Longford Women's Link

Written Submission to the Joint Committee on Justice, Home Affairs and Integration
General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025.

Introduction

Longford Women's Link (LWL) is a community-based organisation providing frontline domestic violence services for over 30 years. We support women and children across Longford and surrounding rural areas through crisis intervention, safety planning, court accompaniment and advocacy. LWL welcomes the opportunity to provide focused input on the domestic violence components of the General Scheme.

Our comments and recommendations are grounded in the experience of women engaging with our services and the operational realities of responding to domestic violence in a rural context.

Head-by-Head Analysis

Head 3 – Amendment to Sexual Assault (Criminal Law (Rape) (Amendment) Act 1990)

Head 4 – Amendment to Rape (Criminal Law (Rape) Act 1981)

Relevance to LWL's frontline work

Many women accessing LWL experience domestic abuse that includes sexual assault or rape within intimate partner relationships. The move to an objective, reasonable belief standard for consent aligns with the realities victims describe, particularly within coercive control.

Key Points

- LWL welcomes the alignment of the mens rea for rape and sexual assault.
- An objective test better reflects modern understanding of sexual violence and gender-based power dynamics.
- Sexual violence occurs frequently within abusive relationships, often without physical resistance due to fear and coercion.

Recommendations

- Clear jury directions must be developed to ensure the 'reasonable belief' test is applied consistently.
- Gardaí, prosecutors and judiciary require training on the dynamics of sexual violence within coercive control.
- Public and professional education is essential so victims understand the law and can make informed decisions about reporting.

Head 5 – Domestic Violence Register (Insertion of Section 57)

1. Importance of Victim Safety and Risk of Unintended Consequences

LWL acknowledges the intention behind the Register to promote awareness of serious domestic violence convictions. However, any system that publicly publishes judgments involving domestic violence must prioritise victim safety.
Publicising judgments even with victim consent, may:

- increase the risk of retaliation or intimidation by the perpetrator,
- reveal or imply the identity of the victim in small rural communities,
- deter victims from reporting offences for fear of exposure.

Recommendation:
Include statutory victim-safety assessments before any publication.

2. Ensuring Consent Is Fully Informed and Freely Given

The requirement for victim consent is welcome. However, consent must be:

- trauma-informed,
- accompanied by access to independent domestic violence support,
- withdrawable at any time before publication.

Recommendation:
Amend the Head to explicitly require that consent is provided without coercion, after access to specialist support services.

3. Scope, Content and Safeguards for Published Judgments

The General Scheme leaves scope for wide variation in what information may be published. Without clear safeguards, victims may be indirectly identifiable.

Recommendations:

- Strict data minimisation should apply.
- Explicit prohibition on publishing anything that may identify or imply the identity of the victim or their children.
- Regular review of the listing to assess safety risks and data protection compliance.

4. Duration of Publication and Applications for Removal

A three-year period before the offender may seek removal may be too short for serious domestic violence offences.

Recommendation:
Extend the threshold to **five years or more**, particularly for offences involving coercive control or serious harm.

5. Risk of Misinterpretation by the Public

There is a risk that the public may view the Register as a means of 'vetting' prospective partners, potentially creating a false sense of safety. Many perpetrators have no convictions, and victims often do not report abuse.

Recommendation:
Include a statutory statement clarifying the purpose and limitations of the Register.

6. Rural and Small-Community Considerations

In small communities such as Longford, victims can be easily identifiable even when anonymised.

Recommendation:
Courts should be required to consider geographical context when deciding whether to publish.

Overall Position on Head 5:
LWL supports the principle of increasing transparency around serious domestic violence convictions. However, significant safeguards, victim-support mechanisms and clarity are needed to ensure the Register enhances safety and does not have unintended negative effects.

Head 6 – Information Sharing with Schools (Operation Encompass Model)

1. Strong Support for Early Intervention for Children Affected by Domestic Violence

LWL strongly supports placing Operation Encompass on a statutory footing. Children exposed to domestic violence often present with trauma-related behaviours at school. Early awareness enables schools to respond sensitively.

2. Need for Standardised Trauma-Informed Training

Schools will require clear, practical guidance and training, including:

- understanding trauma and domestic violence,
- responding appropriately without interrogation or unintentional harm,
- knowing when and how to escalate concerns.

Recommendation:
Mandatory national training for Designated Liaison Persons (DLPs) and relevant staff, supported by specialist DSGBV organisations.

3. Definition and Threshold of a 'Domestic Violence Incident'

The Scheme does not define the threshold for information sharing. Without a clear definition, there is a risk of:

- under-reporting coercive control incidents, or
- over-reporting minor incidents without context.

Recommendation:
Use the definition of domestic violence in the Domestic Violence Act 2018, explicitly including coercive control.

4. Privacy Protections and Data Handling

LWL supports the limited sharing of information (child's name and the fact of an incident). However, strong protocols are needed regarding:

- confidentiality
- secure communication
- storage and deletion of information.

Recommendation:
Develop national guidelines with GDPR-compliant processes for schools.

5. Capacity Constraints in Rural Schools

Many rural schools have limited pastoral-care structures, guidance counselling hours or on-site support.

Recommendation:
Provide additional resources for small and rural schools, along with access to regional domestic violence specialists. LWL are implementing a new programme for school professionals titled 'Is This Ok?' designed to provide the knowledge, confidence, and skills to recognise signs of adolescent relationship abuse and know when and where to report.

6. Consistency of Garda Implementation

For the system to work nationally, Gardaí must notify schools promptly and consistently.

Recommendation:
A national implementation framework, including training for Gardaí and performance monitoring.

Overall Position on Head 6:
LWL strongly supports the introduction of an Operation Encompass model, provided it is accompanied by consistent national implementation, training, and appropriate resourcing for schools.

Head 10 – Amendment to Domestic Violence Act 2018 (Forced Marriage & Dual Criminality)

Relevance

Forced marriage is a form of gender-based violence. Based in a county with one of the most diverse populations in the country, LWL supports women from diverse cultural backgrounds, some of whom face coercive or family-imposed marital arrangements.

Support for Removing Dual Criminality

Removing the requirement for the conduct to be an offence in the country where it occurred strengthens protections for:

- migrant women,
- Irish citizens forced into marriage abroad,
- women in transnational family structures.

Recommendations

- Provide Garda training in recognising forced marriage indicators.
- Ensure culturally competent supports are available for affected women.
- Develop public awareness materials regarding the offence.

Head 11 – Extraterritorial Jurisdiction for DSGBV Offences

Relevance

Women in abusive relationships may experience violence while abroad or may move between Ireland and other jurisdictions.

Support for Removal of Dual Criminality

This aligns with the Istanbul Convention and strengthens protection for victims experiencing violence internationally.

Recommendations

- Develop guidance for Gardaí regarding cross-border evidence gathering.
- Ensure victims who report offences committed abroad receive clear information about their rights.

Head 12 – Terminology Change ("Child Pornography" → "Child Sexual Abuse Material")

Support for the Terminology Change

This shift reflects international best practice and more accurately names the harm involved. It is particularly relevant to mothers and families affected by child exploitation.

Recommendation: Accompany legislative change with awareness training for Gardaí, schools, and mandated reporters.

Conclusion

Longford Women's Link welcomes the provisions in the General Scheme that strengthen protections for victims of domestic and sexual violence. Our recommendations focus on ensuring the legislation is implemented safely, consistently, and in a trauma-informed manner, particularly in rural contexts.

We would welcome further engagement with the Committee and are available to provide additional evidence or clarification as required.

Further information:

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