



**RCNI Submission to the  
Citizens' Assembly on Gender Equality**

**March 2020**

### **About Rape Crisis Network Ireland**

Rape Crisis Network Ireland (RCNI) is a Charity specialising in information, policy and resources on rape and all forms of sexual violence. The RCNI are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland. Together we represent more survivors of sexual violence than any other specialist non-governmental body in Ireland. We develop and coordinate national projects, use our expertise to influence national policy and social change, and lead, support and facilitate multi-agency partnerships towards ending and addressing sexual violence.

### **Introduction**

RCNI is grateful for the opportunity to submit to you in the Citizens' Assembly about how gender-based violence, including sexual violence, both causes and impacts on gender equality.

We believe the impact of gender-based violence is highly significant in any discussion of gender equality and that we cannot fully understand the persistence and pervasiveness of inequalities unless we understand how domestic and sexual violence shapes and dictates our public and private spaces, individual choices and opportunities.

### **About sexual violence<sup>1</sup>**

Sexual violence includes rape, sexual assault, childhood sexual violence, sexual exploitation and online sex crime. It encompasses threats and attempts to penetrate and assault also.

It can happen to anyone but is predominantly perpetrated against children of both sexes and women. In addition to being a child and a woman, other characteristics such as having a disability or being LGBT can increase the likelihood of being targeted for sexual violence.

It is predominantly perpetrated by men acting alone (90%), Females account for 7% of abusers. Most female perpetrators act alongside male perpetrators, but a few perpetrate individually. These figures for multiple perpetrators can be expected to be very different when discussing sexual exploitation and the rise in online sexual crime.

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<sup>1</sup> all numbers in this section derived from the 2000 prevalence survey, the SAVI Report <http://www.drcc.ie/about/savi.pdf>

**A note on care and engagement on sexual violence:** it may have become the norm in the Assembly deliberations to share personal experiences on matters of gender equality. You may wish to consider establishing different ground rules for this topic. Just as in any part of society, this group includes multiple survivors of sexual violence.

Each survivor's experience enriches our knowledge, but no survivor should feel pressurised to share their experiences or to represent all survivors through their own experience. Solidarity with and safety for survivors in the group in this discussion includes not stating that you have never experienced sexual abuse as this reduces the protection in numbers for survivors in the group.

**In a room of 100 people you can expect there will be:**

- 10 women and 8 men who have experienced contact sexual abuse as children,
- For up to 3 of those women and 2 of the men the childhood abuse will have included rape,
- When including experiences as adults as well as childhood abuse, 5 women will be rape survivors and 2 of the men.
- 21 women and 14 men in the group will have experienced some form of sexual abuse or assault over the course of their lives.

**What would help change this?**

1. That government prioritises preventing and addressing gender-based violence in proportion to its impact.
2. That government creates, and protects in law, an independent advocate for survivors with the power to hold state actors accountable, such as a Commissioner, Ombudsman etc.
3. That the justice system is overhauled to treat survivors better and ensure that it is capable of understanding and responding to all forms of gender-based violence, both in the criminal justice process and elsewhere, in particular that a full family welfare system is put in place in special family courts.

4. That prevention and accountability is fully prioritised across all publicly funded education settings. And that all prevention is informed by the realities of gender inequality, sexism, misogyny and all other forms of hate.<sup>2</sup>
5. That there are enough resources devoted to ensuring that the rights of victims of sexual violence are upheld and that these victims have access to the appropriate range of supports when they are affected by sexual violence, thereby reducing its impacts on them and their futures.

### **Where do sexual violence survivors get support?**

There are 16 Rape Crisis Centres in Ireland and one in Northern Ireland. There are also other charities specialising in sexual violence supports and responses, including One in Four, CARI and Towards Healing. There are 6 HSE medical and forensic SATU services and the HSE runs an adult counselling service for survivors of childhood abuse. The 39 domestic violence services also regularly support survivors of sexual violence as part of their domestic violence responses.

There is limited national data on survivor access to services as government does not support our collection of data and do not have the capacity themselves to produce our data. Our best estimate is that nationally in 2018 there were in excess of 45,250 calls to sexual violence helplines, approximately 3,600 survivors receiving ongoing counselling and a further 2,400 receiving a range of other services and supports.<sup>3</sup>

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<sup>2</sup> Framework for Consent <https://www.education.ie/en/Publications/Education-Reports/framework-for-consent-in-higher-education-institutions.pdf> is a whole-of-institute framework response to sexual harassment and violence in third level colleges and universities (HEIs). It was commenced in 2019 and the Higher Education Authority, <https://hea.ie/> has the responsibility to monitor its implementation as it distributes public funding to HEIs. The Minister for Education and Skills asked the National Council for Curriculum and Assessment (<https://ncca.ie/en>) to review the sex education programme in schools (RSE). They issued a report in December 2019 <https://ncca.ie/media/4462/report-on-the-review-of-relationships-and-sexuality-education-rse-in-primary-and-post-primary-school.pdf> it specifically excluded 'pornography, gender and sexual discrimination and violence and social and cultural norms and expectations as they relate to relationships and sexuality' from the recommendation of areas that needed to be included in a new curriculum. Pps 56 & 73,74.

<sup>3</sup> these are guestimates based on figures from all 16 RCCs, One in Four, CARI, Towards Healing and the SATUs, it does not include the HSE counselling service data

## Theme 1: Gender norms and stereotypes

**Gender inequality and sexual violence are both cause and effect of each other.**

### 1. A) Sexual violence as a cause of gender inequality:

Sexual Violence reinforces fixed and often harmful ideas about gender and the limiting stereotypes that are attached to gender. It can be useful to think of sexual violence as a tool used to police the boundaries and conformity to gender roles. Sexual Harassment and violence is often targeted at those who 'break the rules'.

Thus, attempts to make society more equal must tackle sexual violence as it is a powerful way that the status quo gets reasserted and reproduced. Individual efforts, training or upskilling will be in the context of gendered and sexualised disciplining.

For example,

- Men who are raped can feel that it was a signal to them that they were judged 'too effeminate' and therefore 'punishable' by rape as a lesson for betraying masculinity.
- Rape in intimate partnerships is often perpetrated as a disciplining tool when the girl or woman breaks rules laid down by her partner to control her movements and freedom.
- A European study found that women in top management jobs were at a greater risk of sexual harassment with almost 75% of these women in high status jobs experiencing sexual harassment.<sup>4</sup>
- This is reflected by the women in leadership roles, particularly in public life who are speaking out about this. Their male counterparts do not experience the same sexualised harassment.

Sexual violence and the fear and threat of it also *makes* the gender unequal rules:

- From a young age, girls' and boys' freedom is gendered, most often because girls are seen as more vulnerable to assault by others. The distance from the home and the age at which boys are allowed to move independently, (for example take the bus to town, go on unsupervised overnight stays away from home etc.) is more expansive and earlier than girls' in general.

Girls are therefore taught from an early stage that the public space is dangerous and minimising risk is to minimise engagement there. Indeed, this is not simply theoretical, the threat is real, they or their friends will experience sexual assault and harassment to

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[https://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance-oct14\\_en.pdf](https://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-at-a-glance-oct14_en.pdf)

back up this lesson, when they do venture out or seek to assert themselves in career advancement.

- Boys' clothes are not policed in the manner that girls' clothes are. Girls, from a very young age and certainly as they reach puberty, learn that they must pay attention to how their bodies might draw the 'wrong' attention and that they must make adjustments (such as a longer skirt, less tight trousers, less red lipstick etc) to prevent this unwelcome gaze or attention, generally from men. And if they choose not to conform to these rules, that they will be at least partly to blame if they experience sexual violence.

These attitudes flow from our living rooms all the way into our court rooms in the common and regular cross-examination of female rape victims about their clothes and demeanour. These common defence arguments in court promoting the 'twin myths':

1. That a girl or woman who dresses and acts in a certain way is more likely to have consented to the act which would otherwise be a crime and

2. That a woman or girl who dresses or acts in such a way or who has allegedly (or admittedly, on other occasions) consented to sex with the accused or others, is less likely to be a credible witness.

Male victims generally do not get questioned about their choice of clothes when giving witness.

### **1. B) Gender norms and stereotypes as a cause of sexual violence:**

Rape and sexual violence is also a crime of entitlement. Gender norms play a particularly damaging role in supporting entitlement-rape. Where girls and women are sexualised almost from the beginning (which has been examined elsewhere by the Assembly), sex and the control of sex becomes a gendered 'commodity.' Both boys and girls are trained to see women's value as bound up in how sexually attractive and available they are judged to be and men's status increased by how much access they have to women's bodies and decreased for perceived 'failure' there.

The evolution of 'Incels' (involuntary celibates) as a misogynistic cultural phenomenon in western culture speaks to the commodification of women's bodies as a currency in men's status and the justification for anger and harm directed at and indeed the murder of girls and women by men.<sup>5</sup>

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<sup>5</sup> <https://www.duo.uio.no/bitstream/handle/10852/69841/Masteroppgave-arbeidsversjon---Ferdig-versjon.pdf?sequence=1&isAllowed=y>

*'But the focus on incels as potential killers risks missing a more subtle threat: that they will commit acts of everyday violence ranging from harassment to violent assault, or simply make the women in their lives miserable. They are a dark reflection of a set of social values about women that is common, if not dominant, in broader Western society. The intersection between this age-old misogyny and new information technologies is reshaping our politics and culture in a way we may only dimly understand — and may not be prepared to confront.'*<sup>6</sup>

This is the highly unequal and misogynistic backdrop to sexual violence and to the choices women and men make throughout their lives.

**If gender inequality is a cause and effect of sexual violence, it is to be expected that increased gender equality will reduce sexual violence, but gender equality will be difficult to achieve without addressing sexual violence.**

- Please outline what you see as the key barriers/ obstacles and challenges to gender equality under this theme in law, policy and practice.
- **There is a lax approach to regulation of online communications, despite good intentions to the contrary:** We still do not have an adequate laws involving harmful behaviour online. Sexually explicit material, much of it depicting women as subservient, degraded and automatically available to gratify men, is far too readily available to impressionable adolescent males and adult males. If this material does not involve child victims or persons purporting to be child victims, access to it is little regulated.
- This access does much to promote the commodification of women and girls as sexual objects rather than autonomous actors in their own right, just as entitled to say yes or no to any sexual proposition as any man or boy. It is not likely to be an accident that there has been an increase in the number of contact sexual offences committed by ever younger males since the advent of the smart-phone (c 2012).

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<sup>6</sup> Zack Beauchamp, <https://www.vox.com/the-highlight/2019/4/16/18287446/incel-definition-reddit>  
For more see also DCU's Dr Ging, Debbie (10 May 2017). "Alphas, Betas, and Incels: Theorizing the Masculinities of the Manosphere". [Men and Masculinities](#): 1097184X1770640.

- Please identify the steps to be taken to address the issues raised and who should address them (e.g. the state, private sector, education system etc.)

### Education:

- **Education** begins in the home, where the wider culture is likely to be reflected. It's important therefore to begin by educating and supporting parents about the importance of gender equality and the insight to do so, as they raise their sons as well as their daughters.
- **Teachers at every level** should encourage girls and women to regard themselves and their ambitions, tastes, opinions, values and appearance as unique to themselves and every bit as intrinsically valuable as those of boys and men;
- **Parents and teachers at every level should both formally and informally reinforce the message that bodily autonomy is every girl's and woman's right** and that anyone who does not look for and respect her decision about sexual activity - is not worth serious consideration for a right swipe on a dating app, never mind as a sexual partner or (horrors) marriage prospect.
- All education initiatives such as those listed at different target audiences who work within any form of institution or agency should include **a whole of system approach**. That is, those in authority and with power in the system must be accountable and proactive in being part of the solution. **Critically funding, especially public funding, should be contingent on reaching this standard.**
- A good example is the Framework for Consent for third level colleges and universities. <https://www.education.ie/en/Publications/Education-Reports/framework-for-consent-in-higher-education-institutions.pdf> which is a whole-of-institute framework response to sexual harassment and violence in third level colleges and universities (HEIs). It was commenced in 2019 and the Higher Education Authority, <https://hea.ie/> has the responsibility to monitor its implementation as it distributes public funding to HEIs.

### Education programmes designed to address the twin scourge of sexual violence and gender inequality must:

- **Create the conditions whereby young people can identify their own authentic sexual needs** as opposed to those imposed by a culture saturated in misogyny and sexual violence imagery as entertainment and commodification.
- Contain material which **challenges robustly the prevailing ideology** that male sexual (and indeed career) ambitions, needs, desires, should have automatic primacy over female sexual and other ambitions, needs and desires and capacity.
- **Equip people with the skills to understand and operate within consent.**



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The current guidance to the Minister with regards reviewing the sex education curriculum in schools does not do this. The Minister for Education and Skills asked the National Council for Curriculum and Assessment (<https://ncca.ie/en>) to review the sex education programme in schools (RSE). They issued a report in December 2019 <https://ncca.ie/media/4462/report-on-the-review-of-relationships-and-sexuality-education-rse-in-primary-and-post-primary-school.pdf> The report specifically excludes 'pornography, gender and sexual discrimination and violence and social and cultural norms and expectations as they relate to relationships and sexuality' from the recommendation of areas that needed to be included in a new curriculum. Pps 56 & 73,74.

RCNI believe this is a serious mistake.

### **The public spaces:**

**Gender stereotypes are all-pervasive and reinforced constantly within advertising and promotion.** Such regressive paid content should be controlled effectively by legislation if voluntary codes are not seen to be working;

### **Online sexually explicit and exploitative material**

We have legislation which prohibits everything to do with the production, distribution and use of online sexually abusive material as long as the material refers to child victims or any representation of child victims; however, we do not have;

- Appropriate laws to capture and punish various forms of sexual harassment and abuse online when committed against adult victims. We need to ensure that the now lapsed Harassment, Harmful Communications and Related Offences Bill 2017 is reinstated and if necessary, improved and then passed and commenced, by the incoming Government as an **urgent priority**; neither do we have
- **A Digital Safety Commissioner** or similar official charged with the monitoring and regulation of online sexually explicit material (1) and other harmful material (2) – such as intimate images harvested and used without consent for example, or
- **The Digital Safety Commissioner Private Members' Bill** which has now lapsed, and which would have introduced a take down and regulation system for ISPs, should be revived, adopted by Government, improved if necessary, passed and commenced as an **urgent priority** by the incoming Government.
- **A set of effective and if necessary, severe sanctions** for internet service providers who fail to take down intimate images which have been harvested, circulated, and/or altered, all without the consent or sometimes, prior knowledge of their victim, whether this is done for purposes of harassment or otherwise.

## Tackling gender stereotypes affecting women and girl complainants in the criminal courts.

It is clear that Government, prosecutors, judges and defence lawyers must all work together to reduce or ideally, eliminate, the risk of re-traumatisation through defence cross-examination and speeches which are invasive, oppressive, unnecessary, inappropriately prejudicial, not evidence based and essentially irrelevant to the main issues of fact in the case. Possible approaches include:

- **Statutory provisions restricting the introduction by the defence of evidence of the complainant's dress, demeanour, and previous character including sexual character for no other reason than to put forward the case that because she dressed, appeared or acted in a certain way, she is thereby more likely to have consented to the sexual activity at issue.**<sup>7</sup>
- **Mandatory training in the impacts of such defence tactics on vulnerable witnesses** for prosecutors and defence lawyers. It is fair to say that the relevant professional bodies have taken steps in this direction in recent times.
- **Education and information in these impacts should also be made available to judges** and they should be afforded the opportunity to avail of it as part of their working year.<sup>8</sup>
- **Education of jurors**, e.g. by judges giving them instruction on the general nature of rape myths and misogynistic stereotypes at the start, rather than the end, of the trial.
- **A more robust approach by judges** to defence cross-examination and speeches which are engaged in for no reason other than to oppress the female complaint by suggesting at length in various ways that because of certain aspects of her demeanour or dress or previous behaviour or sexual experience, she is more likely to have consented to the activity at issue and less likely to give credible evidence.

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<sup>7</sup> this has been done to an extent with evidence of the complainant's other sexual experience, but there is much room to improve those provisions, now under scrutiny by both Dr Tom O'Malley in his ongoing Review of the protections available to vulnerable witnesses in the investigation and prosecution of sexual offences and by the Law Reform Commission as part of their Fifth Programme of Law Reform;

<sup>8</sup> The newly commenced Judicial Council Act 2019 will facilitate the provision of such training through its dedicated Committee;

#### **Theme 4: Women's access to, and representation in, public life and decision making**

- Please outline what you see as the key barriers/ obstacles and challenges to gender equality under this theme in law, policy and practice.

An issue is whether it is necessary to have women in positions of power and influence – in Government, the civil service, the principal State agencies, the specialist victim support NGOs - in order to effect positive change?

- Representation and numbers of women and diversity in these public and senior roles is important to challenge the gender stereotypes that women and others simply don't do these jobs or belong here.
- It is also the case that increased numbers of women in traditionally male dominated spaces increases women's perceptions of safety and confidence to assert themselves and advance their careers.
- Such increase would also be expected to have an impact on economic parity.
- In terms of tackling sexual violence specifically, RCNI is not convinced that the sex of the decision maker matters more than his or her understanding of the nature of gender inequality and its relationship with sexual violence against women and girls;
- The best available data we have on sexual violence suggests that for males, sexual violence tends to become much rarer after they reach adulthood, however for females, vulnerability to sexual violence does not decline but increases once they reach adulthood. It's important that any new law, policy or practice is informed by an in-depth understanding of the extended vulnerability of women and those with other characteristics of vulnerability to sexual violence. That is much more important in transforming this issue, than ensuring that there is a balance of the sexes among senior decision makers.

- Please identify the steps to be taken to address the issues raised and who should address them (e.g. the state, private sector, education system etc.)
  - **Education and training** in the particular vulnerability of women and girls to sexual violence needs to be a priority for decision makers and influencers, whether they are in Government, the judiciary, the civil service, the Garda, the DPP's office, the media, education or elsewhere.
  - **Effective inter-agency and cross-government planning and working** is the key to effectively responding to the challenges of sexual violence, reducing this vulnerability and also to making the perpetrators of sexual violence accountable.

### Concluding Recommendations:

1. That government prioritises preventing and addressing gender-based violence in proportion to its impact.
2. That government creates, and protects in law, an independent advocate for survivors with the power to hold state actors accountable, such as a Commissioner, Ombudsman etc.
3. That the justice system is overhauled to treat survivors better and ensure that it is capable of understanding and responding to all forms of gender-based violence, both in the criminal justice system and elsewhere, in particular that a full family welfare system is put in place in special family courts.
4. That prevention and accountability is fully prioritised across all publicly funded education settings. And that all prevention is informed by the realities of gender inequality, sexism, misogyny and all other forms of hate.
5. That there are enough resources devoted to ensuring that the rights of victims of sexual violence are upheld and that these victims have access to the appropriate range of supports when they are affected by sexual violence, thereby reducing its impacts on them and their futures.

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