



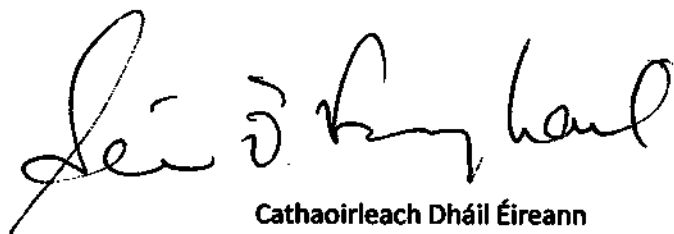
DÁIL ÉIREANN

**CUR CHUIGE NEAMHFHULAINGTHE A GHLACADH
MAIDIR LE FORÉIGEAN BAILE, GNÉASACH AGUS
INSCNEBHUNAITHE**

Rith Dáil Éireann an Rún seo istigh ag an
gCruinniú de Dháil Éireann a bhí ann an 10ú lá
seo d'Iúil, 2024.

**ADOPTING A ZERO TOLERANCE APPROACH TO
DOMESTIC, SEXUAL AND GENDER-BASED VIOLENCE**

The within Resolution was passed by Dáil
Éireann at its Meeting on this 10th day of July,
2024.



Cathaoirleach Dháil Éireann

Le cur go dtí:

For transmission to: *An Taoiseach*

Go ndéanann Dáil Éireann:

moladh a thabhairt do Natasha O'Brien, do Bláthnaid Raleigh, do *the Women of Honour*, do na mná i gCumann Peile na hÉireann, agus do na mná go léir a tharraing aird ar an gcoir fhealltach seo agus a leag béim ar an ngá atá le hathchóiriú ó bhun, nuair a labhair siad amach go cróga faoi fhoréigean baile, gnéasach agus inscnebhunaithe;

a thabhairt dá haire:

- go bhfuil foréigean baile, gnéasach agus inscnebhunaithe ag imeacht ina loscadh sléibhe inár sochaí;
- gur thug Cúnamh do Mhná le fios, an mhí seo caite, go raibh sé tar éis os cionn 40,000 nochtadh drochúsáide i gcoinne ban agus leanaí a fháil in 2023, arb é an líon is mó é ó bunaíodh an eagraíocht 50 bliain ó shin;
- gur léiríodh i Suirbhé um Fhoréigean Gnéasach na Príomh-Oifige Staidrimh a foilsíodh sa bhliain 2023, ar suirbhé cuimsitheach é atá ionadaitheach don tír, go ndearnadh foréigean gnéasach ar 40 faoin gcéad de na freagróirí le linn a saoil, céatadán arb ionann é agus 52 faoin gcéad de mhná agus 28 faoin gcéad d'fhir;
- maidir le beagnach 80 faoin gcéad de na daoine sin a ndearnadh foréigean gnéasach orthu, go raibh aithne acu ar an duine a rinne é, agus nach ndearna ach níos lú ná a leath díobh é a rá le duine éigin eile;
- gur léiríodh sa suirbhé freisin go bhfuil na rátaí tuairiscithe do na Gardaí an-íseal go deo nuair nach ndearna ach 5 faoin gcéad d'aoisigh a ndearnadh foréigean gnéasach orthu an cion a thuirisciú;
- maidir leis na daoine sin nach ndearna drochúsáid a thuirisciú do na Gardaí, go ndúirt 60 faoin gcéad díobh nach ndearna siad amhlaidh toisc nár chreid siad go raibh an drochúsáid tromchúiseach go leor, fad a dúirt aon trian díobh nach

That Dáil Éireann:

commends Natasha O'Brien, Bláthnaid Raleigh, the Women of Honour, women in the Football Association of Ireland, and all of the women whose bravery in speaking out about domestic, sexual and gender-based violence has shone a spotlight on this insidious crime and highlighted the need for radical reform;

notes that:

- domestic, sexual and gender-based violence is an epidemic in our society;
- last month, Women's Aid revealed it had received more than 40,000 disclosures of abuse against women and children in 2023, the highest number in its 50-year history;
- a comprehensive and nationally representative Central Statistics Office Sexual Violence Survey, published in 2023, revealed 40 per cent of respondents experienced sexual violence in their lifetime, 52 per cent of women and 28 per cent of men;
- nearly 80 per cent of those who experienced sexual violence knew the perpetrator, while fewer than half told anyone about it;
- the survey also revealed that rates of reporting to Gardaí are incredibly low with just 5 per cent of adults who experienced sexual violence reporting the crime;
- of those who did not disclose abuse to Gardaí, 60 per cent said it was because they did not think the abuse was serious enough, while one-third did not do so because they felt ashamed or embarrassed;

ndearna siad í a thuairisciú toisc go raibh náire nó aiféaltas orthu;

- gur thug Ionad Éigeandála um Éigniú Bhaile Átha Cliath le fios in 2021, nach ndéantar ionchúiseamh go hiarbhír ach de thoradh 14 faoin gcéad de na cásanna éignithe a thuairiscítear do na Gardaí;
- gur fhoilsigh an Rialtas an Tríú Straitéis Náisiúnta maidir le Foréigean Baile, Gnéasach agus Inscnebhunaithe in 2022, agus go ndúirt an Rialtas go raibh sé ag glacadh le Cur Chuige Neamhfhulaingthe; agus
- go ndúirt an Taoiseach, Síomón Ó hEarchaí, TD, sa Dáil, ar an 25 Meitheamh 2024, go gcaithfidh straitéis neamhfhulaingthe a bheith i gcoilár gach a ndéanaimid;

a thabhairt dá haire thairis sin:

- gur shiúil comhalta d'Óglaigh na hÉireann amach as an gcúirt ina fhear saor i Meitheamh 2024, tar éis dó pianbhreith ar fionraí a fháil mar gheall ar ionsaí brúidiúil a rinne sé ar Natasha O'Brien, agus go bhfuil achomharc déanta ag Oifig an Stiúrthóra Ionchúiseamh Poiblí i gcoinne na pianbhreithe sin anois toisc go raibh sí róthrócaireach;
- tar éis an chiontair sin, gur thug Óglaigh na hÉireann le fios go bhfuil 68 gcomhalta atá ag fónamh ciontair i gcoireanna, nó go bhfuil siad os comhair na gcúirteanna toisc gur cúisíodh iad i gcionta coiriúla;
- go bhfuil sé ráite ag an Tánaiste, Micheál Ó Máirtín, TD, maidir leis na 68 gcás sin, go mbaineann thart ar chúig cinn díobh le hionsaí gnéasach, agus go bhfuil ceann amháin ar feitheamh, fad a bhaineann 6 chás le teagmhais bhaile nó le sárúithe ar orduithe urchoisc;
- gur tháinig sé chun solais ar an 1 Iúil 2024, maidir le tiománaí tacsáí a ciontaíodh in éigniú a dhéanamh ar bheirt bhan óga a

in 2021, the Dublin Rape Crisis Centre revealed that just 14 per cent of rapes reported to Gardaí actually result in a prosecution;

in 2022, the Government published the Third National Strategy on Domestic, Sexual and Gender-Based Violence, and said it was adopting a "zero tolerance" approach; and

in the Dáil, on 25th June, 2024, An Taoiseach, Simon Harris TD, said "We need to have a zero tolerance strategy embedded in everything we do";

further notes that:

in June 2024, a member of the Irish Defence Forces walked free from court after he received a suspended sentence for a brutal assault on Natasha O'Brien, and the Office of the Director of Public Prosecutions has now appealed the leniency of that sentence;

after that conviction, the Irish Defence Forces revealed that 68 serving members have been convicted of crimes, or are before the courts charged with criminal offences;

according to the Tánaiste, Micheál Martin TD, of these 68 "approximately five relate to sexual assault and one is pending", while six cases relate to "domestic incidents or breaches of barring orders";

on 1st July, 2024, it was revealed that a taxi driver, who was convicted of raping two young women he had picked up in his

phioc sé suas ina thacsaí, go raibh ciontuithe ar leithleach aige roimhe sin mar gheall ar chionta gnéasacha tromchúiseacha;

— i mBealtaine 2024, gur inis Cláraitheoir agus Príomh-Oifigeach Chomhairle Fiaclóireachta na hÉireann, an Dr David O'Flynn, do Chomhchoiste an Oireachtais um Shláinte gur fhág bearnaí sa chreat rialála láithreach d'fhiacloirí nach bhféadfaí smachtbhanna a chur ar fhiacloir neamhchláraithe atá ag oibriú sa dlínse seo d'ainneoin ciontú a bheith aige nó aici in ionsaí gnéasach;

— go bhfuil an Chomhairle Fiaclóireachta tar éis iarraidh ar rialtais i ndiaidh a chéile an creat rialála a nuashonrú, agus é curtha in iúl aici, in aighneacht a cuireadh faoi bhráid an Rialtais in 2021, nach féidir sábháilteacht othar a dhearbhu agus go bhfuil díobháil déanta d'othair mar gheall ar an mainneachtain sin rialáil a dhéanamh; agus

— go bhfuil seirbhísí comhairleoireachta agus sícíteiripe in Éirinn neamhrialáilte amach is amach, agus é curtha in iúl ag an Aire Sláinte, Stiofán Ó Donnghaile, TD, don Dáil i mBealtaine 2024 nach féidir a rá go cruinn cathain a bheidh gairmeacha an chomhairleora agus an tsícíteiripeora rialáilte go hiomlán;

a himní a chur in iúl:

— gur rómhinic nach ndéanann forais Stáit nó an Rialtas aon ghníomh go dtí go labhraíonn mná amach faoina dtráma féin agus faoina dtaithe féin maidir le foréigean baile, gnéasach agus inscnebhunaithe; agus

— maidir lena mhoille atá athchóiriú le haithint in go leor réimsí, lena n-áirítear an ganntanas ollmhór spásanna tearmainn, fadhbanna eindéimeacha inár gcóras ceartais choiriúil, agus mainneachtain rialáil a dhéanamh, nó rialáil leordhóthanach a dhéanamh, ar

cab, had separate previous convictions for serious sexual offences;

— in May 2024, Registrar and Chief Officer of the Dental Council of Ireland, Dr David O'Flynn, told the Oireachtas Joint Committee on Health that gaps in the current regulatory framework for dentists meant an unregistered dentist, operating in this jurisdiction despite having a conviction for sexual assault, could not be sanctioned;

— the Dental Council of Ireland have called on successive governments to update the regulatory framework, advising, in a submission to Government in 2021, that "patient safety cannot be assured and patients have been harmed because of this failure to regulate"; and

— counselling and psychotherapy services in Ireland are completely unregulated, with the Minister for Health, Stephen Donnelly TD, advising the Dáil in May 2024, that "it is not possible to say with any degree of accuracy when the professions of counsellor and psychotherapist will be fully regulated";

expresses concern that:

— too often, it takes women speaking out about their own trauma and experience of domestic, sexual and gender-based violence before State institutions or the Government take any action; and

— the slow pace of reform evident in many areas, including the huge shortage in refuge spaces, endemic problems in our criminal justice system, and a failure to regulate, or adequately regulate, a variety of professions, despite the Government's professed "zero tolerance" approach to

ghairmeacha éagsúla, d'ainneoin an Chur Chuige Neamhfhulaingthe a mhaíonn an Rialtas atá aige maidir le foréigean baile, gnéasach agus inscnebhunaithe; agus

domestic, sexual and gender-based violence; and

a iarraidh ar an Rialtas:

calls on Government to:

- uasdátú a thabhairt don Dáil maidir le cathain a fhoilseofar, faoi dheireadh, treoirlínte maidir le gearradh pianbhreitheanna ó Chomhairle na mBreithiúna;
- soiléiriú a thabhairt maidir le cathain a chríochnófar agus a fhoilseofar an tuarascáil ó Peter Ward, AS, maidir le riaradh cásanna a bhaineann le pearsanra d'Óglaigh na hÉireann a chúisítear nó a chiontaítear i gcionta coiriúla;
- a chur in iúl cathain a dhéanfar pearsanra d'Óglaigh na hÉireann, a cúisíodh i bhforéigean baile, gnéasach agus inscnebhunaithe, a dhífhostú;
- athbhreithniú a dhéanamh ar rialacháin maidir le tacsaithe, lena n-áirítear cumhacht an Gharda Síochána ceadúnas tiomána beagfheithiclí seirbhíse poiblí a chúlghairm nó a fhionraí, oibriú na gcumhachtaí sin, agus cibé acu atá siad leordhóthanach;
- Acht na bhFiaclóirí, 1985 a nuashonrú ionas go mbeidh Comhairle Fiaclóireachta na hÉireann in ann, i measc nithe eile, smachtbhanna a chur ar fhiaclóirí neamhchláraithe atá ag oibriú in Éirinn d'ainneoin ciontuithe a bheith acu, lena n-áirítear ciontuithe in ionsaí gnéasach;
- rialacháin a thabhairt isteach maidir le seirbhísí comhairleoireachta agus sícíteiripe, a mbraitheann go leor daoine soghonta orthu;
- spásanna tearmainn a mhéadú, ionas go mbeidh Éire ag teacht lenár n-oibleagáidí faoi Choinbhinsiún Chomhairle na hEorpa chun foréigean in aghaidh na mban agus foréigean baile a chosc agus a chomhrac, a

- update the Dáil on when sentencing guidelines from the Judicial Council will finally be published;
- clarify when the report of Peter Ward SC, into the administration of cases involving Irish Defence Forces personnel charged or convicted of criminal offences, will be completed and published;
- advise when Irish Defence Forces personnel, who have been convicted of domestic, sexual and gender-based violence, will be dismissed;
- review taxi regulations, including the power of An Garda Síochána to revoke or suspend a small public service vehicle driving licence, the operation of those powers, and whether they are sufficient;
- update the Dentists Act, 1985, so that the Dental Council of Ireland will be able to, among other things, sanction unregistered dentists operating in Ireland despite having convictions, including for sexual assault;
- introduce regulations for counselling and psychotherapy services, which many vulnerable people rely on;
- increase refuge spaces, so that Ireland is in line with our obligations under the Council of Europe Convention on preventing and combating violence against women and domestic violence, also known as the

dtugtar "Coinbhinsiún Iostanbúl" leis air, líon na ndaoine atá ag fanacht i dtearmainn ban a chur ar áireamh i líon na ndaoine gan dídean, agus an soláthar tithíochta malartaí sláine a mhéadú dóibh siúd atá i dtearmainn; agus

- a mhíniú conas is ionann mainneachtain ag an Rialtas rialacháin ghairme a athbhreithniú, a thabhairt isteach nó a nuashonrú, thar go leor blianta, agus fianaise ar Chur Chuige Neamhfhulaingthe maidir le foréigean baile, gnéasach agus inscnebhunaithe.

"Istanbul Convention", include the numbers staying in women's refuges in the homeless figures, and increase the provision of secure alternative housing for those in refuges; and

- explain how a failure by Government to review, introduce or update professional regulations, over many years, is evidence of a "zero tolerance" approach to domestic, sexual and gender-based violence.