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Joint Committee on Justice, Home Affairs and Migration

Report on Pre-Legislative Scrutiny of the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025

May 2026

34/JC/11

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Senator Garret Kelleher, Fine Gael

Senator Michael McDowell, Independent

Senator Anne Rabbitte, Fianna Fáil

Senator Lynn Ruane, Independent

Cathaoirleach's Foreword

In November 2025, the Minister for Justice, Home Affairs and Migration, Mr Jim O'Callaghan TD, forwarded the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025 to the Joint Committee on Justice, Home Affairs and Migration in accordance with Standing Orders for the purpose of pre-legislative scrutiny.

This General Scheme contains provisions that seek to establish a register of judgments in relation to domestic violence, reform of belief in relation to rape and sexual assault offences, and the introduction of Operation Encompass in the State. The Committee welcomes these aspects of the proposed legislation.

However, following its hearings on the General Scheme, the Committee wishes to highlight several areas which are of concern to the Committee, such as the potentially low duration of time an offender may spend on the proposed register of judgments, that the consent requirements outlined in the General Scheme may leave survivors vulnerable, particularly when coercive control persists after separation, and the possibility of an offender changing their name by Deed Poll while convicted and/or appearing on the proposed register.

In undertaking pre-legislative scrutiny, the Committee has sought to scrutinise the proposed legislation and provide recommendations on areas where it believes change or amendments are warranted. Among the areas identified for further examination within the General Scheme include introducing a minimum duration of three years for listing on the proposed register of judgments with a longer period at the discretion of the judge, that this period commences after the offender's release date in cases where the offender is convicted , and that additional offences under the Non-Fatal Offences Against the Person Act, 1997 and Coco's Law fall within the scope of the register.

The Committee has made a number of recommendations, and a copy of this report will be sent to the Minister for Justice, Home Affairs and Migration. I would like to express my appreciation to all the stakeholders for their contributions and to the Members of the Committee for their engagement on this subject.

Finally, I hope that this report will help to inform the legislative process and make a valuable contribution to the forthcoming legislation.

Matt Carthy TD

Cathaoirleach

1st May 2026

1. Recommendations

1. The Committee recommends that, in relation to Head 5, the resulting legislation shall be known as Jennie's Law.

2. The Committee recommends that the provisions in Heads 3 and 4 are accompanied by the following:
    - 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, and on applying the objective standard in cases involving intimate partners and coercive control,
    - judicial education on "circumstances of indecency" in contemporary contexts, including digital and technology-facilitated forms of sexual assault, and on the dynamics of sexual violence within coercive control,
    - the development of public-facing information explaining the meaning of consent and "reasonable belief", in accessible terms,
    - robust jury directions explaining consent, reasonable belief, the impact of trauma, fear, and coercion on a victim's behaviour before, during, and after the offence, and to ensure the reasonable belief test is applied consistently, and
    - continued efforts to reduce delay in rape trials.

3. The Committee recommends that in relation to Head 4 and Head 5, any resulting legislation should be accompanied by sustained investment in frontline support services, trauma-informed training across the justice and education systems and strong inter-agency collaboration.

4. The Committee recommends, in respect of Head 4:
    - removing the requirement that the jury should have regard to "all the circumstances" of the case when assessing if an accused's belief in consent is reasonable,
    - introducing a requirement that the jury should only have regard to specific characteristics of the accused, such as a disability, but only where these specific characteristics affect an accused's ability to interpret and perceive sexual consent, and
    - replacing the word 'does' with 'could' in the proposed new section 2(1)(b) of the 1981 Act.

5. In order to ensure a consistent approach by the Courts, the Committee recommends that Head 5 should set out clear guidelines for judges to take into consideration in making their decision on publication.

6. The Committee recommends that the wording of Head 5 be amended to clarify whether the judge is bound by the consent of the victim to publish the decision.

7. The Committee recommends that access to the register is restricted to current partners, persons in a relationship with the convicted person or effected third parties such as family members and dependants.

8. The Committee recommends the following, in relation to Head 5:
    - a minimum of three years should elapse before an offender may seek removal from the register,
    - with consideration of the principles of proportionality, spent convictions and the presumption of innocence, the Courts Rules Committee should publish guidance on the appropriate period of time someone should remain on the register,
    - that the duration of time that an offender spends on the register is not limited to three years, and is at the discretion of the judge,
    - where the offender is serving a custodial sentence, they are entered on the register from the date of release for the specified period, and,
    - inclusion on the register should not be made until the expiration of the appeal period or the final determination of the case.

9. The Committee recommends that the following offences are included in Head 5:
    - harassment and stalking under Section 10, Non-Fatal Offences Against the Person Act, 1997,
    - offences under Sections 2 and 4 of the Harassment, Harmful Communications and Related Offences Act 2020 (Coco's law), and
    - relevant summary convictions; in particular, breaches of domestic violence orders, especially when there are multiple convictions.

10. The Committee recommends that the Minister and the Department of Justice… review and assess Clare's Law in the UK, especially as it relates to the "right to ask" and "right to know", and how similar application of the law could work in Ireland.

11. The Committee recommends that where a person convicted of domestic violence changes their name officially by Deed Poll, that the relevant registrar in the High Court forwards a copy of the Deed Poll to An Garda Síochána for updating the register accordingly.

12. The Committee recommends that failure to provide updates regarding any legal name change, where a person is named on the domestic violence register, should constitute a criminal offence under the legislation.

13. The Committee further recommends, in respect of Head 5, that:
    - the victim would be given a barring order or protection order against the convicted person as part of the process, in cases that go before the Court and a conviction is issued,
    - supports, such as domestic abuse court liaison officers, are provided, and that the victim has access to legal aid, relevant orders and trauma informed practices,
    - where a person has convictions for 'relevant offences', that the Family Law Court would have access to the relevant conviction(s).
    - that the inclusion of details of the legal team representing the parties involved is prohibited,
    - the legal aid scheme is expanded to include the provision of legal advice to the victim, in relation to giving their consent to publication on the register,
    - the Court be required to consider a structured risk assessment, including victim safety, geographical context, and the risk of retaliation and the presence of children, before deciding to publish a judgment.
    - judgments published on the Register should include only such information as is necessary to achieve the protective purpose, taking care not to identify victims or children, or to expose them to further harm, coercion or retaliation,
    - judgments should exclude sensitive personal information, including victim impact statements, medical/psychological evidence and child-related details,
    - the register should include information signposting individuals to specialist support services for all inquiries, regardless of whether that individual's partner is on the register or not,
    - where a perpetrator applies for removal, the victim should be informed of the application, with an opportunity to provide their views safely,
    - a statutory statement be provided clarifying the purpose and limitations of the register, including a clear warning that absence from the register does

not mean that a person has not engaged in domestic violence and abuse previously or is not dangerous,
- the phrase "after consultation with the family of the victim" be added to proposed Section 57(2).

14. The Committee recommends that Head 5 include a provision to ensure that victim consent is informed and supported by domestic abuse services, and includes safety planning for both the previous victim who consents to publication and for any person making inquiries to the register.

15. The Committee recommends that anonymised data on the operation of the register should be collected for analysis to allow policymakers to assess the effectiveness of the register, identify gaps and improve the system over time.

16. The Committee recommends that Head 5 include provisions to review and analyse the effectiveness of the register every three years, once established.

17. The Committee recommends that Head 5 include a mechanism for victim withdrawal of consent.

18. The Committee recommends that Head 6 explicitly acknowledges that children are victims, in their own right, when they see, hear or experience the effects of domestic violence.

19. The Committee recommends that Head 6 include a definition of a 'domestic violence incident,' to ensure the intended scope of these protections can be achieved.

20. The Committee recommends the following, in relation to Head 6:
    - 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,
    - each school should have a designated Operation Encompass lead, who receives the information, and ensures it is shared in line with child protection and data protection requirements,
    - 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, and national guidelines with GDPR-compliant processes,

- mandatory national training for Designated Liaison Persons (DLPs) and relevant staff, supported by specialist DSGBV organisations.
- the extension of 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, and
- the provision of additional resources for small and rural schools, along with access to regional domestic violence specialists.

21. The Committee recommends that, in relation to Head 7, 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.

22. The Committee recommends that, in relation to Head 7, definitions should be provided for each form of exploitation and should be consistent across other pieces of trafficking legislation.

23. The Committee recommends that the Criminal Law (Human Trafficking) Act 2008 be amended to ensure corresponding offences are in place for the inciting, aiding and abetting of the proposed forms of exploitation in Head 7.

24. The Committee recommends that the introduction of the offence under Head 8 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.

25. The Committee recommends that Part 4 of the General Scheme include a provision to amend the Criminal Law (Human Trafficking) Act 2008 to include a specific statutory defence for victims of trafficking where they have committed crimes as a direct consequence of them being trafficked.

26. The Committee recommends that the provisions within Head 9 are accompanied by public health and community education initiatives, developed in partnership with affected communities and specialist NGOs.

27. In relation to the provisions within Head 10, the Committee recommends 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.

28. The Committee recommends that Head 10 include provisions for:
    - Garda training in recognising forced marriage indicators,
    - ensuring culturally competent supports are made available, and
    - developing public awareness materials regarding the offence .

29. The Committee recommends that, in relation to Head 10, guidance should be provided to Gardaí regarding cross-border evidence gathering, and ensure victims who report offences committed abroad receive clear information about their rights.

30. The Committee recommends that the State clearly communicates the protections within Head 11 through consular services, migrant support organisations, and public information.

31. The Committee recommends that the changes provided for in Head 12 be accompanied by awareness training for Gardaí, schools, and mandated reporters.

32. The Committee recommends that a future review of the proposed legislation consider explicit recognition of technology-facilitated abuse, and teen dating violence, to reflect contemporary patterns of harm.

2. Overview of the Committees' Consideration

2.1 Introduction

This is the report on pre-legislative scrutiny of the General Scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025, which was approved by the Government of the 33rd Dáil on 21st October 2025.

The Joint Committee on Justice, Home Affairs and Migration was requested to undertake pre-legislative scrutiny of the General Scheme on 11th November 2025.

2.2 Purpose of the Bill

The General Scheme consists of 12 Heads. The proposed legislation provides for, among other matters, the reform of belief in consent provisions in relation to rape and sexual assault offences, the creation of a Register of Judgments in relation to Domestic Violence, and Operation Encompass.

2.3 Procedural basis for scrutiny

Pre-legislative consideration was conducted in accordance with Standing Order 181 which provides that the General Scheme of all Bills shall be given to the Committee empowered to consider Bills published by the member of Government.

2.4 Engagement with Stakeholders

The Joint Committee on Justice, Home Affairs and Migration invited submissions from stakeholders on the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025. A list of the submissions received is provided in Appendix 1.

On 20th January 2026, the Committee held a public engagement with several of these stakeholders. A link to the full transcript of the engagement can be found here.

The full list of witnesses that attended the meeting is available overleaf.

Stakeholders	Capacity
Individual ▪ Mr Jason Poole	Witness
Offaly Domestic Violence Support Services ▪ Ms Anne Clarke, CEO ▪ Ms Molly Buckley, Chair	Witnesses
Women's Aid ▪ Ms Sarah Benson, CEO ▪ Ms Christina Sherlock, Head of Strategic Communications	Witnesses
Law Society of Ireland ▪ Mr Cairbre Finan, State Solicitor for Kildare North & West ▪ Dr Brian Hunt, Director of Policy	Witnesses
Alcohol Action Ireland ▪ Dr Sheila Gilheany, CEO ▪ Ms Carol Fawsitt, Solicitor, Co-founder of Silent Voices	Witnesses
Department of Justice, Home Affairs and Migration ▪ Ms Marisa Gomez, Principal Officer ▪ Ms Judith Corcoran, Assistant Principal	Advisors

3. Summary of Written Submissions

3.1 Introduction

A summary is provided in section 4.2 of the key issues raised in the submissions received, in relation to the General Scheme.

The Committee received submissions from the following stakeholders:

- Offaly Domestic Violence Support Services (ODVSS)
- Alcohol Action Ireland (AAI)
- Mr Jason Poole
- Longford Women's Link (LWL)
- Women's Aid
- The Law Society of Ireland
- Data Protection Commission (DPC)
- Irish Human Rights and Equality Commission (IHREC)
- Safe Ireland
- Rape Crisis Ireland (RCI)

3.2 Key Issues raised in the submissions

The following issues were common to multiple submissions received:

1. Amendments to legislation on sexual offences (Heads 3 and 4)
2. Proposed Domestic Violence Register (Head 5)
3. Information sharing with schools (Head 6)
4. Transposition of Directive 2024/1385/EU (Heads 9, 10 and 11)
5. Amendments to human trafficking legislation (Heads 7 and 8)

1. Amendments to legislation on sexual offences (Heads 3 and 4)

- Submissions received by the Committee were largely supportive of the provisions in Heads 3 and 4 of the General Scheme.

- Offaly Domestic Violence Support Services (ODVSS), in its submission, believed that the provisions in Head 3 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, and
    - There is consistent treatment of consent across sexual offence statutes.

- To strengthen the proposed legislation, ODVSS called for:
    - trauma-informed training for Gardaí and prosecutors on recognising sexual assault in domestic contexts,
    - Judicial education on "circumstances of indecency" in contemporary contexts, and
    - the development of public-facing information explaining the meaning of consent and "reasonable belief", in accessible terms, to encourage reporting and support prevention.

- ODVSS welcomed the provisions 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.

- ODVSS noted from its own work with survivors that barriers to reporting rape are particularly acute where the alleged perpetrator is a current or former intimate partner, and that 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.

- Also drawing from its own experience of women accessing its services, Longford Women's Link (LWL) stated that the move to an objective, reasonable belief standard for consent aligns with the realities victims describe, particularly within coercive control.

- ODVSS and LWL called for guidance and training to be delivered to Gardaí and prosecutors on the new legislation, and for the development of clear jury directions in these cases.

- ODVSS underlined the importance of minimising delays in rape trials, while LWL called for further public and professional education, so that survivors understand the law and can make informed decisions about reporting.

- While the Law Society welcomed the reforms proposed in Head 4 that would adopt the reasonable belief test, it considered that the requirement for the jury to have regards to "all the circumstances" regarding consent introduces an unwelcome degree of subjectivity.

- The Law Society suggested the removal in Head 4 of the requirement that the jury should have regard to "all the circumstances", and that consideration should be given to the introduction of a requirement for the jury to undertake a more targeted consideration of specific characteristics of the accused, when the issue of reasonable belief arises at trial and only where these characteristics affect the accused's ability to understand or perceive sexual consent.

- The Law Society also called for the language used in the proposed new section 2(1)(b) of the 1981 Act to ensure that the test applied to assess the reasonableness of the accused is objective.

- Rape Crisis Ireland (RCI), while welcoming the proposed legislation, expressed concern as to why the provision in Head 4 directing juries to consider steps taken to ascertain consent), has been applied solely to the amendment of rape under Section 2 of the Criminal Law (Rape) Act 1981, and not extended to the offence of sexual assault.

- RCI believed that the inconsistency in the proposed legislation could result in juries' consideration of the actions of the accused varying depending on the specific charge, despite the shared centrality of consent across these offences.

- RCI disagreed with the amendment contained in Head 4, Section 2(3), underlining its belief that offences committed or alleged to have been committed prior to the enactment of the proposed legislation, but not yet charged, should not be excluded.

2. Proposed Domestic Violence Register (Head 5)

- Mr Jason Poole welcomed the proposed legislation in his submission, and called for:
    - the resulting Act to be known as Jennie's Law,
    - ensuring correct supports for the victim, in cases that go before the Court and a conviction is issued, and that the victim would be given a barring order or protection order against the convicted person as part of the process,
    - the provision of supports such as domestic abuse court liaison officers, and to ensure that the victim has access to legal aid, relevant orders and trauma informed practices,
    - a minimum of five years before an offender may seek removal from the Register (a point which was reiterated by LWL and Safe Ireland),
    - the perpetrator's name to begin its timeframe on the register from the date of release and up to three years following conviction release, where the perpetrator's conviction requires a prison term, and
    - proposed Section 57 in Head 5 to ensure that where a person has convictions for 'relevant offences', that the Family Law Court would have access to the relevant conviction(s).

- While a number of submissions welcomed prevention mechanisms in place to reduce domestic violence, including the development of a Domestic Violence Register, stakeholders were keen to ensure that the proposed legislation be strengthened.

- ODVSS believed that a carefully designed Domestic Violence Register can support prevention and accountability, though 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.

- ODVSS pointed out that 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, and that 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, and
    - enhance public understanding of the seriousness of domestic and sexual violence offences.

- However, a number of stakeholders, including ODVSS, LWL, and Safe Ireland, believed that many victims may be deterred from releasing their name to the register as they may be living in fear of consequences from the perpetrator. LWL considered that publicising judgments even with victim consent, may increase the risk of retaliation or intimidation by the perpetrator

- ODVSS and LWL highlighted that in many smaller communities it may be straightforward to identify the victim(s) by association, particularly where the case is well known locally, with LWL calling for the Court to consider geographical context when deciding whether to publish.

- ODVSS and the Law Society spoke of the importance of including safeguards within the General Scheme to avoid encouraging misuse of the information, with the Law Society calling for the introduction of an access restricted to current partner, person in a relationship with the convicted person or interested third party, in order to mitigate this risk.

- RCI expressed its concerns regarding the possibility of such a Register being publicly accessible, stating that it could expose those named on it, as well as their families, to retribution and other forms of harm. RCI called for access to the register to be restricted and administered solely by An Garda Siochana.

- While LWL welcomed that the requirement for victim consent to the inclusion of offences on the proposed Register, it believed that consent must be trauma-informed, accompanied by access to independent domestic violence support, and withdrawable at any time before publication.

- Women's Aid asserted that the list of relevant offences to be included in the Register under the proposed new Section 57 (6), through Head 5, is too limited.

- Women's Aid and Safe Ireland called for the addition of further offences to the list in S57 (6), to include Harassment and Stalking (under Section 10, Non-Fatal Offences Against the Person Act, 1997), and offences under Sections 2 and 4 of the Harassment, Harmful Communications and Related Offences Act, 2020.

- Women's Aid and Safe Ireland noted that the proposed S57(5) in Head 5 specifies that the offence must be against a "relevant person"; however, there is no provision for convictions regarding offences against a dependent person of the spouse/partner. Women's Aid and Safe Ireland called for the dependent person of the relevant person to be added to the definition of relevant person in S57(5).

- Women's Aid highlighted that as many perpetrators are never reported, charged, or convicted, and that the Register will not record all offences committed by prolific offenders at the District Court level and will capture only a portion of convictions from the Circuit Court, the Register can create a false sense of security for women checking the Register who do not find their partner's name on it and who may falsely believe that he is not a perpetrator of domestic violence and abuse (DVA) or a serious risk.

- Women's Aid called for the inclusion on the Register of 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.

- The Law Society noted that convictions in respect of summary offences will not be reflected in the proposed Register, even though they constitute the bulk of domestic violence cases.

- The Law Society underlined the importance of ensuring that the proposed measures are proportionate and in line with Ireland obligations towards the fundamental rights of individuals.

- The Law Society, in its view, believed the General Scheme should set out clear criteria for the judge to take into consideration in making their decision on publication, as the failure to specify the criteria is likely to lead to inconsistencies in the approach adopted by the Court.

- The Law Society was concerned that the publication of the name of the accused's legal team could lead to threats to the safety of individuals due to the association of the accused's actions with their legal representatives, calling for the prohibition of publication of the identity and details of the legal representatives in the Register and the provision of clear guidelines of the elements to include in the published judgment.

- The Law Society highlighted that a convicted person may not be in a financial position to afford the legal representation to initiate the application for the removal from the Register on their behalf, that legal representation will invariably be necessary, and that the legal aid scheme should be extended to cover the making of an application for removal from the Register.

- The Law Society considered the risk that if the judgment is included in the Register before the expiration of the appeal period, it may create an issue later on, and if the case was sent for re-trial, there will be an increased risk that the jury's knowledge and opinion will be coloured by the publication of the first instance conviction in the Register.

- The Law Society also proposed that the legal aid scheme be extended to include the provision of legal advice to the victim in relation to giving their consent to publication.

- The Data Protection Commission (DPC) expressed its view that the publication of details of criminal convictions and sentencing in a Register represents a high level of

intrusion upon the rights and freedoms of the affected person, and in order for the processing of this personal data to be lawful it must be established that it meets a substantial objective of public interest and is proportionate to the pursuit of same.

- The DPC confirmed that the creation of the Register will require the processing of personal data of the convicted person, which falls under Article 10 GDPR.

- While the DPC welcomed the requirement that victim consent be obtained prior to publication, where possible, it called for a mechanism for victim withdrawal of consent be considered for addition to the provisions of Head 5.

- The DPC noted that it will not be the Supervisory Authority, but rather the Assigned Judge under the provisions of Section 157(1) of the Data Protection Act, 2018.

3. Information sharing with schools (Head 6)

- ODVSS, Alcohol Action Ireland (AAI), LWL, and Safe Ireland were broadly supportive of the provisions contained within Head 6.

- ODVSS spoke about how Operation Encompass-type schemes, which is provided for in Head 6, are a proven early intervention model in other jurisdictions, that the limited nature of the disclosure strikes an appropriate balance between confidentiality and the child's right to support, and enables schools to offer quiet understanding, make practical adjustments, and observe any ongoing signs of distress or risk.

- AAI believed that implementing Operation Encompass in the State would go a long way to address the substantial harm caused to children living with domestic abuse during these vital developmental stages of their lives, and that early intervention is key and getting these at-risk children on the radar of a responsible adult is the first action required.

- To strengthen the effectiveness of the proposed legislation, ODVSS called for:
    - notifications from An Garda Síochána (AGS) to the child's school to happen as soon as possible, to ensure that staff can plan an appropriate response,
    - the designation of an Operation Encompass lead for each school,
    - clear, practical guidance and training to be developed for each school on trauma-informed responses to domestic abuse,
    - the extension of the principle of Operation Encompass to early years settings and to alternative education or youth justice settings, and
    - the scheme to be designed to ensure that the non-abusive parent is not put at additional risk.

- LWL reiterated ODVSS' call for clear, practical guidance and training to be developed for schools, highlighting the importance of consistent national implementation, training, and appropriate resourcing for schools. In a similar vein, AAI stated that for Operation Encompass to be successful, schools, school staff, teachers, and AGS must receive the necessary onboarding, training and support for the roll out of the programme.

- While LWL supported the limited sharing of information, it asserted that strong protocols are needed regarding confidentiality, secure communication, and storage and deletion of information.

- LWL underlined that many rural schools have limited pastoral-care structures, guidance counselling hours or on-site support, and called for the provision of additional resources for small and rural schools, along with access to regional domestic violence specialists.

- The Law Society referenced the provision within Head 6 that allows for AGS to share with a school that a "domestic violence incident may have occurred in the child's household", and indicated that the lack of a definition of a "domestic violence incident" within the General Scheme and how this would be interpreted, is of concern and would lead to difficulties in practice in the application of the legislation, a view that was shared by Safe Ireland.

- The DPC expanded on this point and remarked that it would be preferrable if application of this provision was consistent to child victims and not exercised wholly on the basis of individual member discretion.

- The DPC noted that once AGS shares information with a school, the school becomes a separate data controller responsible for compliance with data protection law regarding that information., and advised that schools must be instructed that this information must be handled with the utmost security and confidentiality and only disclosed to those who have a legitimate reason to be provided with the information.

- The DPC was of the view that confidentiality obligations, access restrictions, policy and training should be some of the safeguards to be implemented with the legislation, along with defined retention periods as well as procedures for secure deletion and exceptions for mandatory retention, most particularly once the child leaves the school.

- Safe Ireland believed that the framing in Head 6 of children as indirectly affected by domestic violence, with no trauma-informed follow-up or referral pathways being mandated to support and protect them, minimises the profound psychological and developmental harm that witnessing or experiencing coercive control, threats, or physical violence inflicts on children.

- Safe Ireland commented that regarding the provision within Head 6 whereby a school is made aware that a domestic violence incident may have occurred, there is no legal obligation to act beyond awareness, and that without a structured follow-up, this legislation risks being symbolic rather than substantive.

- Safe Ireland called for the legislation to require oversight by Cuan, that the Head clarifies that Garda notifications to schools occur alongside mandatory notifications to Tusla, and that a statutory timeframe is added for Garda notifications to schools.

4. Transposition of Directive 2024/1385/EU (Heads 9, 10 and 11)

- ODVSS supported the provisions of Head 9, which removes the requirement for dual criminality in respect of offences of female genital mutilation, and proposed that the legislation be accompanied by public health and community education initiatives to ensure that the legal position is understood, and that support is available for women and girls at risk or affected.

- ODVSS and LWL welcomed the proposal in Head 10 to remove the dual criminality requirement for offences of forced marriage. ODVSS called for 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.

- LWL believed that Head 10 would be strengthened by the provision of:
    - Garda training in recognising forced marriage indicators,
    - culturally competent supports for affected women, and
    - public awareness materials regarding the offence.

- ODVSS and LWL were supportive of Head 11, which removes the dual criminality requirement for relevant offences listed in section 3 of the Criminal Law (Extraterritorial Jurisdiction) Act, 2019, and called for the State to clearly communicate the associated protections through consular services, migrant support organisations, and public information, so that victims are aware they may seek justice even where the offending occurred outside Ireland. LWL added that guidance should be developed for AGS regarding cross-border evidence gathering.

- IHREC was of the view that the transposition of Directive 2024/1385/EU will require corresponding offences of inciting, aiding and abetting, and attempting to commit the new forms of exploitation, and that Heads 9 to 11 do not currently provide for such amendments.

5. Amendments to human trafficking legislation (Heads 7 and 8)

- ODVSS and the Irish Human Rights and Equality Commission (IHREC) supported the provisions within Head 7.

- IHREC advised that the legislation must include definitions of each of form of exploitation in line with the approach in the 2008 Act on other forms of exploitation, while ODVSS called for 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.

- ODVSS and IHREC both welcomed Head 8. ODVSS called for the legislation to 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.

- IHREC highlighted that the application of the legislation appears to be limited and does not encompass services resulting from all types of exploitation, and that the reference in section 5(4) of the Criminal Law (Human Trafficking) Act, 2008 to the effect that the person had 'no reasonable grounds to believe' that the person was a victim of trafficking, may hinder prosecutions for this offence.

- IHREC questioned whether the proposed sanctions for any such offences would be effective, proportionate and dissuasive against legal persons as is required by Article 6 of the amended Directive, and highlighted that there is no reference to extra-territorial application of these offences in the General Scheme.

4. Summary of Oral Evidence

4.1 Introduction

In the course of the public hearing on 20th January 2026, a number of important points were raised.

A summary of the main areas discussed in evidence to the Committee follows.

4.2 Key Issues raised in the submissions

1. Domestic Violence Register (Head 5)

Composition of the Register

- Mr Jason Poole, in his opening remarks, called for the proposed law to be known as Jennie's Law, in memory of his late sister Jennifer Poole. Mr Poole added that the Minister for Justice, Home Affairs and Migration should include in the Short Title and commencement of the Bill that the legislation should be known as Jennie's Law and referred to as Jennie's Law.

- Mr Poole called for relevant supports, including domestic abuse court liaison officers, to be included and outlined, and to ensure that the victim has access to legal aid, relevant orders and trauma-informed practices.

- Mr Poole asked for the Minister to ensure that, where a person has convictions for outlined offences, family law courts would have access to the relevant convictions, that a person is included on the register if they cause harm against the children and their partner, and that the legislation be enacted as soon as possible as others are being failed by our current system while this process continues.

- Offaly Domestic Violence Support Services (ODVSS) welcomed the proposed legislation, in particular the emphasis on prevention, protection and prosecution as interconnected pillars, rather than stand-alone responses. ODVSS emphasised the importance of implementing these proposals with extreme care, as without safeguards, it could really carry real risks.

- ODVSS stated that victim consent to be included on the register must be genuinely informed and supported by specialist domestic abuse services, including safety planning for both the previous victim who consents to publication and for any person making inquiries to the register, and that risk assessments must be mandatory and

publication must never expose victims or children to further harm, coercion or retaliation.

- ODVSS added that the proposed register must be accompanied by sustained investment in front-line services, trauma-informed training across the justice and education systems and strong interagency collaboration.

- Women's Aid reiterated that the consent requirements outlined in the General Scheme may leave survivors vulnerable, particularly when coercive control persists after separation. Women's Aid highlighted that abuse does not always end with sentencing, with many perpetrators continuing to exert influence through family courts, parenting arrangements or indirect intimidation and pressure via peers, family and other means post-conviction. Women's Aid believed that 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.

- Women's Aid underlined that the register should clearly state its own limitations, that absence from the register does not mean someone has never perpetrated domestic violence, and that it must provide signposting to specialist support services for all inquiries, regardless of whether a person's partner is on the register or not.

- Women's Aid believed that a review clause should be built in such that 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.

- The Committee supported this proposal, adding that the register must be a living tool. The Committee highlighted that despite investing more than ever in supports, there are rising incidence rates of domestic violence and sexual offences, believing that the longer we wait for this legislation to be enacted, the longer people will be in danger, and that it is vital that the Bill is passed as quickly as possible.

- While the Law Society, in its opening remarks, welcomed the Government's commitment to improve the protection of people who suffer or are at risk of domestic violence, it cautioned that greater care needs to be exercised to ensure that the proposed measures, including the register, are proportionate and in line with the State's obligations towards the fundamental rights of individuals.

- The Law Society called for the General Scheme to set out clear criteria for the judge to take into consideration in making their decision on publication, to specify the exact elements of the judgment to be included in the register. The Law Society emphasised that the register should not disclose the identity of any legal representatives.

- The Law Society, in acknowledging the focus on the impact on, and the interests of, the victim, it noted the rehabilitation and restorative justice aspects to the interests of the offender, and called for proportionality and balance in the proposed legislation.

- The Committee raised the point that domestic violence also involves dependent persons, and that in those circumstances, there may be people who are not party to the assault or the violence who may have an interest in not having it publicised. The Committee enquired as to whether the veto to being listed on the register should be extended to the victim or any other affected dependent person.

- Women's Aid believed that inclusion of abuse against dependents, particularly as defined in the Domestic Violence Act 2018, should be included on the register. However, it raised its concern that if in the context of coercive control within a household, and a veto is introduced, there is the potential to coerce other parties.

- Women's Aid called for the perpetrator, and not the victim, to be named on the register, that it would be an offence against a person, a relevant party as defined under the 2018 Act, and that the inclusion of dependents merits consideration, but only as an immediate and initial response.

- ODVSS echoed calls for the name of the victim not being released, stating that it should be the offence only that is listed.

Time spent on the Register, effective date of listing, and coming off the Register

- Several stakeholders were concerned that a duration of three years was insufficient for a name to remain on the proposed register, and that the listing should not begin at the point of conviction.

- In his opening statement, Mr Poole called for the Minister for Justice, Home Affairs and Migration to ensure that the full judgment is on the register webpage and not removed after three years, that the proposed three year listing is expanded to a

much longer timeframe, and that where a person's conviction requires a prison term, their time on the register begins from the date of release following that conviction.

- Women's Aid and ODVSS reiterated the point about the three-year listing being too short, and that the listing should start at the end of a person's sentence or release from custody, in cases where the person is convicted. Women's Aid highlighted that offenders serving long sentences would otherwise have their names removed while still in prison or just after release before potentially starting new relationships.

- The Law Society pointed to a scenario whereby details relating to a convicted person could be included in the sex offenders register for a period of five years but remain available indefinitely in the proposed domestic violence register if the individual is not in position to afford the costs associated with making an application for deletion. The Law Society called for consideration to be given to setting a predetermined period of inscription in the register with the duration varying depending on the sentence and/or nature of the offence.

- When asked by the Committee to expand on what timeframe might be sufficient for a person to remain on the proposed register, Mr Poole called for the listing to be extended to five or six years. Mr Poole added that if a person has been given a custodial sentence, the timeframe should only begin on release, and that if they have not been given a custodial sentence, the timeframe should be five years at the minimum.

- The Committee did not accept that enacting a law, that allows people to wipe their record off the register after three years of good behaviour, is a sensible thing to do, and that the length of time should be at the discretion of the judge, acknowledging that a relatively minor domestic incident which could merit a shorter period.

- The Committee further discussed this area, calling for a minimum period of two or three years, irrespective of the domestic incident that occurred, and emphasised the importance of getting it as right as possible first time. The Committee added that the listing should not be confined to three years, that consideration be given to indicating what kind of an offence it is, and that a person should only come off the register if it is deemed fit to do so.

- Women's Aid suggested that rather than making it complicated procedurally, a period of time could be set for a person's name to appear on the register, and it could be monitored whether they have reoffended since then. Women's Aid added that if somebody has several low-level offences, there should be a compound

component to it and that they do not simply come off the register along the initial timeframe for listing.

- ODVSS believed that the register is a missing tool to keep women safe, and called for a triage of severity with the proposed register, which would apply when people are potentially fit to come off the register.

- The Committee agreed that the register would be a safety tool, and underlined that rather than having to put in a legislative support to support a victim after the fact, for once it might be possible to start getting to people before the fact and before the offence.

Additional offences to cover in the proposed legislation

- In its opening statement, Women's Aid called for the inclusion in the proposed domestic violence register of:
    - harassment and stalking offences under Section 10 of the Non-Fatal Offences Against the Person Act 1997, which was supported by the Law Society,
    - harmful communications offences under Sections 2 and 4 of the Harassment, Harmful Communications and Related Offences Act 2020 (Coco's law), and
    - some summary convictions, particularly for breaches of domestic violence orders under the 2018 Act, especially where someone has multiple convictions.

- Women's Aid noted that coercive control and many offences under the 1997 Act can be tried both summarily and on indictment, and if tried summarily in the District Court, anyone convicted would not currently be included in the register. Women's Aid added that including these summary offences would better capture the most common criminal patterns of abusive behaviour.

- When asked by the Committee to expand on its view that the proposed legislation does not go far enough, Women's Aid highlighted that most perpetrators of domestic violence and abuse may not end up engaging with the criminal justice system, and that in most circumstances, the majority who do will end up coming in through breaches of domestic violence orders, which currently can only be prosecuted as a summary offence.

- The Committee enquired as to whether there is inconsistency built into the proposed legislation, stating that the scope is quite restrictive regarding the level of offence

that has to have led to conviction in order to be included on the register, using the example of Section 2 assault not being included.

- Women's Aid clarified that they are not suggesting that a person who has a civil barring or protection order in place against them be on the register, but rather that consideration be given to placing them on the register when there is a conviction for a breach or continuous breaches of the order, when it moves from being a civil matter to a criminal matter.

- Mr Poole underlined the importance of the proposed legislation capturing all offences and supporting all of those who need it, so that there is not a continual increase in domestic violence cases.

Offenders changing their name by Deed Poll

- The Committee asked the witnesses, in the context of protecting victims of domestic violence, about a situation where somebody listed on the proposed register changed their name by Deed Poll, while within the prison system.

- The Law Society expected that provision could be implemented that, in such a circumstance, any amendment of name in the future would have to be on notice to An Garda Síochána.

- Women's Aid stated that it is aware of cases where somebody changed their name by Deed Poll and went on to perpetrate really serious physical harm against another partner. Women's Aid called for the consideration of prohibiting somebody that has been convicted of serious offences to take this action.

- The Committee noted that it was aware of situations where people have changed their names purely because of violence, and underlined the importance of making sure that does not interact negatively with other legislation to protect people under the Gender Recognition Act, and that those two things are not conflated.

- The Committee suggested that the change of circumstance is what needs to be legislated for; thus, if you change your name and you have been convicted of domestic violence, within the legislation you would be required to change your name on the register. The Committee added that how such circumstances are monitored needs to be looked at in the application of the law.

- The Committee highlighted that should someone apply to change their name by Deed Poll, a legal mechanism should be inserted to notify the various registers when

they make such an application, and that there cannot be a situation whereby people can, by use of a clever legal tactic, anonymise themselves.

Barring orders

- Stakeholders spoke about the issue of barring orders in their engagement with the Committee. Regarding cases that go before the courts and where a conviction is issued, Mr Poole called for the Minister for Justice, Home Affairs and Migration to ensure correct supports are in place for victims and that, as part of the process, victims be given a barring order or protection order against the convicted person.

- Mr Poole stated that there is a massive failure in the system in relation to barring, safety and protection orders, and that from the majority of people he meets on a daily basis, barring orders are regularly being breached. Mr Poole added that the consequent court process takes too much time, and that victims are still ultimately left in a very vulnerable situation.

- Mr Poole reiterated his call for the area of barring, safety and protection orders addressed and clearly laid out. The Committee agreed that consideration should be given to including barring orders in the proposed legislation.

- The Law Society believed that this is a difficult area to police, noting that barring orders are only dealt with in the District Court and that the proposed legislation may deal primarily with indictable matters and not District Court matters. The Law Society added that the grounds upon which a barring order might be granted in a court in one particular jurisdiction or one district may not be granted, even with similar facts, by a District Court judge in another area.

- ODVSS concurred with this assessment by the Law Society, submitting that the judgments that come from their jurisdiction of Laois-Offaly are not the same as others across the country. ODVSS underlined the lack of consistency with the awarding of barring orders, as well as protection and safety orders throughout the country.

- Women's Aid clarified its position on the inclusion of barring orders on the proposed register, stating that it is not suggesting that a person who has a civil barring or protection order in place against them be on the register, but rather that should take place when there is a conviction for breach of that order, when it moves from being a civil matter to a criminal matter.

2. Operation Encompass (Head 6)

- ODVSS used its opening statement to show strong support for the provision in Head 6 to put Operation Encompass on a statutory footing, though it cautioned that the proposals will only work safely if teachers are properly trained and supported.

- ODVSS believed that for Operation Encompass to succeed, it must be accompanied by mandatory trauma-informed training, clear protocols on information sharing, designated school leads and strong links to specialist domestic violence services.

- Alcohol Action Ireland (AAI), in welcoming the provisions under Head 6, provided statistics to the Committee on the impact of domestic violence on children, stating that UK research suggests that one in five children have experienced domestic violence, and that experiencing domestic violence as a child is child abuse, a child protection issue, and a child welfare issue.

- AAI was of the view that having Operation Encompass operating in Ireland would go a long way to addressing the substantial harm caused to children living with domestic abuse during these vital developmental stages of their lives.

- The Committee welcomed Operation Encompass and underlined the importance of the designated person in the educational facility being properly, adequately and continuously supported and trained. The Committee sought clarification that Operation Encompass extends to both primary and secondary schools, and enquired whether supports are put into place during school holidays under the proposals.

- AAI asserted that the State could introduce its own format of the programme, and suggested that if incidences happen during the holidays or break time, the school could be notified when it resumes that an incident happened and that a child needs to be given additional support. AAI believed it was open to the State to draft the legislation as broadly as possible to capture the situation that comes to the attention of the Garda.

- The Committee believed that due consideration should be given to expand the proposals to cover school holidays. ODVSS struck a cautionary note, stating that care needs to be taken not to escalate risks further by calling to a home, and that it is very important to work with domestic violence services. ODVSS added that An Garda Síochána plays a really pivotal role here because it would inform the victim of domestic violence support services within a certain timeframe so they can avail of that support.

3. Reform to legislation on sexual offences (Heads 3 and 4)

- The Law Society, in its opening statement, welcomed the inclusion in Head 4 of the reasonable belief test when determining the mental aspect of a sexual offence, stating that the replacement of the subjective test, which relies on the accused's perception of consent to determine criminal liability, takes a further step towards a justice system that is fairer.

- The Law Society submitted that the phrase "all the circumstances" should be omitted from Head 4, highlighting that the element of subjectivity that features in the test must be limited to certain specific characteristics of the individual such as age, maturity and physical or mental abilities. Regarding Head 4(b), the Law Society called for the phrase "does not" to be replaced with "could not", in order to provide for a clearer objective test.

- When asked by the Committee to expand on the rationale for these suggested amendments, the Law Society stated that the phrases "all the circumstances" and "does not" reintroduce an element of subjectivity, despite the intention of the proposed legislation to adopt an objective test.

- While the Committee agreed with the suggestion to replace "does not" with "could not", the Committee questioned the suggestion that the phrase "all the circumstances" brings back a subjective aspect, when in reality, juries do take into account all the circumstances in determining what the objective facts are.

Appendix 1 – Opening Statements and Written Submissions

Opening Statements – meeting of 20th January 2026

Name of Stakeholder	Link to Opening Statement
Mr Jason Poole	Opening statement
Offaly Domestic Violence Support Services	Opening statement
Women's Aid	Opening statement
The Law Society of Ireland	Opening statement
Alcohol Action Ireland (AAI)	Opening statement

Written Submissions

Name of Stakeholder	Link to Submission
Offaly Domestic Violence Support Services (ODVSS)	Submission
Alcohol Action Ireland (AAI)	Submission
Mr Jason Poole	Submission
Longford Women's Link (LWL)	Submission
Women's Aid	Submission
The Law Society of Ireland	Submission
Data Protection Commission (DPC)	Submission
Irish Human Rights and Equality Commission (IHREC)	Submission
Safe Ireland	Submission
Rape Crisis Ireland (RCI)	Submission

Appendix 2 – Committee information

Publications

All publications for this committee are available on the Oireachtas website.

Committee videos

Footage of Committee proceedings can be found on the Committee videos page.

Committee debates

Transcripts of Committee debates can be found on the Committee debates page.

Contact details

The contact details for the Committee can be found on the Committee page.

Orders of reference

Read the Orders of reference for the Committee.