



DÁIL ÉIREANN

FORÉIGEAN AR BHONN INSCNE.

Rith Dáil Éireann an Rún seo istigh ag an gCruinniú de Dháil Éireann a bhí ann an 3ú lá seo d'lúil, 2024.

GENDER-BASED VIOLENCE.

The within Resolution was passed by Dáil Éireann at its Meeting on this 3rd day of July, 2024.

A handwritten signature in black ink.

Cathaoirleach Dháil Éireann

Le cur go dtí:

For transmission to: An Taoiseach

Go ndéanann Dáil Éireann:

Natasha O'Brien a mholadh as a mhisniúla atá sí agus as tathant cumhachtach a dhéanamh ó Dhéardaoin, an 20 Meitheamh 2024 i leith, thar ceann fospartaigh agus marthanóirí coireanna foréigneacha;

a bheartú aghaidh a thabhairt ar fhóréigean ar bhonn inscne atá ag imeacht ina loscadh sléibhe, agus ar an athíospairt a imrítear ar an oiread sin íospartach de thoradh próisis ceartais choiriúil i gcásanna áirithe a thionscnaítear trí na círteanna;

a thabhairt dá haire:

- go raibh an pobal an-mhíshuaimhneach mar gheall ar bhreitheanna a tugadh le deireanaí i leith gearradh pianbhreitheanna, agus go bhfuil an-amhras á churanois i bpianbhreitheanna a ghearrtar orthu sin a chiontailear i bhforéigean ar bhonn inscne, agus i gcoireanna foréigneacha eile;
- gur thaifead Cúnamh do Mhná 40,000 cás inar noctadadh drochúsáid a bheith déanta i gcoinne ban agus leanaí in 2023, is ionann agus méadú 18 faoin gcéad ar an líon noctaí dá sórt a rinneadh in 2022, agus gurb é an líon noctaí dá sórt is airde dár doiciméadaíodh riamh é;
- go ndearna an Tionól Saoránach maidir le Comhionannas Inscne agus Comhchoiste an Oireachtas um Chomhionannas Inscne araon roinnt moltaí i dtaoibh tacáiochtaí a fheabhsú d'íospartaigh agus do mharthanóirí foréigin baile, ghnéasaigh agus ar bhonn inscne, is moltaí a bhfuil a lán acu fós gan cur i ngníomh; agus
- d'ainneoin infheistíocht a bheith déanta as an nua in áiteanna tearmainn a chur ar fáil do mharthanóirí foréigin baile, tá Éire fós go mór faoi bhun an leibhéal soláthair a cheanglaítear faoi Choinbhinsiún Chomhairle na hEorpa chun foréigean in aghaidh na mban agus foréigean baile a chosc agus a chomhrac, a dtugtar "Coinbhinsiún Istanbúl" leis air, is ionann agus aon áit tearmainn teaghlaigh amháin a sholáthar in aghaidh an 10,000 duine

That Dáil Éireann:

commends the courage of Natasha O'Brien and the powerful advocacy that she has provided on behalf of victims and survivors of violent crime since Thursday, 20th June, 2024;

resolves to address the epidemic of gender-based violence, and the re-victimisation that is experienced by so many survivors as a result of criminal justice processes in some cases that go through the courts;

notes that:

- recent sentencing decisions have caused significant public disquiet, with serious questions about sentencing outcomes for those convicted of gender-based violence, as well as other violent crimes;
- Women's Aid recorded over 40,000 disclosures of abuse against women and children in 2023, an 18 per cent increase on 2022, and the highest ever number documented;
- the Citizens' Assembly on Gender Equality and the Oireachtas Joint Committee on Gender Equality both made several recommendations on improving supports for victims and survivors of domestic, sexual and gender-based violence, many of which have yet to be implemented; and
- despite renewed investment in refuge places for survivors of domestic violence, Ireland is still well below the required provision under the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the "Istanbul Convention", of one family refuge place for every 10,000 of population, thus needing at least 512 places, well above the planned 280 places that will be in

den daonra, is rud a fhágann go bhfuil 512 áit ar a laghad ag teastáil, lón is mó go mór ná an 280 áit a bhí beartaithe agus a bheidh curtha ar bun faoi dheireadh 2026, ach a gcuirfear 150 aonad nua ar fáil;

a aithint:

- go bhfuil de chumhacht ag an Stiúrthóir Ionchúiseamh Poiblí (SIP) athbhreithniú ar phianbhreitheanna ar fhoraí trócaire míchuí a lorg, agus go ndearna SIP 37 n-achomharc den sórt sin a thionscnamh chun na Cúirte Achromhairc Choiríúil, ar seasadh le 30 achomharc acu;
- gur cuid lárnach dár gcóras ceartais iad na prionsabail scaradh na gcumhactaí agus neamhspleáchas SIP, ach nach foláir don Oireachtas breithniú a dhéanamh ar na saincheisteanna laistigh den chóras ceartais choiriúil a bhfull aird tarraingthe orthu i gcaitheamh na coicise atá imithe tharainn;
- gur bunaíodh an Coiste um Threoirlínte agus Faisnéis maidir le Gearradh Pianbhreitheanna leis an Acht um Chomhairle na mBreithiúna, 2019, ach go bhfuil go leor oibre fós le déanamh chun a chinntíú go bhfoilseofar treoirlínte maidir le gearradh pianbhreitheanna;
- go bhfuil athruithe suntasacha ar bheartas tar éis tarlú chun aghaidh a thabhairt ar fhoréigean baile, gnéasach agus ar bhonn inscne, lena n-áirítear an Ghníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe, nó Cuan, gníomhaireacht reachtúil faoi chúram na Roinne Dlí agus Cirt atá dirithe ar dhul i ngleic le foréigean baile, gnéasach agus ar bhonn inscne, agus ar an gcéanna a laghdú, a bhunú chun an straitéis neamhfhulaingthe a chur i ngníomh, ach go bhfuil go leor oibre fós le déanamh; agus
- ag éirí as obair mhisniúll *Women of Honour*, go bhfuil Binse Fiosrúcháin ar bun anois maidir leis na próisis gearán in Óglaigh na hÉireann a bhaineann le bulafocht, idirdhealú, ciapadh agus mí-iompar gnéasach; agus

place by the end of 2026, once 150 new units are delivered;

recognises that:

- the Director of Public Prosecutions (DPP) has the power to seek a review of sentences on grounds of undue leniency, and that in 2022 there were 37 such appeals by the DPP to the Court of Criminal Appeal, 30 of which were upheld;
- the principles of separation of powers and of the independence of the DPP are central to our system of justice, but that the Oireachtas must reflect on the issues within the criminal justice system highlighted over the last fortnight;
- the Judicial Council Act 2019 established the Sentencing Guidelines and Information Committee, but much work remains to be carried out to ensure the publication of sentencing guidelines;
- significant policy changes have taken place to address domestic, sexual and gender-based violence, including the establishment of *An Gníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe*, or Cuan, a statutory agency under the remit of the Department of Justice dedicated to tackling and reducing domestic, sexual and gender-based violence, to implement the zero tolerance strategy, but much work remains to be done; and
- following the courageous work of the Women of Honour, a Tribunal of Inquiry is now underway into the complaints processes in the Irish Defence Forces relating to bullying, discrimination, harassment and sexual misconduct; and

a iarraidh:

- go ndéanfar athbhreithniú ar chleachtas na bpianbhreitheanna ar fionraí, agus ar na critéir a úsáidtear chun iad sin a ghearradh orthu sin a chiontaítear i gcoireanna foréigneacha;
- go mbeidh práinn mhéadaithe le forbairt a dhéanamh ar threoirlínte maidir le gearradh pianbhreitheanna ag Comhairle na mBreithiúna, treoirínte soiléire maidir le húsáid teistiméireachtaí faoi charachtar, agus bunachar sonraí cuimsitheach de phianbhreitheanna breithiúnacha;
- go ndéanfar athchóirithe ar an gcóras cúirteanna chun cosaint agus tacaíocht níos fearr a thabhairt d'íospartaigh agus do mharthanóirí foréigin baile, ghnéasaigh agus ar bhonn inscne, lena n-áirítear oiliúint éifeachtach a sholáthar do ghairmithe dlí agus don bhreithiúnacht;
- go mbeidh comhsheasmhacht i ngearradh pianbhreitheanna agus i soláthar rochtana ar chláir athshlánúcháin do lucht déanta foréigin baile, ghnéasaigh agus ar bhonn inscne;
- go dtabharfar isteach Coimisinéir chun gníomhú mar thacadóir neamhspleáach agus mar ghuth d'íospartaigh agus do mharthanóirí;
- go ndéanfar athbhreithniú ar rialacháin de chuid Óglaigh na hÉireann, d'fhonn déileáil ar shlí níos réamhghníomháil le comhaltaí a chuíseáit níos a chiontaítear i gcoireanna foréigneacha;
- go méadófar maoiniú ón Rialtas chun áiteanna tearmainn breise a sholáthar, de réir Choinbhinsiún lostanbúl; agus
- go soláthróidh an Rialtas acmhainní méadaithe i mbuiséad 2025 do Cuan, agus gealltanais go gcuirfear maoiniú ilbhliantúil ar fáil d'ionaid Éigeandála um éigniú agus do sholáthraithe seirbhise eile foréigin baile, ghnéasaigh agus ar bhonn inscne.

calls for:

- a review of the practice of suspended sentences, and the criteria used for applying these to those convicted of violent crimes;
- increased urgency in the development of sentencing guidelines by The Judicial Council, clear guidelines on the use of character references, and a comprehensive database of judicial sentences;
- reforms to the courts system to better protect and support victims and survivors of domestic, sexual and gender-based violence, including provision of effective training for legal professionals and the judiciary;
- consistency in sentencing and provision of access to rehabilitation programmes for perpetrators of domestic, sexual and gender-based violence;
- the introduction of a Commissioner to act as an independent advocate and voice for victims and survivors;
- a review of Irish Defence Forces regulations, in order to deal more proactively with members either accused of, or convicted of, violent crimes;
- increased funding from Government for the provision of additional refuge places, in line with the Istanbul Convention; and
- the Government to provide increased resources in Budget 2025 for Cuan, and a commitment to multi-annual funding for rape crisis centres and other domestic, sexual and gender-based violence service providers.