Submitted on 14/01/2026

Women's Aid Opening Statement to the Joint Committee on Justice, Home Affairs and Migration Meeting, Tuesday, 20th January 2026 by Sarah Benson, CEO, Women's Aid.

Good morning, Chair, Deputies and Senators. Thank you on behalf of Women's Aid for the opportunity to address the committee on the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025.

With time constraints, we will focus primarily on the Domestic Violence Register of Judgements aspect of this Bill, however we do have views – primarily supportive – in respect of the other sections and would be happy to discuss these during subsequent Q&A.

As an organisation which has been listening, believing, supporting, and empowering women subjected to domestic abuse for over 50 years, we recognise the devastating harm caused by domestic violence and abuse, including coercive control.

In some cases, the harm is irrevocable and in Ireland, since 1996 our Femicide report remembers 277 women have died through male violence. We support any measure that will enhance prevention and early intervention efforts to protect potential or actual victims-survivors and welcome this opportunity to help to ensure that this Bill delivers meaningful and lasting change as intended, in honour of all victims of femicide in Ireland, including Jennifer Poole, whose brother, Jason, has shown extraordinary dedication to this issue.

While recognising the utmost need to protect the privacy of victims-survivors, we must acknowledge that the consent requirements indicated in the Bill may leave survivors vulnerable, particularly when coercive control persists after separation, and abuse doesn't always end with sentencing. Many perpetrators continue exerting influence through family courts, parenting arrangements, or indirect intimidation and pressure via peers, family and other means post-conviction. Leaving the decision to victims may mean they carry responsibility for public disclosure, which could be harmful if the abuser retaliates or uses other means to discourage them. In other jurisdictions different approaches have been taken to registers whereby they are private and retained and managed by the police, not public and

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managed by the courts, therefore we cannot find examples of how victim safety is managed in a scenario such as the one proposed in this Bill, but it must be given careful consideration.

The Bill currently lists certain serious offences that would trigger inclusion in the Domestic Violence Register. Women's Aid recommends the addition to this list of harassment and stalking offences from the 1997 Act and the harmful communications offences from the 2020 Act.

We also recommend adding some summary convictions – particularly for breaches of domestic violence orders under the 2018 Act, and especially where someone has multiple convictions.

Notably, coercive control and many offences under the Non-Fatal Offences Against the Person Act can be tried both summarily and on indictment [1] and if tried summarily in the District Court, they would not currently be included in the register. Including these summary offences would better capture the most common criminal patterns of abusive behaviour.

We recommend an increase of the proposed three-year period post-conviction after which offenders can apply to have their judgment removed from the Register. This is too short. For custodial sentences starting the clock at end of sentence term or release from custody rather than conviction is required. Offenders serving long sentences would otherwise have their names removed while still in prison or just after release before starting new relationships.

The Register should clearly state its own limitations and that absence from the Register does not mean someone has never perpetrated domestic violence, and it must provide signposting to specialist support services for all enquiries – regardless of whether their partner is on the register or not.

Finally, a review clause should be built in so the Register is evaluated after three years, and anonymised data should be collected for analysis to allow policymakers to assess effectiveness, identify gaps, and improve the system over time.

[1] such as assault causing harm, non-fatal strangulation, threats to kill, endangerment, and false imprisonment.

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Thank you for your time and attention, and we are happy to respond to any question you may have.

The below text is included for the Committee's information but will not form part of the verbal statement.

While we do not have the time to declare in our statement, we would also wish the committee to know that Women's Aid also welcome several of the additional measured dealt with in this Bill.

Firstly, we have long advocated for and welcome the required legislation to enable the introduction of Operation Encompass in the Republic of Ireland. This model is well established in England and Wales, and more recently in Northern Ireland which creates an urgency to have it on an 'All Island' basis with our open borders. Operation Encompass provides an important early intervention to support children suffering in homes with domestic abuse. It is a low-cost, high-impact strategy for immediate child protection that acknowledges the profound impact of domestic abuse on children's education and well-being, offering a vital lifeline.

In addition, the proposed reform to legislation so that the "honest belief defence" will require the belief to be objective across all type of sexual offences (including rape) is another necessary step towards a survivor-centred justice system. It helps shift the balance toward a process that recognises consent must be freely given, voluntary, and ongoing, while affirming survivors' right to be heard and believed.

We welcome the expansion of the Human Trafficking provisions by broadening the existing legislative definition of exploitation in the context of human trafficking to include the exploitation of surrogacy, of forced marriage, or of illegal adoption. We note that this provision will also criminalise the use of services provided by a victim of human trafficking, where the service user 'knows' that the person is a victim but anticipate the burden of proof required to demonstrate such knowledge may prove challenging and recommend that this measure ought to be reviewed after a reasonable period of time, in consultation with An Garda Siochana.

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We support, in line with EU obligations and Council of Europe recommendations, the General Scheme removing the requirement for dual criminality for sexual violence offences including rape, forced marriage, female genital mutilation and forced abortion and forced sterilisation.

Finally, we strongly endorse the provision to change references to so-called 'child pornography' to the far more appropriate term 'child sexual abuse material' in both legislation and in legal proceedings.

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