Outlook

[Draft] **Survivors Must Be Heard: Protect Counselling Records in Criminal Trials**

From justice@oireachtas.ie
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Sent: Monday 23 June 2025 17:21
To: Joint Committee on Justice Home Affairs and Migration <justice@oireachtas.ie>
Subject: Survivors Must Be Heard: Protect Counselling Records in Criminal Trials

Dear Members of the Committee on Justice, Home Affairs and Migration,

I am writing to you not just as a concerned citizen, but as a survivor of rape.

I want to express my deep alarm at the provisions within the Criminal Law and Civil Law (Miscellaneous Provisions) Bill 2025 that relate to the admissibility of counselling records in criminal trials. These records are not evidence. They are the private, intimate work of survival. They are part of the process of healing from trauma, not part of the legal system's investigation or prosecution.

Allowing access to counselling notes in courtrooms effectively puts a survivor's most personal thoughts, fears, and pain on display—often for the benefit of the perpetrator and the defence, with the sole purpose of undermining our credibility. It is a retraumatising invasion of privacy that discourages survivors from seeking the help we so desperately need. It silences us. And it deters others from ever reporting in the first place.

For many of us, counselling is the only safe space we have. If that safety is taken away by the prospect of our notes being dissected in court, it denies us not only justice but healing too. The message it sends is that survivors must give up their dignity and their privacy just to be believed.

I urge the Committee to **recommend a complete and unconditional ban on the use of counselling records in criminal trials.** Nothing less will protect the rights, safety, and well-being of survivors.

I also respectfully ask that the Committee ensures that survivors, along with the therapists who work with us, are heard in the scrutiny of this Bill. It is our voices that must shape laws that claim to protect us.

As a result, I am requesting the opportunity to meet with you all in order to answer any questions you may have and, hopefully, provide the insight needed.

While it is politics and those in political spaces who hold the power to see meaningful change enacted, this issue is not political - it is about people. Those who commit crimes of this nature don't ask who you vote for and unfortunately, this is an issue that will sadly affect everyone across the political and socioeconomic divide in one form or another.

Thank you for reading this, and for considering the very real and lasting harm this current legislation and any proposed government amendments pose.

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Hazel Behan

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SURVIVOR