

# GENDER-BASED VIOLENCE IN UNIVERSITIES AND RESEARCH ORGANISATIONS

## NATIONAL FIELDWORK REPORT

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### 1. INTRODUCTION

Gender based violence (GBV) is understood as violence directed against a woman because she is a woman or violence that disproportionately affects women. GBV is not uniquely experienced in the Higher Education Sector; it is a reflection of the experience in society in general (DES, 2019). In 2011 the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence, known as the Istanbul Convention, highlighted the prevalence of GBV on a global scale. The signing (45 Countries) and ratification (33 Countries) of the treaty has acknowledged the need to protect the human rights of victims and end the practice of GBV on a global scale (CE, 2021). The Convention provides countries with a comprehensive legally binding framework to combat violence against women and girls, specifically to develop policies in order to prevent violence, protect victims and prosecute offenders of GBV. Within the treaty, there is a requirement for States to collect disaggregated statistical data and support research in the field of all forms of GBV (CE, 2014) (DJE, 2017).

This paper aims to map the evolution and experiences of GBV within the Irish Higher Education Sector. The HEI's & RPO's have a pivotal role in researching, analyzing and reporting the prevalence of GBV at an institutional and national level in order to inform the government, the education sector and the public on how to affect the necessary changes to end the practice of GBV. HEIs are in a unique position to influence the economic, social and cultural development of Ireland; they are the primary generators of the talent pipeline and the workforce. Education and research activities in universities drive creativity and innovation with students and staff as the pioneers of leadership and creativity for the country and society (IUA, 2018).

### 2. IRELAND RESPONDS TO ENDING GBV

#### (MAPPING OF POLICIES AND LEGAL FRAMEWORKS)

Ireland signed the Istanbul Convention in November 2015 and ratified it in March 2019; it came into force in Ireland in July 2019.

In preparation for the ratifying of the Convention, the Irish State prepared the Second National Strategy on Domestic, Sexual and Gender Based Violence 2016-2021 (DJE, 2016) and the National Strategy for Women and Girls 2017 (DJE, 2017). These living document's overview strategy is to change societal attitudes on gender equality and to support a reduction in domestic and sexual violence through targeted awareness

campaigns, to improve supports available to victims and survivors, as well as to hold perpetrators to account. It is outlined that no one Government Department or agency can deliver on all the necessary changes to improve the situation on GBV, therefore, all Government agencies are charged with developing strategies and actions related to their sector.

There is and has been a determined effort by the Irish State and the Higher Education Sector to tackle the issue of GBV and issues of sexual harassment in Higher Education Institutes (HEI) over the last 5/6 years (HEA, 2016, 2018) (DES, 2019).

The Department of Higher Education and the Higher Education Authority (HEA), the statutory planning and development body for higher education, were keen on creating and developing a National Framework in line with European programmes, specifically the It Stops Now programme that outlined the data gathered by the Ending Sexual Harassment and Violence in Third Level Education (ESHTE) Project's partners, documenting the prevalence of sexual harassment and violence against women students in third level education across Europe (McCarthy Flynn, 2017). In 2019 the first Minister of State for Higher Education, Mary Mitchell O'Connor, TD, launched the Safe, Respectful, Supportive and Positive; Ending Sexual Violence and Harassment in Irish Higher Education Institutions Framework as a roadmap and toolkit of strategies and policies to be embedded in the duty of care for students and staff in HEIs and RO (DES, 2019).

In order to make a comprehensive, cohesive and manageable Framework it requires a national imperative for a sectorial response that is committed to monitoring, evaluation and annual reporting that is tied into funding (DES, 2019). To this end, the Government has made €400,000 available in competitive funding towards the creation and implementation of strategies / awareness campaigns that supports ending GBV in Irish HEIs. This incentive has seen a positive response by HEI's/RO's through the advancement of consent workshops, bystander intervention programmes, education and training workshops for students and staff, the creation and adoption of report and support mechanisms for victims of sexual misconduct, supported by partnerships with trauma specialists, the Garda Síochána (Irish Police Force) and campus/community support services.

### **Cultural Barriers in Employment in Irish HEIs**

It is worth noting that targeted initiatives on their own do not change the institutional culture and practices that exist in the higher education sector.

Within Irish HEIs there has been a prevailing issue of gender equality in terms of women's parity in the occupancy of senior academic and management positions. The HEA (2016) prepared a National Review of Gender Equality in Irish Higher Education Institutions in 2016 as a first step towards analyzing the slow progress of achieving gender equality in Irish HEIs. Giving moral and business reasons for HEI's to examine their own content and culture and review in detail their own disaggregated data on gender across all paths and levels in their institutions. In order to accelerate this process the Gender Equality Taskforce later produced the Gender Action Plan in 2018. The HEA created a Centre of Excellence for Gender Equality asking HEIs to create gender action



plans and report their progress annually to the HEA. The Athena SWAN Charter was to be implemented in HEIs and became a condition of future funding from RFOs (HEA, 2018).

These reports challenged organizational culture and systems that favour men over women for the top positions in Irish HEIs, which is reflective of a global trend associated with hierarchy and power (HEA, 2016, 2018)(Connell 1987, 2009) (Connell & Messerschmidt, 2005). In the Irish system, the Universities Act 1997, the balance of power in HEIs' rests with their president, who has total power over the appointment of senior managers (O'Connor, 2017,2020). There are 9 universities in Ireland and 14 institutes of technology, and 12 higher publically funded education institutes. There are only three female presidents in Irish Universities, Prof. Kerstin Mey was appointed president of the University of Limerick in 2020, Prof. Maggie Cusack was appointed as president of Munster Technological University in 2020 and Prof. Linda Doyle was appointed Provost of Trinity College in April 2021. The 2018 – 2020 Gender Action Plan suggests that more women in leadership roles in Irish HEIs would accelerate progress in achieving gender equality (HEA, 2018).

Environmental inequality manifests as a cultural barrier within HEIs. “Each institution has a particular gender order/regime that operates through a hidden day-to-day interplay of formal and informal norms with gendered implications”. Maintained by micro political processes and practice (O'Connor, 2020, p4)(O'Connor, 2017). Change becomes a social justice issue where the breaking down of hegemonic institutional structures is resisted to protect the patriarchal dividend (Connell & Messerschmidt, 2005).



State intervention in June 2019, launched the Senior Academic Leadership Initiative (SALI). A targeted and innovative positive action initiative that funds up to 45 women only senior academic leadership posts to specifically attract outstanding female applications from within the Irish sector and internationally in order to accelerate the representation of women in senior academic roles across Irish HEI's (DES, 2019). In January 2020 the Minister for Higher Education announced the approval of the first 20 professor level posts under the SALI Initiative (DE, 2020). Challenging stereotypes on the gendered enactment of power and the consequences thereof.

RFO's by incentivizing gender equality programmes that increase female award holders, grants, scholarships and research participation and content, have contributed to the advancement of women's participation at all levels of study and research (DE, 2020).

### **The Development of Research into GBV**

The National Framework 2019 emphasizes the need to collecting and analyzing disaggregated data on GBV at the national level within Irish HEIs. To-date the only information available is from a general population survey, Sexual Abuse and Violence in Ireland; A National Study of Irish Experiences, which was published in 2002, The SAVI Report (McGee et al , 2002). Any information on the prevalence of GBV experienced by the public at large comes from the reporting of incidents to the Garda Siochana, National Crime Statistics, recorded by the Central Statistics Office in 2015 (CSO, 2015). There is an absence of intersectional analysis in existing research due to an absence of

national data on (dis)ability, ethnicity, race, gender identity and sexuality (McCarthy Flynn, 2017).

In response to the lack of data, on the 12<sup>th</sup> of April 2021, Minister Harris, Minister for Further Education and Higher Education, Research, Innovation and Science announced the launch of a National Staff and Student Survey on Sexual Violence and Sexual Harassment in Higher Education Institutions. This survey will be conducted by the HEA, and will be sent to every student and staff member by their HEI, this includes 39,000 staff and 235,000 students in higher education. The survey will ask students and staff to detail any experience of sexual harassment / sexual violence to include crimes of sexual violence, sexual cyber bullying, non consensual taking and/or sharing of intimate images, creating, accessing, viewing, or distributing child sexual abuse material online or offline, stalking behaviour online/offline in a sexual context and verbal, physical harassment in a sexual context. The purpose of the survey is to create a robust evidence base for further policy decisions in relation to tackling sexual violence and sexual harassment in higher education (DFHERIS, 2021). In conjunction with the survey in March 2021 the Minister launched an 8-week 'Start Here' campaign to help educate students and staff on how to deal with disclosures of sexual harassment and violence, as an extension of the Active Consent programme (NUIG, 2021).

The Survey has been developed in consultation with expert advisory groups to include the Irish Universities Association, the Technological Higher Education Association, the Union of Students in Ireland, the National Women's Council of Ireland, Rape Crisis Network Ireland, the Rape Crisis Centre Forum and the national research funding agencies.

It is worth noting that each of the members of the advisory group have partnered or conducted research / studies and produced reports on the prevalence of GBV in Irish HEIs & RO's.

- **IUA** - Guidance for Universities; How to respond to Alleged Staff or Student or University Related Sexual Misconduct.
  - o [https://www.iaa.ie/wp-content/uploads/2020/09/IUA-Guidance-for-Universities-Consent-Framework%20ADFinal\\_May2020.pdf](https://www.iaa.ie/wp-content/uploads/2020/09/IUA-Guidance-for-Universities-Consent-Framework%20ADFinal_May2020.pdf)
- **THEA** - PROPEL – Promoting Consent and Preventing Sexual Violence Report.
  - o <http://www.thea.ie/contentFiles/PROPEL.pdf>
- **USI** - Active Consent USI: Sexual Experiences Survey 2020:
  - o <https://www.drugsandalcohol.ie/32244/1/Sexual-Experiences-Survey-2020.pdf>
- **USI** - Say Something: A Study of Students' Experience of Harassment, Stalking, Violence & Sexual Assault
- <https://usi.ie/wp-content/uploads/2013/09/say-something-Final-Online-Report.pdf>



- **NWCI – It Stops Now! ESHTe Project**
  - o [https://www.nwci.ie/images/uploads/ESHTe\\_Report-Ireland\\_FINAL.pdf](https://www.nwci.ie/images/uploads/ESHTe_Report-Ireland_FINAL.pdf)
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- **RCNI – Young People, Alcohol and Sex: What’s Consent Got To Do With It?**
  - o <https://www.rcni.ie/wp-content/uploads/Whats-Consent-Full-A41.pdf>

In addition:

- **IRC**
  - o Sexy Consent? Devising Workshops to Empower Young Adults to Negotiate Consent to Sexual Activity (2014)
  - o Smart Consent: Evaluating an Intervention to Promote Active Consent on the Part of Young Adults (2015)

### **Recourse to the Law**

Irish Legislation continues to be updated in relation to discrimination in employment; gender based violence and harassment, though is not specific to HEIs/ROs. Recourse to the law is an individual undertaking of a specific complaint.

- **Criminal Law (Rape) (Amendment) Acts, 1981 and 1990** Defines rape and serious sexual assault in Irish law. The 1990 amendments include:
  - o Gender neutral language in regard to both perpetrator and victim
  - o A broad definition of rape, to include sexual assault other than penile penetration, and other than vaginally; to include oral and anal sex, and the use of objects held or manipulated by a person to violate the vagina;
  - o The criminalization of rape within marriage
  - o Aggravated sexual assault
  - o The inadmissibility of past sexual history of the accuser as being irrelevant to a rape case; the failure or omission by the accuser to offer resistance to the act does not of itself constitute consent to the act. <http://www.irishstatutebook.ie/eli/1990/act/32/enacted/en/html>
- **The Non-Fatal Offences against the Person Act 1997**
  - o In the cases of harassment, understood to be “persistently following, watching, pestering, besetting or communicating with someone ... intentionally or recklessly, seriously interferes with the other’s peace and privacy or causes alarm, distress or harm <http://www.irishstatutebook.ie/eli/1997/act/26/enacted/en/html>
- **Domestic Violence Bill 2017**
  - o Consolidates Irish law primarily in relation to domestic violence, and relationships between spouses or civil partners. The Minister for Justice and Equality states that it is intended to bring forward amendments to extend access to safety and protection orders to those in intimate relationships, which are not cohabiting. The intention is to include powers to make orders in relation to electronic communication. [http://www.inis.gov.ie/en/JELR/Pages/Domestic\\_Violence\\_Bill\\_2017](http://www.inis.gov.ie/en/JELR/Pages/Domestic_Violence_Bill_2017)
- **Harassment, Harmful Communications and Related Offences Act 2020.**



- A private members bill, an Act to amend the law relating to harassment; to provide for offences relating to the recording, distribution or publication of intimate images and to provide for the anonymity of victims of those offences; to provide for an offence involving the distribution, publication or sending of threatening or grossly offensive communications; and for those and other purposes to amend the Non-Fatal Offences against the Person Act 1997, the Bail Act 1997 and the Domestic Violence Act 2018; and to provide for related matters. The President signed the Bill into law on the 28<sup>th</sup> December 2020.
- Harassment, Harmful Communications and Related Offences Act 2020/ and the Domestic Violence Bill 2017 (non cohabitating relationships): increase protections available in cases of obsessive and harassing cyber activities, which are particularly impactful on younger women. <https://data.oireachtas.ie/ie/oireachtas/act/2020/32/eng/enacted/a3220.pdf>  
<http://www.irishstatutebook.ie/eli/2020/act/32/enacted/en/print>
- **Criminal Law (Sexual Offences) Act 2017**
  - The Act made provision to protect victims of sexual offense from experiencing re-victimization during court proceedings. The Act also introduced a statutory definition of ‘consent’ to a sexual act that provides a clear statement of the circumstances in which consent could or could not be given when the person is asleep or unconscious, when the person is incapable of consenting because of the effects of drugs or alcohol. Failure to offer resistance does not equate to consent.
  - The person that consents may be withdrawn at any time before and during sexual activity.  
<http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>
- **The Criminal Justice (Victims of Crime) Bill 2016** will transpose into Irish law Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.
  - Victims of GBV will receive specialized support services
  - Actions must be implemented to ensure that women who do report violence are protected from secondary and repeated victimization  
<http://www.irishstatutebook.ie/eli/2017/act/28/enacted/en/html>
- **Employment Equality Acts 1998-2015.**
  - Prohibits sexual and / or racial harassment within the workplace. To include actions, gestures, spoken or written words, emails, text messages and social media posts. In the workplace, sexual harassment can be done by employers, co-workers, clients, customers and anyone else that the employer can reasonably expect an employee to come into contact with.  
<http://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/html>



- **Equality Status Acts 2000-2015**
  - Prohibits discrimination in relation to the provision of goods and services on nine specific grounds. This included educational establishments to discriminate in relation to access to a course, facility or benefit they provide. All public bodies, which includes Higher Education Institutions (HEIs) in Ireland.  
<http://www.irishstatutebook.ie/eli/2000/act/8/enacted/en/html>
- **The Irish Human Rights and Equality Commission Act 2014**
  - Requires public authorities to take a proactive approach to tackling institutional gender discrimination, and promote the mainstreaming of gender perspectives in all its work.  
<http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html>

### 3. PUBLIC AWARENESS OF GBV, #METOO

The Me-Too Movement highlighted the issue of sexual harassment globally. However, there is little data on the tangible effects it has had in Ireland. It has acted as a catalyst to examine everyday sexual violence that saw more women coming forward to report sex crimes. The Rape Crisis Networks experienced a strain on existing resources and created an online anonymous Me-Too Survey in order to develop a better system for allowing people to report sexual harassment (DRCC, 2021). The Workplace Relations Commission saw a jump of reporting incidents of sexual harassment at work between 2017 and 2018 and again between 2018 and 2019 at the height of the Me-Too Movement in Ireland (WRC, 2019). Social media acted as a platform for online disclosures for young people in particular, opening up the discussions on consent that saw the building of consent culture across Irish HEIs (Barry, 2021). In response, online reporting platforms have been introduced to anonymously report cases of sexual misconduct on campuses nationally (McGrath & Murray, 2020)(DFHERIS, 2021).

The community and voluntary sector has played a powerful role over the years to bring the issues of domestic and gender based violence to public consciousness and to promote changes in the laws and practice. Partnerships have built up between the voluntary sector, community groups, stakeholders, the Garda Síochána (Irish Police Force) Government departments and agencies in order to move forward in reporting, protecting and preventing GBV (DJE, 2016).

In order to reinforce the need for change the government as per the Second National Strategy on Domestic, Sexual and Gender Based Violence 2016-2021 have invested in a six year, year on year awareness campaigns via national broadcasting, media and social media (#whatwouldyoudo), to raise awareness among the general public and to highlight the options available to victims who seek protection. It encourages bystander intervention in order to change long-established societal behaviours and attitudes in order to reduce the propensity of GBV and holding perpetrators to account. (DJE, 2016) (DJE, 2017).

### 4. COVID-19 AND GBV

The Government stepped up their awareness campaign nationally during the Covid-19 restrictions in response to the increase in calls made to GBV Helplines by members of the public who were experiencing violence and were unable to avail of community protection services during isolation(SI, 2021).

Covid-19 restrictions saw the closure of HEI campuses from March – May 2020 and January-April 2021, transferring the college experience to online participation for students. In August 2020 Minister Simon Harris TD, announced a comprehensive financial package of €5 million in funding in order to support students wellbeing and mental health, this reflects a €3 million increase in funding as a response to the effects of Covid-19 on the student population.

The funding will be used to

- Recruit additional Student Counsellors
- Recruit additional Assistant Psychologists
- **Implementation of the Framework for Consent in HEIs, Safe, Respectful, Supportive and Positives: Ending Sexual Harassment in Irish Higher Education Institutions.**
- Implementation of the soon to be published National Student Mental Health and Suicide Prevention Framework.

The HEA will contact the individual HEIs to set out the allocations and the conditions attached to the use of these funds in support of student services, student wellbeing and mental health. The concerns for students have been compounded by the isolation and uncertainty brought forward by the Covid-19 pandemic (O'Shea, 2020).



## 5. CONCLUSION

The Irish State and the HEA have shown real commitment to combat GBV in Irish HEIs/RO's. The HEA's National Review of Gender Equality 2016 and the Gender Action Plan 2018 challenged the HEIs cultural and organizational environment and the slow process of achieving gender equality across all paths and levels nationally. In 2019 the National Framework created a roadmap and toolkit of strategies and policies to be embedded in the duty of care for students and staff in Irish HEIs nationally. With State funding and stakeholders support the HEI's responded individually and collectively to research the prevalence of GBV and to developing strategies and targeted initiatives in order to inform, protect and provide services for students and staff who witnessed or experienced GVB. For the first time in a decade there will be a National Staff and Student Survey on GBV in Irish HEI's 2021 to record the prevalence of GBV in HEI's across the island of Ireland. International and National awareness campaigns have contributed to public support and the development of report and support services for victims of GBV nationally. HEI's continued monitoring, reviewing and reporting to external bodies are needed to assess and benchmark progress. Linking State and RFO's core funding is imperative to the progress and acts as a necessary component of the HEIs momentum and commitment to gender equality and ending GBV. GBV is a recognizable dysfunction that prohibits the development of a large proportion of our society and it will take the continued efforts of the State, governing bodies, institutions, organizations, individuals

and the public to mandate and change cultural behaviours and attitudes and end GBV in Ireland.

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