



Rape Crisis Network Ireland (RCNI) Oral Presentation to the Joint Oireachtas Committee on Justice

Chairperson and members of the Committee, Rape Crisis Network Ireland thank you for your invitation today. RCNI is enthusiastic about a dedicated DSGBV Agency and its potentially transformative impact. We are mindful of the legislation for this Agency giving it both the scope and specificity to meet expectations, so as to ensure gaps do not open up in any expectations, purpose and capacity such as has been our experience with the previous transition into the Child and Family Agency.

In addition to our earlier written submission, I will focus on two points here, but am happy to take questions more broadly. The first is the extent and limit of the Agency's role in policy and transformation, the second is on the issue of information sharing, Head 5.

The Nature of the Agency

We welcome that this Bill recognises the need for the Minister for Justice and the whole of government to remain responsible and active for policy and progress in the area of DSGBV. However, we see risks in this Bill in how the functions and powers of this Agency may be shaped and confined, such as to make this legislative process itself effectively meaningless.

There are critical points where the Minister directs the Agency and the Board's business throughout the Bill:

- Under Head 15 the Minister may intervene and direct the agency's work in a range of ways
- under Head 27 the Minister may develop a multiannual Performance Framework;
- under Head 28(8)(a) the Minister may amend the Corporate Plan at any time and;
- under Head 29 the Minister shall provide an annual Statement of priorities.

While many of these provisions are sound and practical, we are left wondering what strategic role the Agency and Board has, if any. As it is currently constructed, the Board appears confined to oversight, control and accountability of good governance. If the board has no strategic role then the Agency cannot be said to have a policy leadership role or independence.

At the other end of the spectrum is the relationship and functions of the Agency vis a vis the DSGBV sector where it is possible to interpret the same utilitarianism. In our written submission we raised concern at the language used in Head 14(1) around 'service providers'. We are concerned that the Bill does not explicitly recognise the broad work of any service provider beyond the direct instances of service provision, these functions include listening, learning and engaging to evidence and affect change - in short, any organisation's advocacy and its agency.

In between, is how the Agency itself develops and leads on policy.

We would suggest consideration of the rebalancing throughout the Bill to recognise and protect agency appropriately.

Head 5 on public service information sharing does not appear to offer any addition to the existing Data Protection law. This should concern us. It appears to us that this Head has attempted to solve a problem that it does not specify, notwithstanding reference to head 4.

We are aware that barriers to timely and in-depth cooperation based on real or perceived limitations in powers to share information can often frustrate insight, progress and implementation. 5(1) (with the deletion of reference to 'personal data') would seem to be a positive, if powerless, clause to give support to the Agency in expediting those points of negotiation.

Bearing in mind that many of these limitations exist for the protection of survivors' rights, upholding of their safety and dignity and indeed, at times, their protection from the State itself, if there are specific information sharing requirements for the Agency's functions, these should be stated specifically and transparently and be subject to scrutiny before passing into law.

RCNI can envisage potentially useful provisions empowering the Agency in how it processes and protects data, but these need to be specific and defined. We could never support a blank cheque approach to law making in this area, which concerns the protection of survivors' rights. The legislation should be clear on what existing gap and powers in law it is seeking to introduce.

Lastly, reflecting on the Bill we remain of the view that this Agency and government oversight of the issue and the national strategy currently lacks an essential **independent monitoring mechanism**. We believe an appropriate independent 'champion' would also benefit from a strong legislative basis. This is a lost opportunity.

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