

Beyond the 3rd Strategy, Towards Zero Tolerance of DSGBV

A Comprehensive Labour Women Policy Response to Domestic, Sexual, and Gender-Based, Violence (DSGBV) in Ireland.

Adopted February 2024

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Overview

This policy document contains current policy and newly developed policies and attempts to take a distinctly Labour and Labour Women view of DSGBV - that is, violence which occurs in a domestic context, violence in a sexual context, or violence which is gender-based. Violence in these circumstances may occur in many forms. It can include misogynistic bullying, sexual harassment, coercive control, assault, and rape.

We have concentrated our research and recommendations into lens of three distinct but interdependent fields.

Societal change seeks to address the institutional misogyny and culture that can foster gender-based violence and addresses the lack of adequate service provision.

The Justice System lens seeks to address the causes for under-reporting of sexual violence and rape, domestic abuse, attrition of complaints of violence, sexual violence and rape, and the process of investigation and trial of sexual assault and rape as re-traumatizing to the victim/survivor. It further looks at Irelands failure with respect to EU & international law, and points to some successful legislative outcomes in other jurisdictions.

Finally, we look at issues and state obstacles faced by those attempting to exit domestic violence, in particular the lack of sufficient services and advocating targeted interventions and supports that can provide a simpler transition to safety for those who require it.

Introduction

The Labour Party supports zero tolerance to violence in all its forms towards women, those identifying as women and girls.

For the purposes of this policy the notation DSGBV will be used to denote domestic, sexual and gender-based violence. DSGBV comes in many forms, from physical assault, domestic abuse, overcontrolling partners, emotional abuse, sexual assault, rape, financial control, sexual harassment, stalking and murder.

Labour has always supported the rights of women, through fighting for contraception, the right to divorce, the repeal of the 8th Amendment, presenting Bills to the Oireachtas on rogue counselling agencies, '*Cocos Law*' or the '*Harmful Communications and Related Offences Act 2020*'.

The Covid pandemic and the murder of Aisling Murphy have highlighted the risk of violence women face every day in Ireland.

The European Commission¹ and the United Nations² have stated that violence against women is based on gender inequality, the abuse of power and harmful social norms.

Women and girls live with this reality every day, and the time has come for Irish women and girls to say “Enough!”

Things must change.

It is an everyday occurrence that women make a choice whether to walk down an empty poorly lit road and deciding to walk a longer but safer way home. It is an everyday occurrence that women decide to cross the road rather than walk into the middle of a group of men. It is an everyday occurrence for many women fearing their partner walking in the door or being abused online. Stalking is a important issue and can have very serious consequences for its victims. Femicide in Ireland has been persistent over the years.

Labour Women have drafted this policy to highlight violence against women and girls and to advance the full roll out of the Istanbul Convention as ratified by Ireland in 2019. We are advising for changes in legislation, changes in administrative practices, and suggest safe practices and safe places that would support women and girls going about their daily business.

Labour Women fully support the Governments ‘*Zero Tolerance for Domestic, Sexual and Gender-Based Violence 2022*’. We support the DSGBV Recommendations of the Citizens Assembly on Gender Equality. We await the Oireachtas report on the implementation off the Citizens Assembly report on Gender Equality later this year. We demand the full implementation of all these reports. Further we support the intentions of the O’Malley Report, Dept. of Justice and Equality 2020. All these documents pave a path to toward eliminating DSGBV but can only succeed if governments are held accountable for meeting the obligations provided in them. Labour will actively seek to forward this issue by continuously calling for the implementation of these reports in full.

¹. *What is gender-based violence?* The European Commission

² *United Nations (The United Nations Commissioner for refugees (UNHCR) “Gender based violence. Website 2022*

Istanbul Convention

The Istanbul Convention, *'The Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence'*, was signed by Ireland on the 15th of November 2015, was ratified on March 8th, 2019, and came into force on the 1st of July 2019. It created a comprehensive legal framework for combating violence against women and focused on prevention of domestic violence, the protection of victims, and the prosecution of offenders. It requires that Ireland exercise due diligence regarding violence against women.³ This due diligence is evident in the engagement with stakeholders undertaken in the 3rd Domestic, Sexual, and Gender-Based Violence Strategy paper – the *'Zero Tolerance'* initiative by the Irish Government in Summer 2022. We welcome the non-binary and trans-inclusive definition of gender given by the treaty as *"the socially constructed roles, behaviours, activities and attributes that a given society considers appropriate for women and men"*.⁴ Of particular importance, the treaty establishes various offenses which ratifying states must criminalize. Some of these are already a matter for criminal law in Ireland such as physical violence, sexual violence, and rape. They also include psychological violence;⁵ stalking;⁶ physical violence;⁷ forced marriage;⁸ female genital mutilation;⁹ forced abortion and forced sterilisation;¹⁰ and requires that sexual harassment carry a *"criminal or other legal sanction"*¹¹ among many other provisions.

- We propose a full assessment of our relevant national law's compatibility with the provisions of the Istanbul convention and amendments to the relevant acts as required, to **ensure full compliance without delay**.

³ Istanbul Convention Article 5

⁴ *ibid* Art. 3(c)

⁵ *ibid* Art. 33

⁶ *ibid* Art. 34

⁷ *ibid* Art. 35

⁸ *ibid* Art. 37

⁹ *ibid* Art. 38

¹⁰ *ibid* Art. 39

¹¹ *ibid* Art. 40

The Extent of Violence Against Women

We accept that many incidents of violence against women are not reported.¹²

A 2014 European survey examined violence against women in the European states, it found that one in four women have experienced sexual and/or physical violence in Ireland¹³.

Research shows that 15% of women have experienced severely abusive behaviour by a partner at some time in their lives. The national cost of domestic violence to survivors is estimated to be €56 billion over 20.5 years for a women's journey to safety, which is over €2.7 billion a year¹⁴.

It is in the interests of women and the state that violence against women and girls is eliminated

Domestic Violence.

Annually the domestic abuse services receive over 50,000 telephone calls from over 11,000 women and 3,500 children¹⁵. Unfortunately, not all calls can be accommodated in the refuges as there are too few of them in the country. In 2020, from March to December 2159 requests for a refuge could not be met¹⁶.

The Istanbul Convention recommends that each European country has one refuge space per every 10,000 people. At present, Ireland requires 481 new places to be compliant. Currently there are around 139 refuge spaces in the country with nine counties without any safe housing resources.¹⁷

The Istanbul Convention also demands that women are provided with the care, counselling and support they need currently, these services are in short supply nationwide.

Domestic abuse can cause many problems to women and children. Loss of self-esteem, anxiety, depression, trauma, and others which can limit their capacity to stand up for themselves. These women need support to seek justice, they need support to leave the home, support to go to court and financial and housing support.

¹² 'Challenging Sexual Harassment and Other Forms of Sexual Violence in Public Space'. Bourke, Lalor and Cuffe 2015

¹³ European agency for Fundamental Rights (2014) *Violence Against Women: an E.U. wide survey*

¹⁴ *Addressing domestic and gender-based violence*, Part 1. Doyle, Ashe and Lawlor, Houses of the Oireachtas library and research service 2021

¹⁵ "Not going back" pre- budget 2022. Safe Ireland

¹⁶ *Safe Ireland budget 2022*

¹⁷ "Not going back" pre- budget 2022. Safe Ireland

Disabled women are disadvantaged as there may be no accessible refuge or safe place available to them.

Sex workers are often subject to violence and require support from the Gardai.

Marginalized women require support to avail of these services, such as Roma, Traveller and migrant women. Migrant women can face deportation if only their abusive husband has immigration papers. We recognise the compounded difficulties that can be experienced by women seeking international protection.

Exiting Domestic Violence

Women seeking to exit domestic violence experience a wide range of problems that if left unaddressed, can block a woman's exit entirely. Difficulties include insufficient refuge and safe places, eligibility barriers for legal assistance and social housing including access to such services being dependent on the income and assets of their abuser despite their partners controlling all finances and living in the home they jointly own or rent.

Labour Women call on the Government to:

- Develop accessible refuges and safe accommodation for women and children fleeing domestic violence in line with the Istanbul Convention.
- Develop and enhance more support services for victims of domestic abuse.
- Provide free Legal Aid to victims of domestic abuse **without a means test**.
- Enable victims/survivors access to public housing until such time as they can resolve their housing challenges **without regard to means tests**.
- Provide facilities for those with addictions seeking refuge.
- Allow victim/ survivors to avail of housing assistance **without regard to a means test**.
- Train the judiciary and an Garda Siochana to understand and deal with domestic violence and the trauma response.
- Train the Judiciary to recognise when the courts are being used by perpetrator to further control their partner/spouse.
- Seek to enhance the use of the '*Isaac Wunder Orders*' in domestic abuse cases.
- Introduce new laws for non-lethal manual strangulation.
- Introduce emergency powers which will allow the Gardaí to remove a domestic violence perpetrator from the home, thereby retaining women and children in their own home where it is safe to do so.

- Expand the provision of assistance to install safety and security measures in the family home after a perpetrator has been removed.
- Create safe accessible places for disabled women who are victims of domestic abuse.
- Continue the Gardaí's successful programme 'Faoiseamh'.
- Support victims of domestic abuse to claim under the Criminal Injuries Scheme.
- Provide for special leave for employees who are experiencing domestic violence.

Sexual Assault, Stalking and Rape.

The Rape Crisis Centre national helpline answered 13,438 in 2020. The number of sexual offences recorded by the gardaí was 3214 for the first six months of 2021 (which was up 7.5% on the 2020 figures)¹⁸

Sexual assault is underreported due to shock, shame, knowing the perpetrator, fear of the justice system, and of being retraumatised and re-abused in the court room.

The recent study of violence against women in the arts world, gives damning evidence of sexual harassment and assault in that industry in Ireland.¹⁹

There are lots of myths around sexual assault and rape which hold a lot of power in our misogynist society and cause serious harm to the victims of such assaults. These myths are prejudicial, stereotyped, and hold false beliefs about sexual assaults and rape, and can serve to create bias against the victim in both society and the courts. They can cause victims/survivors to feel shame or blame themselves, making it difficult to seek help. These myths also affect how women are treated by agencies and their families and friends. Examples of such myths are:

- Women who drink and take drugs deserve it if they get raped.
- Women lie about being raped because they want attention or revenge – or regret having had sex with someone.
- If she did not scream, try to run, or fight back then it was not rape.
- If she did not say no then it was not rape.
- It is not rape if it is your wife or girlfriend.
- If it was so bad, she would have left him already.
- Women are asking for it if they wear revealing clothes or flirt.
- Once a man gets turned on, he cannot help himself – he must have sex.

¹⁸¹⁸ *Addressing Gender based violence*. Doyle, Ashe and Lawlor. Oireachtas library research

¹⁹¹⁹ Speak up-A time for change 2021

- Women often play hard to get and say “no” when they really mean “yes”.
- Victims and survivors should act a certain way after being raped.
- If she had really been raped then it would not have taken her so long to say something.
- Women should not go out alone at night if they do not want to be raped.
- Sex workers cannot be raped²⁰

The use of the rape myth as defence in a court room is frivolous and degrading to women. It also abuses the female victim in any sexual assault/rape trial.

Labour women call on the government to:

- To eliminate the rape myth defence in Irish courts in cases of sexual assault and rape.
- To find routes through the justice system that reduce exposure to, and impact of trauma such as video link testimony from a safe environment with a trained councillor or therapist present.
- To provide free legal aid to all victims of sexual assault and rape by abolishing the means test requirement.
- Develop sufficient rape assessment clinics (SATU’S), support and counselling agencies around the country.
- Train the Gardaí and the Judiciary on how to deal with rape, sexual assault, and stalking victims to include an understanding of trauma and how it can present.
- Make stalking a specific crime.
- To make sexual harassment a specific crime.
- Make demands of “rent for sex” a crime.
- Make misogyny a hate crime
- Lower the time frame from complaint to trial.
- Consider the advisability of using confidential counselling notes in court proceedings.
- Support victims accessing the criminal injuries scheme by giving free legal aid to all victims regardless of means.
- Abolish the use of the rape myth in our society and in the courts.
- Create pay-parity for therapists with the HSE.

²⁰ Rape Crisis England and Wales website 2022

Sexual Harassment

Sexual harassment is behaviour characterised by unwelcome and inappropriate sexual remarks or physical advances in a workplace, professional or social situation.

The United Nations Women's Safe Cities initiative was supported by Dublin City Council's Safe City Programme, who undertook a scoping study on sexual harassment and violence against women.²¹ It focused on that area of North Dublin from the Quays to Heuston Station and back down to Abbey Street. That area was a mix of retail stores and derelict areas and a mix of social and private housing.

They found that reporting and disclosing all forms of sexual violence in a public place is far lower than the level of incidents revealed through a supportive research context.

Their key findings are that sexual harassment and other forms of sexual violence in public places is a significant threat to women and girls in Dublin City.

*"Sexual Harassment in particular is a frequent occurrence. It is a distressing occurrence for women and can lead to feelings of shame, humiliation, anxiety, fear and self-blame. It is indicative of ongoing sexist attitudes towards women and is a form of gender-based violence. It impedes women and girls' freedom of movement in the city and can cause long term harm. It is therefore a violation of their human rights"*²²

They report there is not a high level of rape in Dublin but there are high levels of sexual harassment which have become normalised and are tolerated in Dublin.

They report there is a reluctance among women to report and disclose their bad experiences of sexual violence arising out of culturally bound feelings of shame, embarrassment, and self-blame.

While Ireland does currently have laws regarding sexual harassment in the workplace,²³ Protection and prevention of sexual or gender-based violence is not adequately provided for in law. For instance, it is a defence that an employer takes reasonable steps to prevent it. This means that if an employer can demonstrate that an accused employee was provided with training, a policy document, and that internal mechanisms are in place, there is no liability on the employers' part. This can be a barrier for women to seek civil redress. The possibility of tortious liability for employers could increase employer vigilance in this regard similar to the impacts that have been achieved with regards to health & safety.

²¹ "Challenging Sexual harassment and other forms of sexual violence in a public space" Bourke, Lalor and Cuffe 2015.

²² *ibid* p.6

²³ *Employment Equality Acts 1998-2015. Art. 23*

The Irish position is in stark contrast to the new strengthened protections in the New York State Law. New legislation strengthened New York's anti-discrimination laws to ensure employees can seek justice and perpetrators will be held accountable by eliminating certain restrictions to be legally actionable and protecting employees by measures such as mandating that all non-disclosure agreements allow employees to file a complaint of harassment or discrimination for example. The City of New York passed this law outlawing sexual harassment in the workplace in 2019, following much pressure from women.²⁴

The E.U. have ratified the C190-Violence and Harassment Convention in 2019, which outlaws violence and sexual harassment in the workplace. This came into force in 2021 but Ireland has not yet ratified this convention.

Labour Women call on government to:

- Make sexual harassment a crime, be it online or in person.
- Ensure that a high-level test of employer care be required in sexual harassment and that civil suit remains open to victims of workplace sexual harassment.
- Ratify the E.U. Convention on Violence and Harassment C190.

Femicide in Ireland

Femicide is the extreme end of the DSGBV spectrum and concerns the killing of women and girls by men because they are female. Femicide is often linked to domestic abuse, sexual abuse, coercive control and economic abuse, sex trafficking and war

There is no one definition of femicide in Ireland but the United Nations Vienna Declaration on Femicide (2012) identified these different forms of femicide:

- Murder of women because of intimate partner violence.
- Torture and misogynistic slaying of women.
- Killing women and girls in the name of honour.
- Targeted killing of women and girls in the context of armed conflict.
- Dowry related killing.

²⁴ NY Lab L § 201-G (2019) New York Laws – Labour Article 7 – General Provisions 201-G Prevention of Sexual Harassment. Accessed at <https://law.justia.com/codes/new-york/2019/lab/article-7/201-g/>

- Killing of women and girls because of their sexual orientation and gender identity.
- The killing of Aboriginal and Indigenous women and girls because of their gender.
- Female infanticide and foeticide because of their gender.
- Genital mutilation related deaths.
- Accusations of witchcraft.
- Other types of femicide connected with gangs, organised crime, drug dealers, human traffickers, and the proliferation of small arms.²⁵

Femicide in Ireland is not regarded as a separate crime to murder, manslaughter, or involuntary manslaughter, and as such it is not recorded statistically. This is a different type of crime as the act is directed towards the woman because she is female. Women's Aid have been keeping statistics on femicide since 1996.

Women's Aid '*Femicide Watch*' factsheet 2021 states the 242 women died violently since 1996, of which 57% were murdered by a partner, and 150 were murdered in their own homes.

Labour Women call on government to:

- Ensure femicide is made a crime.
- Develop research into femicide in Ireland to try and expose the danger signs for femicide in a home as a learning tool for gardai and other professionals.
- Develop national statistics on Femicide to ensure that it is made more visible to the government and the public.

Online sexual abuse.

Online sexual abuse is becoming more prevalent. This may take the form of stalking women and girls online, abusing them sexually online and sharing intimate pictures. The latter is now forbidden by law, but new laws are required to prohibit the abuse of women and girls online in all forms.

Women in politics are frequently subjected to online sexual and gender-based abuse.

Agencies must take more responsibility for the abuse posted on their websites and to support this. Ireland needs new laws to prohibit and prosecute abuse and hate crime against women online.

²⁵*Measuring femicide in Ireland 2021*. European Institute on Gender equality.

Labour Women call on government to:

- Develop new legislation to prosecute online abuse of women and hate crime.
- Will hold websites accountable for the material they allow to be posted.
- Legislate against hate crime.

Female Genital Mutilation.

Labour has a zero tolerance of this practice and fully supports the current law on F.G.M. and the prosecution of those involved.

Labour women call on government:

- Develop support services for women and girls who have suffered F.G.M.
- Provide asylum for women and girls fleeing F.G.M.

Sex Trafficking

Labour Women hold a zero tolerance to sex trafficking. We believe strongly in supporting women who have been trafficked to exit and to be given appropriate therapeutic resources to heal from their trauma.

Labour Women call on the government to:

- Develop a residential therapeutic centre for trafficked women.

Prevention

Data

Prevention is the key to changing the systemic abuse of women in Ireland. An essential part of prevention is to have a robust system of data collection on violence against women and girls that is governed by the new agency recommended by the Third Strategy on Zero Tolerance for Domestic, Sexual and Gender Based Violence 2022.

The ability to assess statistics and incidences of DSGBV accurately and fully is an essential element in developing care and prevention strategies. Agencies such as Rape Crisis Centres, Women's Refuges, and many other organisations working in this area need better access to integrated database systems.

Labour Women calls for the new agency under the Third Strategy takes responsibility for collating all data relevant to violence against women.

Labour women call on government to::

- A comprehensive, interdepartmental, and interdisciplinary data collection and analysis strategy on instances and outcomes of DSGBV organised by the new department planned in the Third Strategy on DSGBV.
- Ensure access to data analytics by relevant community-based organisations.
- Labour Women will call for the new agency described in the Third Strategy to be led by a senior Minister.

Changing Attitudes.

Violence against women is rooted in gender inequality, unacceptable social norms, and a tolerance of violence against women in Ireland.

In order to effect a change in Irish society, it is vital that new education programmes are rolled out in schools to highlight the equality between the sexes, the importance of consent in sexual relations, the effect abuse and harassment has on women and girls and emphasise it is unacceptability.

Training programmes for adults in third level colleges, the workplace, social/ football clubs and a large-scale media campaign to highlight that violence against women is not tolerated.

Training for Gardaí, and members of the judiciary, including G.P.'s regarding the trauma response and assisting in ensuring better trauma sensitive pathways to medical care and access to justice for victims.

To achieve this change in Irish society, it must be rolled out to all levels of society.

Labour Women call on government to provide:

- Education in men's spaces
- Education in schools – from primary onwards
- Public Education – TV, Radio, Print media etc
- Training for professionals who deal with violence and abuse of women and girls.
- Make misogyny a hate crime.

Designing and Changing Public Spaces.

The U.N. Safe cities report on Dublin is a good example of how to change areas, so they feel safe to women who live or travel through them.

They found that parts of that area were derelict and this made women feel unsafe so they recommended to, enliven the area, improving the lighting, a stronger presence of Gardaí, addressing concerns around lanes, cleaning up the derelict sites to make it seem more cared for, develop the derelict buildings, ensuring line of vision and moving the bus stop to be more convenient for people and involving the local community who have been there for generations in improving safety.

Each large town and city should have this type of safety audit done to highlight the dangerous areas that need be renovated and redesigned.

Labour Women call on Local Authorities to:

- Undertake an audit for women's and girl's safety in large towns and cities.

Safe Practices to be Adopted and Supported

The practices below have been adopted by various countries to support women and girls' safety in their own communities. Ireland should seriously consider implementing them.

- Making it easier for women to exit abuse through changes to housing, the social welfare system and other benefits.
- UN Safe Cities recommendations concerning making public places safer for women.
- A system of Safe places in cities that provide 24-hour support to women and girls who have been harassed or assaulted or raped in the U.K.
- *'Between the stops the safety of women in the city'* – A system developed in Montreal, which allows women and girls to exit public transport at a point of their choosing during the late evening hours.
- *'Ask For Angela'* type initiatives – This initiative provides a safe signal to staff working in the night-time economy, that a person needs support to get away from a dangerous or potentially dangerous situation. This strategy has been adopted in parts of Ireland although it originated in the U.K. where it has been extended to pharmacies.
- *'Get me Home Safely'* campaign-Unite U.K. – Unite Trade Union are campaigning for employers to be responsible for ensuring their employees on night shifts get safely home.
- The *'White Ribbon'* campaign in Ireland, where men and women work together to end gender-based violence.

- 'Kerry Community Taxies', where a local publican bought a car and asked volunteers to drive their friends and neighbours' home. Over seventy volunteers, Garda vetted, signed up to drive people voluntarily.

The Justice System – Supporting Reporting & Criminal Process

Recommended changes to the justice system to ensure better prosecution of sexual violence and rape is nothing new, and in recent years various initiatives have been undertaken in cases of rape and sexual violence to improve access to justice, better processes and supports for complainants during the criminal justice process, and changes to procedure in the courts.

Under-reporting

It is well known that women are reticent to report abuse to the gardai as many studies will confirm. This can be mainly due to the current social attitudes to assault; women can feel they are to blame, are convinced by an acquaintance not to disclose, or fear they will be blamed, many women are also afraid of being retraumatised by the courts system which continue to be influenced by the rape myth. A percentage of women do not proceed to make a statement as they find the Gardaí unsupportive, and many know that few rape cases sent to the DPP end up in a court case.

There are limitations in rape law in Ireland such as the need for a more comprehensive definition of consent and a clearer distinction of the issue of consent²⁶ when the victim is intoxicated as it was reported that two-thirds of women who reported rape had taken alcohol.²⁷

Insufficient guidance on the effect of drink on consent can create difficulties of proof in several cases. Jurors can end up debating the issue of consent through the lens of the rape myth.²⁸

Lack of supportive and proactive follow through from initial Garda incident response may contribute to under reporting. Operation *Faoiseamh* stands as an example of the impact of proactive Garda involvement in DSGBV cases. Continuing this operational activity as a continuous Garda operational policy can contribute to better detection, engagement with support, and ultimately reporting of incidences of DSGBV.

²⁶ Yvonne Marie Daly [2020] 'Knowledge or Belief Concerning Consent in Rape Law: Recommendations for Change in Ireland', Crim. L.R., Issue 6.

²⁷ *Rape and Justice in Ireland. Rape Crisis Network 2010*

²⁸ Leahy, S. (2014). 'Reform of Irish Rape Law: The Need for a Legislative Definition of Consent'. *Common Law World Review*, 43(3), 231–263.

Labour Women call on the government to:

- Seek to eliminate the rape myth and other mythologies about women by a nationwide education programme.
- Review the laws on rape, sexual assault and domestic abuse. to improve the fairness and efficacy of the law.
- A review of the laws on rape, sexual assault, and domestic abuse.
- Provide greater levels of education for the Gardaí and Judiciary on trauma and the need to sensitively handle the victims' complaints.
- Ensure that victims are supported through the legal process.
- Continuation of operation *Faoiseamh* as a permanent Garda operational programme.
- A reduction in the long delays in hearing court cases.
- Facilitate the Judiciary to draft guidelines for sentencing for sexual offences.

Attrition

From initial reporting to trial at court, there are many barriers to justice for victims of sexual violence. Some of these barriers cause a complaint to fail to be completely investigated or fail to go to trial.

Retraumatization

The process of seeking justice from initial reporting through to criminal trial can be a very lengthy one. At each point of contact throughout this process, victims may be subject to re-traumatisation. Being required to detail their trauma to an initial Garda, a specialist Garda, other investigators, prosecution Lawyers, defence Lawyers, and during a trial process. Re-traumatization can compound and deepen the psychological and emotional injury a victim may have experienced. Aspects of the criminal process can be triggering where PTSD is experienced by the victim. A continuity in how cases are managed could assist in reducing triggering events for a victim.

The 'Perfect' Victim

Often prosecutors are reluctant to take up any case where the victim has suffered mental health problems, drug abuse, had a criminal record, or other factors which prosecutors determine would create a difficult case. This is grounded in the rape myth as discussed. The justice system must find mechanisms and procedures to ensure justice can be accessed equally by all.

Duration / Delay

The process of investigating and trying a sexual violence case can take an excessive length of time and this can contribute to attrition.²⁹

Decision not to prosecute.

The Office of the D.P.P can present as another barrier, for example between the years of 2000-2004 the DPP's office decided not to prosecute 70% of rape cases.³⁰ It is vital that the justice system serves the women in Ireland and that the rate of attrition of sexual assault and rape is significantly reduced.

Labour women call on government to:

- Provide greater support victims within the justice system emphasizing the continuity in case management.
- Provide trauma response training for Gardaí, social workers, solicitors, barristers, and Judiciary.
- Institute networking among legal professionals – instituting a 'rape case watch', journal reporting *obiter* judgements on issues such as rape myth argument etc.
- Fully implement the Istanbul Convention.
- Victim centred sexual harassment legislation.
- Research into the rates of attrition on rape and sexual assault cases from first garda contact to the Office of the DPP.

Conclusion

We welcome the comprehensive third strategy offered by the government during researching and developing this policy. While this strategy did engage with stakeholders and seeks to further the justice departments treatment of DSGBV in Ireland in fundamental ways, we remain as hopeful as we do watchful in its full implementation.

Further to the measures detailed in the third strategy, we propose deeper measures that are trauma considered and that respect for the woman must be the central consideration in addressing DSGBV. We have also proposed much needed changes to the law. As such, this policy proposes some measures not otherwise considered by government.

²⁹ *The investigation of sexual violence: priority recommendations: agenda for justice 111; DRCC submission to the Law Reform Commission. Neary 2007*

³⁰ *Rape and Justice in Ireland*, Hanly, Hanly and Scriver November 2010

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