November 2025

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



Women's Aid

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1. About Women's Aid

Women's Aid is a national, feminist organisation working to prevent and address the impact of domestic violence and abuse (hereafter DVA) including coercive control, in Ireland since 1974.

We do this by advocating, influencing, training, and campaigning for effective responses to reduce the scale and impact of domestic violence and abuse on women and children in Ireland and providing high quality, specialised, integrated, support services. More information on Women's Aid is available on our website **www.womensaid.ie**.

2. Introduction

Women's Aid welcomes the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025. A number of worthy provisions are included in the Bill but we will focus this submission on Head 5 and the creation of a Register of Judgments in relation to domestic violence. While Women's Aid welcomes the establishment of this Register, we fear that it is very limited and it may create a false sense of security for women who do not find a partner's name in the Register, the absence of which does not necessarily mean a partner has not previously committed domestic abuse and is safe. Therefore, we would like to make the following recommendations about the General Scheme of the Bill.

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3. Summary of Recommendations

Recommendation 1

a) As a minimum include in the proposed S57(6) the offences of Harassment and Stalking (S10, Non-Fatal Offences Against the Person Act, 1997) as well as offences under S2 (Distributing, publishing or threatening to distribute or publish intimate image without consent with intent to cause harm or being reckless as to whether harm is caused) and S4 (Distributing, publishing or sending threatening or grossly offensive communication) of the Harassment, Harmful Communications and Related Offences Act 2020.

b) Consider extending S57(6) to include relevant summary convictions in particular Breaches of DV orders, especially when there are multiple convictions.

Recommendation 2

In S57(5) add **dependent person** of the relevant person in the definition of relevant person.

Recommendation 3

Consider increasing the time after which the convicted person can ask for removal from the Register, and/or to make the time start from release from custody rather than conviction.

Recommendation 4

In S57(2) add "after consultation with the family" of the victim.

Recommendation 5

a) The Register includes a clear warning that absence from the Register does NOT mean that a person has not engaged in DVA previously/is not dangerous.

b) The Register includes comprehensive signposting to specialist services.

Recommendation 6

Include a provision for review of the Register after 3 years from commencement and for collection of anonymised data.

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4. Recommendations in Full

Head 5

Head 5 inserts a new Part 5 into the Domestic Violence Act 2018 as amended. S57 of this new Part 5 would create a Register of Judgments in relation to Domestic Violence (hereafter the Register). We have the following observations on the proposed S57.

2.1 Convictions covered

S57(1) specifies that to be included in the Register the conviction must be on indictment and only for the relevant offences listed in S57(6). Moreover, the victim must consent to the publication and the Court retains discretion on whether to publish the judgment or not.

Women's Aid believes that the list under S57(6) is too limited. We believe the following offences should be included:

- Harassment and Stalking (S10, Non-Fatal Offences Against the Person Act, 1997)
- Offences under S2 (Distributing, publishing or threatening to distribute or publish intimate image without consent with intent to cause harm or being reckless as to whether harm is caused) and S4 (Distributing, publishing or sending threatening or grossly offensive communication) of the Harassment, Harmful Communications and Related Offences Act 2020 (Coco's law)

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The above offences can be tried on indictment or summarily as many of the offences listed in S57(6), are very common in the context of DVA and can have a huge negative impact on victim/survivors[1], there is no reason they should not be included.

As well as being included in the list under S57(6), the offender must be convicted on indictment.

Many of the offences in the list can be tried both on indictment or summarily, and many domestic violence cases are tried summarily in the District Court. Moreover, very common offences in the context of DVA can only be tried summarily[2], such as S2 assault and most significantly breaches of orders under S33 of the Domestic Violence Act. Breaches of DV orders are a sign that the perpetrator does not fear the law and are included in most risk assessment tools.

The omission of these offences means that a prolific perpetrator with convictions for dozens of breaches of a Barring Order and for S2 assault as well as for stalking and intimate image abuse will not be included in the Register.

Recommendation 1

a) As a minimum include in the proposed S57(6) the offences of Harassment and Stalking (S10, Non-Fatal Offences Against the Person Act, 1997) as well as offences under S2 (Distributing, publishing or threatening to distribute or publish intimate

1 For a recent example of the impact of intimate image abuse see https://www.crimeworld.com/ireland/former-partner-reveals-how-horror-catfish-stole-my-life/a/104938764.html

2 The Domestic Violence (Amendment) Bill No.2 of 2024 seeks to make a breach a summary **or** indictment offence, which, if passed, may be useful in this regard.

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image without consent with intent to cause harm or being reckless as to whether harm is caused) and S4 (Distributing, publishing or sending threatening or grossly offensive communication) of the Harassment, Harmful Communications and Related Offences Act 2020.
b) Consider extending S57(6) to include relevant summary convictions in particular Breaches of DV orders, especially when there are multiple convictions.

2.2 Definition of relevant person

Proposed S57(5) specifies that the offence must be against a "relevant person", defined as a spouse or civil partner of the perpetrator or a person who is or has been in an intimate relationship with them.

There is no provision for convictions regarding offences against a dependent person of the spouse/partner, as dependents (e.g. children) are not included in the definition of relevant person.

Therefore, it seems that if someone is convicted of serious offences against the children of their partner this will not be included in the Register. This is a gap that should be addressed. Judgments for conviction for offences against children of the relevant person should be published ensuring the privacy and anonymity of the children.

Recommendation 2

In S57(5) add **dependent person** of the relevant person in the definition of relevant person.

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2.3 Application for removal from the register

Under proposed S57(4) a convicted person may apply for the judgment against them to be removed from the Register after 3 years from the date of conviction.

As the purpose of the Register is to keep future possible partners of the perpetrator safe, or at least to make them aware of the risk involved, this seems to be a very short time to be able to apply for removal from the Register. Considering the gravity of the relevant offences, many of the convicted persons may well still be in custody 3 years after sentencing, therefore unlikely to re-partner during this time. I

It is also a very short time to ask the victim to get involved again in the case, considering that the victim will have to be contacted to give her position and therefore may be retraumatised.

Recommendation 3

Consider increasing the time after which the convicted person can ask for removal from the Register, and/or to make the time start from release from custody rather than conviction.

2.4 Seeking the views of family when the victims are deceased/incapacitated.

Proposed S57(2) states that if the "relevant person" is deceased or unable to confirm their consent the publication of the judgment will be at the discretion of the court, but there does not seem to be any role for the family of the victim to give their views.

Women's Aid believes that the family of the victim should be consulted in such cases.

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Recommendation 4

In S57(2) add "after consultation with the family" of the victim.

2.5 Need for caveat/disclaimer to be included.

The intention behind the Register is to allow new partners to ascertain if a partner has a history of "serious domestic violence convictions"[3]. However, it is clear that many convictions will not be included as all of the following need to happen for a judgment to be on the Register:

- The offence is included in the list in S57(6).
- Conviction must be on indictment.
- The victim must consent (and they may have good reasons not to, such as fear of retaliation or privacy concerns).
- The Court must decide to publish it (as it retains discretion).
- The judgment must still be available on the webpage (not removed after 3 years).
- The person must be convicted after legislation is commenced as it does not seem to be retrospective[4].

The Register will not record all offences committed by prolific offenders at the District Court level—where the majority of cases are heard—and will capture only a portion of convictions from the Circuit Court. In addition, domestic violence typically involves repeated patterns of abusive behaviour, low levels of reporting to the police, and high attrition throughout the criminal justice process. As a result, many perpetrators are

3 https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/press-releases/minister-jim-ocallaghan-secures-government-approval-to-progress-the-criminal-law-sexual-offences-domestic-violence-and-international-instruments-bill-2025/

4 https://www.corkbeo.ie/news/local-news/family-murdered-mum-say-new-32708751

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never reported, charged, or convicted. All the above can create a false sense of security for women checking the Register who do not find their partner's name on it but not being aware of the serious limitations of the Register, may falsely believe that he is not a perpetrator of DVA or a serious risk.

As a minimum, therefore the online website where the Register is displayed must include a clear disclaimer to highlight the fact that not being on the Register does not mean a person has not committed DVA previously, as well as signposting to specialist DVA support services.

Recommendation 5

a) The Register includes a clear warning that absence from the Register does NOT mean that a person has not engaged in DVA previously/is not dangerous.

b) The Register includes comprehensive signposting to specialist services.

2.6 Review and Data

Given the limitations of the Register as described above, it would be useful to review its implementation, with a view to possibly extending it to other offences, including summary offences in the future. Anonmymised data on the Register should also be kept (for example, how many judgments are published, which offences are covered, how long judgments remain of the Register, removal applications etc.).

Recommendation 6

Include a provision for review of the Register after 3 years from commencement and for collection of anonymised data.

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4. Conclusion

Women's Aid thanks the committee for their consideration of this submission and its recommendations and would welcome the opportunity to further discuss with members at their convenience.

ENDS

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