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

Submitted by: Offaly Domestic Violence Support Service (ODVSS)

Submission to the Joint Committee on Justice, Home Affairs and Migration

On the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025

Submitted by: Offaly Domestic Violence Support Service (ODVSS)

(This submission contains no personal contact details. A separate covering letter accompanies this document.)

Executive Summary

Offaly Domestic Violence Support Service (ODVSS) welcomes the opportunity to provide a submission on the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025. Drawing on extensive frontline experience supporting victims and survivors across Offaly and surrounding counties, this submission sets out key observations, concerns, and recommendations across all proposed Heads of the Bill.

ODVSS strongly supports the overall direction of the General Scheme, particularly reforms that strengthen consent law, expand accountability for perpetrators, enhance child protection, and align Ireland with EU and international obligations. However, the Bill's impact will depend on how safely, consistently, and trauma-informed these measures are implemented.

Two areas of particular importance for victims and children are the proposed **Domestic Violence Register of Judgments** and the statutory basis for **information-sharing with schools (Operation Encompass)**. ODVSS welcomes both initiatives while emphasising that robust safeguards, clear guidance, and specialist supports are essential to prevent unintended harm and ensure these measures enhance safety and wellbeing.

Key points include:

- **Consent and Sexual Offences**
  The move to an objective "reasonable belief" standard in both rape and sexual assault is strongly supported, helping strengthen legal protections and reduce reliance on outdated myths. This must be accompanied by judicial and Garda training and clear jury directions.

- **Domestic Violence Register of Judgments**
  The Register can improve public safety and transparency, but must prioritise victim

safety, privacy, and autonomy. Safeguards must include access to specialist advocacy, mandatory risk assessments prior to publication, clear limits on the identification of individuals, and victim notification and input on any application for removal.

- **School Notification of Domestic Violence Incidents (Operation Encompass)**
  Early notification supports children's wellbeing and enables schools to respond sensitively after a domestic incident. Effective implementation requires rapid notification, designated trained school leads, trauma-informed practice, and careful protocols to protect the non-abusive parent.

- **International Instruments: Trafficking, Forced Marriage, FGM, and Extraterritorial Jurisdiction**
  ODVSS supports complete alignment with EU directives and the Istanbul Convention. Expanding exploitation definitions, criminalising the knowing use of services of trafficking victims, and removing dual criminality for FGM and forced marriage all strengthen protections—particularly for women and children from minority and migrant backgrounds.

- **Child Protection and Terminology Change**
  Replacing "child pornography" with "child sexual abuse material" is essential to accurately reflect the reality of abuse and align Irish law with international best practice.

Overall, ODVSS welcomes the Bill's ambition. To ensure its provisions deliver meaningful change, implementation must be backed by:

- sustained investment in frontline services.
- comprehensive, trauma-informed training across all agencies.
- strong interagency coordination; and
- ongoing evaluation informed by survivor voice and frontline evidence.

ODVSS remains available to support the Committee with further information or oral evidence as required.

1. Introduction

Offaly Domestic Violence Support Service (ODVSS) welcomes the opportunity to provide a written submission on the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025.

ODVSS is a frontline domestic abuse support service working across Offaly and the surrounding counties. Each year, our service engages with a high volume of client contact through helpline support, crisis intervention, safe house accommodation, court accompaniment, advocacy, outreach clinics, children's support, counselling, and teen dating violence education. This submission reflects the lived experiences of victims and survivors, women, men, and children, who navigate coercive control, sexual violence, technology-facilitated abuse, and high-risk domestic incidents. It also reflects the experience of staff supporting these victims to engage with the Gardaí, the Courts Service, Tusla, and other statutory agencies.

The Bill presents a significant opportunity to strengthen Ireland's legislative response to domestic violence, sexual violence, human trafficking, and child protection, while improving compliance with the Istanbul Convention, EU Directive 2024/1385/EU on combating violence against women and domestic violence, and Directive 2024/1712/EU on trafficking.

Our submission is structured Head-by-Head, offering evidence-informed observations and recommendations drawn from frontline experience. While we welcome many of the proposed provisions, we highlight areas where additional safeguards, trauma-informed implementation, and resourcing will be essential for the Bill to deliver on its aims in practice.

ODVSS's core principles in assessing the provisions are: safety and protection of victims and children; trauma-informed practice; accountability for perpetrators; accessibility of justice regardless of status or background; and ensuring that reforms translate into real-world improvements and do not inadvertently increase risk or barriers for victims.

PART 1 – Preliminary and General

Head 1 – Short Title and Commencement

ODVSS notes that Head 1 is a standard commencement provision. However, from a frontline perspective, the timing of commencement is critical. Where reforms create new protections or clarify legal standards, for example, in relation to sexual assault, rape, and extraterritorial jurisdiction, any delay in implementation can leave victims without access to the complete protection of the law.

We therefore recommend that commencement dates for the key domestic violence and sexual offences provisions are clearly signalled and brought into force as early as practicable, accompanied by guidance and training plans for all relevant agencies. This will support consistent application and minimise the risk of confusion for victims, practitioners, and the public.

Head 2 – Interpretation

The definitions in Head 2 are largely cross-references to existing Acts. ODVSS welcomes a coherent legislative architecture in which the provisions of this Bill interact clearly with the Domestic Violence Act 2018, the Criminal Law (Rape) Acts, the Non-Fatal Offences Against the Person Act 1997, and human trafficking legislation.

From the perspectives of victims and frontline workers, the most critical issue is consistency in how key concepts are understood and applied across the justice system. We emphasize the importance of a consistent and clear understanding of:

- "Coercive control" as a pattern of behaviour that can underpin multiple offences;
- "Intimate relationship", including non-cohabiting and teen dating violence relationships;
- The status and protection of children who live with, witness, or are otherwise affected by domestic abuse.

We recommend that, as part of implementing this Bill, the Department of Justice and relevant agencies develop cross-cutting guidance to ensure that definitions and concepts are applied consistently across policing, prosecution, court practice, and multi-agency working. We also recommend that a future review consider explicit recognition of technology-facilitated abuse and teen dating violence to reflect contemporary patterns of harm.

PART 2 – Sexual Offences

Head 3 – Amendment to Section 2 of the Criminal Law (Rape) (Amendment) Act 1990 (Sexual Assault)

ODVSS supports the objective of Head 3 to place the offence of sexual assault on a clear statutory footing, and to ensure that the mental element for sexual assault is aligned with that for rape in relation to belief in consent. This coherence is critically essential where victims may face multiple offences in a single incident or pattern of abuse, and where charges of rape and sexual assault may be taken together.

Frontline experience demonstrates that many domestic abuse survivors experience what they describe as "everyday" sexual violations within the relationship, unwanted touching, sexual coercion, sexual activity under duress, and sexual assaults that may not consistently be recognized or described as rape. Historically, such behaviours have sometimes been minimised or misunderstood by professionals and by victims themselves.

By clarifying that a person commits sexual assault where they intentionally apply force to the body of another, in objectively indecent circumstances, without consent and without a reasonable belief in consent, this Head can assist in ensuring that:

- Sexual assault within intimate relationships is recognised as a serious criminal offence;
- Offending behaviour is assessed by reference to objective standards and not harmful myths about victims or relationships;
- There is consistent treatment of consent across sexual offence statutes.

To ensure that the benefits of this reform are fully realised, ODVSS **recommends:**

1. Trauma-informed training for Gardaí and prosecutors on recognising sexual assault in domestic contexts, including where sexualised contact is used as part of coercive control or intimidation.
2. Judicial education on "circumstances of indecency" in contemporary contexts, including digital and technology-facilitated forms of sexual assault.
3. Development of public-facing information explaining the meaning of consent and "reasonable belief", in terms that are accessible to victims and communities, to encourage reporting and support prevention.

Head 4 – Amendment to Section 2 of the Criminal Law (Rape) Act 1981

ODVSS welcomes the reform in Head 4 whereby a defendant's belief in consent must be objectively reasonable, and where the jury is required to consider the steps, if any, taken by the defendant to ascertain consent. This better reflects contemporary understanding of sexual autonomy and shifts the focus away from outdated stereotypes that have long discouraged survivors from reporting rape.

From our work with survivors, we see that barriers to reporting rape are particularly acute where the alleged perpetrator is a current or former intimate partner. Survivors may feel that their experience will not be recognised as rape because of the relationship, prior sexual history, or because there was no extreme physical violence. The requirement for a reasonable belief in consent reinforces the fundamental principle that consent must be freely and actively given at the time of the act, regardless of relationship status.

We therefore **recommend** that the implementation of this reform be accompanied by:

1. Specific guidance and training for Gardaí and prosecutors on applying the objective standard in cases involving intimate partners and coercive control.
2. Robust jury directions explaining consent, reasonable belief, and the impact of trauma, fear, and coercion on a victim's behaviour before, during, and after the offence.
3. Continued efforts to reduce delay in rape trials, as lengthy proceedings have a profoundly negative impact on survivors' mental health and their willingness to stay engaged with the process.

PART 3 – Domestic Violence

Head 5 – Domestic Violence Register of Judgments (Insertion of new section 57 in the Domestic Violence Act 2018)

ODVSS recognises the intent behind the creation of a Domestic Violence Register of Judgments, namely to increase transparency around serious domestic violence convictions and to assist individuals in assessing risk when entering or remaining in relationships. We

broadly support this objective, provided that the victim's safety, privacy, and autonomy are placed at the centre of the Register's operations.

From a frontline perspective, many victims describe situations in which abusive partners conceal previous histories of violence, both in Ireland and abroad. New partners may have no way of knowing that a person has previously been convicted of coercive control, serious assault, or sexual offences against a former partner. The proposal to publish certain judgments, with victim consent and judicial oversight, has the potential to:

• Deter repeat offending and signal strong social condemnation of domestic violence;
• Enable potential partners to make more informed choices about safety;
• Enhance public understanding of the seriousness of domestic and sexual violence offences.

However, ODVSS also identifies **several risks** that must be managed carefully:

1. **Victim Safety and Coercion**: Victims may be placed under significant pressure by perpetrators, family, or community members to withhold consent for publication or, conversely, to consent against their own wishes. In some cases, a perpetrator may blame the victim for the consequences of publication, increasing the risk of retaliatory abuse, including post-separation abuse. Most victims live in fear of consequences from the perpetrator, which may deter them from releasing their name to the register.
2. **Privacy and Identification**: Even where only the perpetrator's details are formally recorded, in many smaller communities it may be straightforward to identify the victim(s) by association, particularly where the case is well known locally.
3. **Impact on Children:** Children connected to the perpetrator may experience stigma or bullying if the judgment is widely known. This must be carefully balanced alongside the need for community safety.
4. **Access and Use of the Register:** There is a risk of misuse of the Register (for example, by vigilante actors or online harassment) if appropriate safeguards and access controls are not in place.

Considering these concerns, ODVSS **recommends** that:

1. Victim-Centred Process: The process of seeking and registering victim consent must be supported by access to independent, specialist domestic violence advocacy, so that victims can consider the risks and benefits in a safe, informed way. Victims should never be approached for consent in the presence of the perpetrator or others who may influence them.
2. Judicial Oversight and Risk Assessment: The court should be required to consider a structured risk assessment, including the risk of retaliation and the presence of children, before deciding to publish a judgment, even where the victim has consented.
3. Limited and Necessary Information Only: Judgments published on the Register should include only such information as is necessary to achieve the protective purpose (e.g. name

of offender, relevant offence, sentence imposed, date), taking care not to identify victims or children indirectly.

4. Clear Pathway for Removal Applications: Where a perpetrator applies for removal after three years, the victim should be informed of the application, with an opportunity to provide their views safely. The court should consider not only formal convictions since the index offence but also patterns of reported behaviour and ongoing risk.

5. Access and Public Education: The Courts Service should establish clear rules on how the Register can be accessed and for what purposes and develop explanatory materials making it clear that the absence of a published judgment does not mean a person has no history of abuse.

Overall, ODVSS believes that a carefully designed Domestic Violence Register can support prevention and accountability. However, it must be implemented in a way that minimises unintended harm to victims and children, and is accompanied by strong safeguards, clear communication, and robust evaluation of its impact.

Head 6 – Disclosure of Information to Schools relating to a Domestic Violence Incident involving a Child (Operation Encompass)

ODVSS strongly welcomes Head 6, which provides a statutory footing for information-sharing between An Garda Síochána and schools where a domestic violence incident may have occurred in a child's household. Our frontline work with children and young people confirms that domestic abuse is not only an issue between adults; it is a profound child protection issue with lifelong implications.

Children who live with domestic abuse often experience a range of emotional, behavioral, and physical impacts. They may arrive at school tired, anxious, withdrawn, hypervigilant, or angry following an incident at home. Teachers, SNAs, and pastoral staff are frequently the adults outside the family who know the child best and are in a position to provide stability and support. However, without timely information, schools are often unaware that a crisis has occurred and may inadvertently misinterpret the child's behaviour.

Operation Encompass-type schemes are a proven early intervention model in other jurisdictions. The limited nature of the disclosure, sharing only the child's name and that a domestic violence incident has occurred, strikes an appropriate balance between confidentiality and the child's right to support. It enables schools to offer quiet understanding, make practical adjustments (for example, around homework or participation), and observe any ongoing signs of distress or risk.

From our perspective, the effectiveness of this measure will depend on the level of implementation detail. ODVSS **recommends** that:

1. Timeliness: Notifications from An Garda Síochána to the child's school should occur as soon as possible and in any event before the start of the next school day, to ensure that staff

can plan an appropriate response.
2. Designated Contacts: Each school should have a designated Operation Encompass lead (for example, the principal or a pastoral care lead) who receives the information and ensures it is shared only with staff who need to know, in line with child protection and data protection requirements.
3. Training and Guidance: Schools should receive clear, practical guidance and training on trauma-informed responses to domestic abuse and be encouraged to link in with local domestic abuse services. Hence, they become aware of the support that is available to the school and the family. They understand that they are not the provider of support but a referral pathway to a specialized domestic violence service they can safely recommend to the family. This should include how to talk to children in age-appropriate ways, how to respond if a child discloses further details, and how to link with Tusla, and how to refer to local domestic violence services and counselling supports where appropriate.
4. Inclusivity: Consideration should be given to extending the principle of Operation Encompass to early years settings and to alternative education or youth justice settings, where children may also present following domestic incidents.
5. Safety for the Non-Abusive Parent: The scheme should be designed to ensure that the non-abusive parent (often the mother) is not put at additional risk. For example, care should be taken that information shared with the school is not inadvertently shared with the abusive parent who may be involved in school activities.
6. Integration with Wider Strategy: Operation Encompass should sit alongside other measures in the Third National Strategy on Domestic, Sexual and Gender-Based Violence, including children's access to specialist supports, counselling, and therapeutic services.

ODVSS supports the aim that teachers are not expected to investigate or intervene beyond their role, but are equipped to "notice and nurture" to be sensitive, supportive, and to act in line with Children First guidance where there are child protection concerns. The statutory basis proposed in Head 6 is a vital step towards recognising and responding to the lived reality of children experiencing domestic violence.

PART 4 – International Instruments

Head 7 – Amendment to the Criminal Law (Human Trafficking) Act 2008 (Exploitation Definition)

ODVSS supports the expansion of the definition of "exploitation" in the Criminal Law (Human Trafficking) Act 2008 to explicitly include the exploitation of surrogacy, forced marriage, and illegal adoption. These practices intersect with domestic abuse, coercive control, and gender-based violence.

In our work with migrant and ethnic minority women, we are aware of situations where family pressure, cultural expectations, and immigration vulnerabilities can be used to coerce women into marriages or reproductive arrangements against their will. Recognising

these as forms of exploitation within the human trafficking framework sends a clear message that such practices are serious violations of rights and dignity.

We recommend that implementation be supported by culturally competent information for communities and training for frontline professionals, so that these abuses can be identified, reported, and addressed in a trauma-informed manner.

Head 8 – Offence of Knowingly Using the Services of a Victim of Trafficking

ODVSS welcomes the creation of an offence of knowingly using the services of a victim of trafficking. Demand reduction is an essential component of any effective anti-trafficking strategy.

Domestic abuse and trafficking can overlap where victims are controlled in intimate or family relationships and compelled to provide labour, sexual services, or other forms of exploitative work. Criminalising those who knowingly benefit from such exploitation reinforces the principle that responsibility lies not with the victim but with those who profit from their abuse.

We **recommend** that the introduction of this offence be accompanied by targeted awareness-raising campaigns and training for Gardaí, social workers, and community organisations to identify potential trafficking indicators in domestic and community settings.

Head 9 – Amendment of Criminal Justice (Female Genital Mutilation) Act 2012

ODVSS supports the amendment to remove the requirement for dual criminality in respect of offences of female genital mutilation (FGM). This change is consistent with EU Directive 2024/1385/EU and the Istanbul Convention, and reflects international recognition of FGM as a severe violation of human rights and bodily integrity.

For survivors of domestic and gender-based violence from communities where FGM is practised, this amendment sends a strong message that such harm is unacceptable regardless of where it occurs, and that Ireland will not allow jurisdictional gaps to undermine protection and accountability.

We recommend accompanying public health and community education initiatives, developed in partnership with affected communities and specialist NGOs, to ensure that the legal position is understood and that support is available for women and girls at risk or affected.

Head 10 – Amendment of the Domestic Violence Act 2018 (Forced Marriage – Dual Criminality)

ODVSS welcomes the removal of the dual criminality requirement for offences of forced marriage. Forced marriage is a severe form of domestic and gender-based violence that can involve physical abuse, sexual violence, confinement, and long-term coercive control.

From our perspective, young people—especially girls and young women—may be at heightened risk where family or community networks exert intense pressure and where travel abroad is used as a means to facilitate a marriage against their wishes. This amendment will help ensure that Irish nationals or residents who commit such offences abroad can be held accountable in Ireland, even if the conduct is not criminalised in the other jurisdiction.

We recommend the development of clear guidance for schools, youth services, and frontline agencies on recognising warning signs of forced marriage, responding safely to disclosures, and accessing appropriate legal and support pathways.

Head 11 – Amendment of Criminal Law (Extraterritorial Jurisdiction) Act 2019

ODVSS supports the removal of the dual criminality requirement for relevant offences listed in section 3 of the 2019 Act, including serious non-fatal offences, coercive control, and sexual offences. Domestic and sexual violence often occurs in transnational contexts, for example, where families travel abroad, where victims migrate, or where relationships span more than one jurisdiction.

Victims frequently tell us that abuse occurring abroad can feel "beyond reach" in terms of legal protection. Ensuring that Irish law can apply to serious offences committed abroad by Irish citizens or those ordinarily resident in the State is an essential step towards closing this gap and achieving full compliance with the Istanbul Convention.

We recommend that the State clearly communicate these protections through consular services, migrant support organizations, and public information, so that victims are aware they may seek justice even where the offending occurred outside Ireland.

PART 5 – Miscellaneous

Head 12 – Terminology Change: "Child Pornography" to "Child Sexual Abuse Material"

ODVSS strongly endorses the replacement of the term "child pornography" with "child sexual abuse material" and the related change to "child sexual abuse performance". The previous terminology is misleading and minimising; it implies a degree of agency or consent that is fundamentally incompatible with the reality that children cannot consent to sexual activity with adults.

Accurate and trauma-informed language matters. The term “child sexual abuse material” correctly describes images and recordings as evidence of abuse, rather than as a form of pornography. It aligns with international standards and reinforces the understanding that each image represents a crime scene and an ongoing violation of a child’s rights and dignity.

We recommend that these terminology changes be rapidly and consistently adopted across all criminal justice, child protection, education, and digital safety policies, and that they be reflected in professional training and public awareness materials.

Conclusion

ODVSS welcomes the ambition and direction of the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025. We particularly welcome the clarification of consent standards in sexual offences, the creation of a Domestic Violence Register of Judgments (subject to strong safeguards), the statutory footing for Operation Encompass-style school notifications, and the strengthening of Ireland’s compliance with international instruments on trafficking, FGM, forced marriage, and extraterritorial jurisdiction.

To ensure that the Bill delivers meaningful change for victims and their families, legal reforms must be accompanied by:

- Adequate and sustained resourcing of frontline domestic and sexual violence services;
- Comprehensive, trauma-informed training for Gardaí, judges, prosecutors, schools, and other professionals;
- Strong interagency cooperation and clear guidance on implementation; and
- Ongoing monitoring and evaluation of the impact of the new measures, including consultation with victim-survivors and specialist NGOs.

ODVSS is grateful for the opportunity to contribute to the Committee’s consideration of this legislation and is available to provide further information, data, or oral evidence if helpful.