must caution to note that a mention of the need for the respect of client confidentiality would be usefully included to nuance it. For example, a suggested wording could read: “The Agency may

request from a service provider [*taking into account and fully respecting the confidentiality of the client and in compliance with the Data Protection Acts and any subsequent amending legislation*] any information that it considers material to the provision of a service by the service provider, and the service provider shall comply with that request.”

Moreover, to fully account for vulnerable women’s safety, especially those seeking independent status from an abusive spouse, this level of confidentiality is of great importance.

Finally, this respect for client confidentiality is important for migrant women to engage with the DSGBV Agency, as a key challenge to seeking support on these issues stems often from women’s fear of alienation from their communities. Failure to respect anonymity could worsen the situation and erode trust in the Agency amongst the most vulnerable populations.

Head 36 Arrangements with service providers

1. It is unclear who will determine what ‘terms and conditions’ are deemed appropriate for the Agency to enter an arrangements with a service provider and who will monitor same.
2. Similarly, where the Agency will determine the amount of funding and level of / services provided, there needs to be an external and impartial body who can ensure that service providers representing minority groups are adequately resourced and members of this external monitoring body would have knowledge / expertise on the issues affecting minority groups to ensure that no one is left behind and funding is not channelled into mainstream services.

(9) Requests for such information detailed in Head 36 (8) should be appropriately timebound and justified so that service providers can comply with the regulation. Additionally, there should be an opportunity for the service provider to appeal the decision of termination, in such circumstance.

Head 37 Persons providing supplemental services

(2) The modality through which grants or contributions in kind will be determined by the agency is unclear. Specificities of the application process and criteria should be included and clearly state how the final decision will be made i.e., Board majority, CEO or Minister.

(8) (a) Clarification is perhaps warranted on what can be understood by “the person”, and in the absence of full clarity, AkiDwA would recommend the role of Community navigators / champions / ambassadors/ intercultural mediators to be considered in this clarification of the ‘person’ in this article. AkiDwA warmly welcomes any promotion of active participation of wider community members to provide additional peer-led supports, and measures to fill the gaps in the current provision of funding to enable such persons who support their communities to fully and meaningfully access information and services on DSGBV.

Any follow-up communication can be had with: Dr. Salome Mbugua salome@akidwa.ie or Alannah Owens pr_officer@akidwa.ie