DÁIL ÉIREANN

AN COMHCHOISTE UM DHLÍ AGUS CEART, GNÓTHAÍ BAILE AGUS IMIRCE

JOINT COMMITTEE ON JUSTICE, HOME AFFAIRS AND MIGRATION

Dé Máirt, 20 Eanáir 2026

Tuesday, 20 January 2026

Tháinig an Comhchoiste le chéile ag 3 p.m.

The Joint Committee met at 3 p.m.

Comhaltaí a bhí i láthair / Members present:

Teachtaí Dála / Deputies	**Seanadóirí / Senators**
Tom Brabazon,	Robbie Gallagher,
Paula Butterly,	Michael McDowell,
Catherine Callaghan,	Anne Rabbitte,
Gary Gannon,	Lynn Ruane.
Paul McAuliffe,*	
Mark Ward.	

* In éagmais / In the absence of Deputy Michael Cahill.

I láthair / In attendance: Senator Fiona O'Loughlin.

Teachta / Deputy Matt Carthy sa Chathaoir / in the Chair.

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

An Cathaoirleach: No apologies have been received. I remind members and witnesses, but primarily members, to turn off their mobile phones or switch them to flight mode. We have a busy agenda today, with lots of very welcome guests. We are here to deal with the general scheme of the criminal law (sexual offences, domestic violence and international instruments) Bill 2025.

I welcome Mr. Jason Poole; Ms Anne Clarke and Ms Molly Buckley from the Offaly Domestic Violence Support Service; Ms Sarah Benson and Ms Christina Sherlock from Women's Aid; Mr. Cairbre Finan, State solicitor for Kildare North and West and member of the Law Society of Ireland's criminal law committee; and Mr. Brian Hunt, director of policy at the Law Society of Ireland. From Alcohol Action Ireland, we are joined by Dr. Sheila Gilheany and Ms Carol Fawsitt. The witnesses are all very welcome.

Attending as observers and to assist the committee if any clarification is required on the general scheme are Ms Marisa Gomez and Ms Judith Corcoran from the Department of Justice, Home Affairs and Migration. Everyone is very welcome.

Before I invite the opening statements, I wish to advise our guests of the following in relation to parliamentary privilege. Witnesses and members are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable, or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity.

Therefore, if their statements are potentially defamatory in relation to an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

The way in which we propose to deal with this meeting is to invite each organisation in turn to make an opening statement for a maximum of three minutes. Once all the opening statements have been delivered, we will then call on the members of the committee in the order in which they have indicated to me to put their questions. I will deal with a rota system once we get to that point. I note the duration of the meeting is limited, so we are asking people to stick to their times.

It is not very often we can point to a single individual and say they are responsible for changing the law, but this is absolutely the case in respect of our first guest today. He is somebody who has ensured that the despicable death and killing of his sister, Jennie, served some purpose in our society. We are here today in many respects because of Mr. Poole. He is very welcome here and we look forward to hearing his opening statement.

I invite him to give his opening statement now at his own convenience.

Mr. Jason Poole: On behalf of my family and Jennie's Law campaigners, I want to thank the committee for inviting me. I am the brother of the late Jennifer Poole and a campaigner for Jennie's Law. Since the untimely death of my sister, I have worked tirelessly to campaign to have supports in place for victims of domestic violence, some of which have been implemented

while others like the public register for those convicted of domestic violence and other offences are in progress, which is why we are here today.

The work my family and I have done in the last four years campaigning for this register, which many of the committee are aware of, has led to us having the proposed Bill in front of the members today. In the last four years, I have had extensive interactions with the then Ministers, Deputies McEntee and Harris, and the current Minister, Deputy Jim O'Callaghan. We as a family have had several setbacks with different elements and I understand why the majority could not happen, but we will not go away and will not give up on saving other women and giving them the tools to keep themselves safe.

Ministers, TDs and many organisations write to me and tell me how brave I am and how proud Jennifer would be of me. I am not doing this for credit or for anyone to be proud of me. I would much prefer to have my sister with me and so would her children. Instead, we are doing it for the 277 women who have been murdered, the 65,000 women who called the Garda last year, the 32,144 women who contacted Women's Aid and the many other victims who have reached out to other organisations. We are doing it for the survivors of domestic violence, the families of the children in this room but, most importantly, for Jennifer's two children.

We are aware that with every law comes its official title or technical term. Our wish from the very first day of this campaign has been that this law would be known as Jennie's Law and we as a family wish for you sitting here in this room to continue our wish.

We as a family are very happy with the current progress and work by those who believe in this Bill and in giving the tools to others to keep themselves safe. To date, we are happy with the proposed Bill and the progress it has made. Coming into Dáil Éireann four years ago with an idea to create a law to combat the failures my sister suffered with the current systems in place was no easy task. We are extremely happy with the work we did but we never wished to have to do it. It is too late for Jennifer and the other 276 women. I would ask for this committee and the Department of justice to implement this Bill as quickly as possible so we can provide support to those in need through this Bill.

For those of you who do not know Jennifer's story, Jennifer was a 24-year-old mother, daughter, sister and friend who was murdered by her ex-partner, Gavin Murphy, on 17 April 2021. Jennifer loved life and was a real family person. She would always have a smile, even when we found out life was not so great behind closed doors. Jennifer was one of the most caring people you could meet. She was independent, ambitious and always set herself a challenge. Jennifer was a very intelligent girl who loved music and dance and playing sports with her local GAA club. She worked in a nursing home caring for the elderly, a job she truly enjoyed. Jennifer had just finished her college course and learned how to drive, something we were very proud of.

Jennifer got into a relationship with Murphy and he quickly moved into her home, telling her he had nowhere to go as he had just returned from Spain where he lived. As the months went on, so did the control, and the financial, emotional and physical violence. This went on for 11 months. Jennifer had tried so many times to end the relationship and finally did the week prior to her death, and as we all know, that is the most dangerous time for a person to leave this type of relationship. It was only going to court during Jennifer's trial that we really heard the extent of what Murphy was to her. He was a man who had done this many, many

times and had done a prison sentence for domestic violence in the past with the use of a knife. He had not been returning from Spain as we were told. Instead, he had been released from prison. Jennifer and the many other women had no idea of the past of these perpetrators and had no way of finding out in order to keep themselves or, in many cases, their children safe.

Domestic and gender-based violence against women has become far too common. We have reached crisis levels, with an alarming rise in the numbers in recent years of call-outs. We need Jennie's Law and we need the toolkit for women and men to be able to check who they are in relationships with, especially where domestic violence and coercive control are part of the relationship.

With all this said, I would like to ask the committee and the Department to consider the following recommendations. I would ask the Minister to include in his Short Title and commencement that the legislation should be known as Jennie's Law and referred to as Jennie's Law. In the cases that go before the courts and where a conviction is issued, I ask that the Minister 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. I would ask that the Minister include and outline relevant supports, including domestic abuse court liaison officers, and ensure that the victim has access to legal aid, relevant orders and trauma-informed practices. I would ask the Minister to ensure that the full judgment is on the webpage and not removed after three years. I would ask the Minister to expand the three years to a much longer timeframe. I ask the Minister as well to insert a section into the Bill whereby, where a person's conviction requires a prison term, their time on the register only begins from the date of release following that conviction. In the same way, I would ask the Minister to ensure that, where a person has convictions for those outlined offences, family law courts would have access to the relevant convictions. I would also ask the Minister and Department to consider a situation where, if a person causes harm against the children and their partner, they would be included on the register. Finally, I would ask the committee and the Department to push this process as quickly as possible because while we continue this process, others are being failed by our current system. I speak to victims daily and each one of them hopes and wishes that one day they can have access to a register and not end up in the same situation as the families of those 277 women, including my family.

On a personal note, I would like to thank Deputy Paul McAuliffe and Senator Fiona O'Loughlin for their belief, support and encouragement over the last four years. I am happy to answer any questions the members may have in relation to the recommendations or anything in relation to my sister's untimely death. Thank you for listening.

Ms Anne Clarke: I thank the committee for the invitation to appear today. I am the chief executive officer with the Offaly Domestic Violence Support Service, a front-line organisation supporting victims and survivors of domestic abuse across Offaly. I am here with my colleague, the chair of the Offaly Domestic Violence Support Service, Ms Buckley.

Every day, our service works with victims and survivors living with the realities of domestic abuse and the ongoing risk long after a relationship has ended. Our contribution today is grounded not in theory, but in lived experience and in the practical challenges victims face each day. We welcome the overall direction of the general scheme of the criminal law (sexual offences, domestic violence and international instruments) Bill 2025. Taken as a whole, the Bill represents an important step forward in strengthening Ireland's response to domestic and

sexual violence, enhancing accountability for perpetrators, improving child safeguarding, and aligning our law with EU directives and the Istanbul Convention. We particularly welcome the Bill's emphasis on prevention, protection and prosecution as interconnected pillars, rather than stand-alone responses.

I want to focus briefly on two provisions of particular importance to us. The first is the proposed domestic violence register of judgments. We recognise the potential of this measure to enhance transparency and prevention, particularly where perpetrators conceal a history of violence from new partners. However, this register must be implemented with extreme care. Victim consent 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. Risk assessments must be mandatory and publication must never expose victims or children to further harm, coercion or retaliation. If implemented carefully, this measure could enhance safety, but without safeguards, it could really carry real risks.

The second provision is the statutory footing for Operation Encompass. We strongly support this initiative. Children living with domestic abuse often arrive to school carrying trauma that goes unseen. However, this will only work safely if teachers are properly trained and supported.

Domestic abuse is not a simple disclosure issue; it is a risk issue. Where there are children from the same family in a school or where an abusive parent has access to the school community, even well-intentioned actions can unintentionally increase danger. 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. Without these safeguards, the risk of unintended harm is very real.

We emphasise that legislation alone is not enough. In order for what is proposed in the general scheme to deliver real change, it must be accompanied by sustained investment in front-line services, trauma-informed training across the justice and education systems and strong interagency collaboration. We appreciate the committee's attention in respect of this critical proposed legislation and thank members for listening to the voices of those working close to the impact each day.

Ms Sarah Benson: On behalf of Women's Aid, I thank the Chair, Deputies and Senators for the opportunity to address the committee on the general scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025. In light of time constraints, we will focus primarily on aspects of the general scheme relating to the domestic violence register of judgments. However, we do have views, primarily supportive views, in respect of the other sections and would be happy to discuss these during subsequent questions and answers.

As an organisation that has been listening to, believing, supporting and empowering women subjected to domestic abuse for over 50 years, we recognise the devastating harm caused by domestic violence, including coercive control. In some cases, the harm is irrevocable. Our femicide report remembers 277 women who have died in Ireland through male violence since 1996. We support any measure that will enhance prevention and early intervention efforts to protect potential or actual victims-survivors and welcome this opportunity to help to ensure

that the eventual Bill will deliver meaningful and lasting change, as intended, in honour of all victims of femicide in Ireland, especially Jennifer Poole, whose brother, Jason, has shown extraordinary dedication to this issue. We endorse Jason's recommendations and expand on some, proposing some additions.

While recognising the utmost need to protect the privacy of victims-survivors, we must acknowledge that the consent requirements outlined in the general scheme may leave survivors vulnerable, particularly when coercive control persists after separation. Abuse does not always end with sentencing. Many perpetrators continue exerting influence through family courts, parenting arrangements or indirect intimidation and pressure via peers, family and other means post conviction. Leaving the decision to victims may mean they carry responsibility for public disclosure, which could be harmful if the abuser retaliates or uses other means to discourage them. In other jurisdictions, different approaches have been taken to registers whereby they are private and retained and managed by the police rather than being public and managed by the courts. We do not have concrete examples of how victim safety is managed in a scenario such as the one proposed in the general scheme, but it must be given careful consideration.

Ms Christina Sherlock: The general scheme lists certain serious offences that would trigger inclusion in the domestic violence register. Women's Aid recommends the addition to this list of the harassment and stalking offences from the 1997 Act and the harmful communications offences from the 2020 Act. We also recommend adding some summary convictions, particularly for breaches of domestic violence orders under the 2018 Act, especially where someone has multiple convictions. Notably, coercive control and many offences under the Non-Fatal Offences Against the Person Act can be tried both summarily and on indictment. If tried summarily in the District Court, anyone convicted would not currently be included in the register. Including these summary offences would better capture the most common criminal patterns of abusive behaviour.

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

The register should clearly state its own limitations and that absence from the register does not mean someone has never perpetrated domestic violence. It must provide signposting to specialist support services for all inquiries, regardless of whether a person's partner is on the register or not. 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. I thank members for their time and attention. We are happy to respond to any questions they may have.

Mr. Cairbre Finan: I thank the Cathaoirleach and committee members for the invitation to address the committee on the general scheme of the Criminal Law (Sexual Offences, Domestic Violence and International Instruments) Bill 2025 on behalf the Law Society of Ireland, along with my colleague Brian Hunt, director of policy at the Law Society. I am a solicitor and practised in criminal law in a defence capacity for 15 years until my recent appointment to the position of State solicitor for Kildare north and west. Every day, our members deal with sexual

offences or domestic violence matters across the country, either by assisting victims or representing accused persons. Our observations today and our written submission are informed by our experience in this difficult and sensitive area of law.

The main focus of our statement will be on two key aspects of the general scheme: head 4, relating to the proposed reform of the mental element of the rape offence, particularly the wording proposed in the general scheme; and head 5, relating to the proposed domestic violence register.

I will commence with head 4 and the mental element of rape. Over the past decade, there has been a notable and welcome change in the approach to sexual offences, particularly around the concept of consent. We welcome the inclusion in the general scheme of the reasonable belief test when determining the mental aspect of a sexual offence. By replacing the subjective test, which relies on the accused's perception of consent to determine criminal liability, we are taking a further step towards a justice system that is fairer. The current honest belief test determines an accused's culpability by reference to whether or not the accused had an honest belief that the woman was consenting to sexual intercourse. This test contrasts with the proposed reasonable belief test, which is a more objective form of test. It compares the accused's belief in the existence of consent with the belief of a hypothetical reasonable third party in the same scenario.

The proposed wording in head 4 provides for the reasonable belief test. However, the reference to the requirement for the jury to have regard to "all the circumstances" when considering whether the accused did reasonably believe that a woman was consenting to the intercourse introduces an unwelcome degree of subjectivity. In our view, the phrase "all the circumstances" should be omitted from head 4. We believe 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. In addition, the Law Society recommends revisiting the language used in the proposed new section 2(1)(b) of the 1981 Act to ensure that the test that is to be applied to assess the reasonableness of the accused is objective. The current wording arguably results in a shift back to a subjective standard of proof. The current proposal in the general scheme is to amend section 2(1)(b) of the 1981 Act so that it would state as follows:

(1) A man commits rape if—

(a) he has sexual intercourse with a woman who at the time of the intercourse does not consent to it, and

(b) at that time he does not reasonably believe that she consents to the intercourse,

The Law Society is recommending that the words "does not" be replaced with "could not". This amendment would provide for a clearer objective test. We expand on this in our submission and also mention that our position on this is aligned with that of the Law Reform Commission.

Moving on to head 5, which relates to the domestic violence register, we refer the committee to our submission for a detailed analysis of what we see as being some shortcomings of the proposed approach. In brief, the domestic violence register that is proposed under head 5 will list judgments against accused persons who have been convicted of certain sexual offences or

violent physical offences against their partner. The register will be accessible to any member of the public whether they have a direct interest or not. It is proposed that the name of the victim and of the convicted person will be published. We welcome the Government's commitment to improve the protection of people who suffer or are at risk of domestic violence.

However, we would caution that greater care needs to be exercised to ensure that the proposed measures, including the register, are proportionate and in line with Ireland's obligations towards the fundamental rights of individuals.

In our view, substantive amendments should be made to provide a safe, proportional and efficient register. For example, we suggest that the general scheme should set out clear criteria for the judge to take into consideration in making their decision on publication. Doing so will help ensure that there is a consistent approach by the courts across the country.

In our view, the general scheme is not clear on the type of information to be included in the register. In our submission we suggested that the general scheme should specify the exact elements of the judgment to be included in the register. We also believe that the register should not disclose the identity of any legal representatives.

Overall, the legislation creating the register must take into account proportionality and must adopt a balanced approach that is reflective of differing interests. The coexistence of the sex offenders register and the new register that is proposed under the general scheme could potentially lead to a scenario where 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 domestic violence register if the individual is not in position to afford the costs associated with making an application for deletion from the register. The Law Society recommends that consideration be given to setting a predetermined period of inscription in the register with the duration varying depending on the sentence and-or the nature of the offence.

We welcome the publication of the general scheme, but as I have outlined here and as set out in a more detailed way in our submission, we believe that certain aspects of the general scheme require further consideration and reframing.

Dr. Sheila Gilheany: Alcohol Action Ireland is the national independent advocate for reducing alcohol harm. We very much appreciate the opportunity to engage with the committee today. I am the CEO of AAI and my colleague, Carol Fawsitt, solicitor, is a former chair of AAI and the co-founder of our initiative, Silent Voices, which seeks to raise awareness of issues around the adverse childhood experience, ACE, of parental problem alcohol use, PPAU, and to put forward policy measures to reduce that childhood harm. Ms Fawsitt also speaks from the lived experience.

This traumatic experience is also a well-known gateway to other ACEs such as domestic and sexual violence. These ACEs can profoundly impact the child's development, often carrying a lifelong legacy, with a significant body of research pointing to issues such as depression, anxiety, eating disorders, substance use and relationship difficulties as well as impacts on educational attainment, development and more.

However, there is now growing evidence indicating the importance of early intervention in mitigating against this legacy. A particularly important aspect in reducing the harm from ACEs is ensuring the child is on the radar of at least one adult with knowledge of the situation.

We very much welcome the proposed legislation under discussion today in relation to head 6 involving the insertion of a new section 58 in the Domestic Violence Act 2018. This provides the statutory basis to allow for the introduction of an early intervention support mechanism for children impacted by domestic violence. Since early 2020, Silent Voices has been advocating for the introduction of a programme, Operation Encompass, OE, which was established in England and Wales in 2010 and more recently in Northern Ireland since 2023. The programme ensures that if police attend a family home because of domestic violence, by the following morning they will have informed the child's school before commencement of the school day so that the child can be offered immediate support on going into school. At the very least this programme ensures that the child or young person is on the radar of at least one adult outside the home and provided with support. The proposed legislation would allow for this programme to be introduced in Ireland. Children spend most of their time in school and so this is the obvious place for such a programme.

Domestic violence is, unfortunately, only too common here, with research from Women's Aid indicating that one in four women who have been in a relationship have been abused by a current or former partner. European data demonstrates that three quarters of women who have been victims of domestic violence indicate that children living with them were aware of the violence. UK research suggests that one in five children have experienced domestic violence.

Experiencing domestic violence as a child is child abuse, a child protection issue, and a child welfare issue. Unfortunately, in Ireland, children are generally the unseen victims of domestic abuse, even though they are victims in their own right. We welcome that the Department of justice's third strategy on domestic, sexual and gender-based violence now recognises this impact and has committed to the introduction of Operation Encompass in schools. This position is strongly supported by multiple children's groups, including Barnados, the Ombudsman for Children, the Children's Rights Alliance and the ISPCC as well as many domestic violence bodies.

When OE was fully introduced in Northern Ireland, over 23,000 referrals were made in its first year of operation, which gives some indication of the scale of the issue. The UK programme has provided considerable support for schools participating in the programme, with over 28,000 education personnel availing of free online training. The programme's originators have been highly supportive of an Irish version of the programme. Having OE 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. Their lives and futures must matter. Early intervention is key and getting these at-risk children on the radar of a responsible adult is the first action required to mitigate this harm. We warmly welcome the proposed legislation and we are very happy to take any questions from the committee.

An Cathaoirleach: I thank Dr. Gilheany. I will now proceed to invite members who wish to speak to indicate that to me. I call Senator Rabbitte. I am conscious of the time. I will allow seven minutes for opening remarks.

Senator Anne Rabbitte: I thank all the witnesses for their opening statements. I was in my office and I see that I am still on the screen there as well. I met Jason before. It is horrific that we are having this conversation but he has done so well in campaigning for his beloved sister. It is very unfortunate that the first time he heard about who the person was that murdered his sister, and his background, was in a courtroom.

Everybody here today has focused on the register. I was quite taken by Sarah's presentation on the register. She does not feel it goes far enough within the current context of the way it is. I would like her to expand on that, if she does not mind, because the register is a fundamental part of this. I would like to hear why she feels it does not go far enough.

Ms Sarah Benson: If I could clarify, does Senator Rabbitte mean with respect to recommendations on the different offences?

Senator Anne Rabbitte: Yes.

Ms Sarah Benson: It is important to note our final statement, which is that it is a very insidious form of abuse and violence and most perpetrators of domestic violence and abuse may not end up engaging with the criminal justice system. In most common 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. I am aware that there is a piece of legislation moving forward that might make it a hybrid offence but, similarly, the emerging form of legislation dealing with coercive control can help to prosecute domestic violence in the absence of a crime of domestic violence. That means if we are going to be able to give something that is as useful as possible to those who may suspect that their partner has a history of domestic violence, those summary offences do need to be included. In some cases, summary offences like a breach of a barring order may be the form of prosecution even where the actual offence itself could potentially have been subject to something like a section 4 assault charge, something indictable. We must be really mindful that we need to look at the most common circumstances in which domestic violence offences are perpetrated.

Senator Anne Rabbitte: I thank Sarah for that. I am possibly pronouncing Cairbre's name wrong. If so, I apologise. He has not really gone into discussing the register, but at the same time, what about where somebody wants to change their name by deed poll? That is a concern. If somebody wanted to change their name and did so within the prison system, where do they come on the register? How can we protect victims of domestic violence?

Mr. Cairbre Finan: At present, judges do not even need to utter any longer that a person has been entered onto the sex offenders register if they have been convicted of certain offences. I would expect provision could be implemented that, in such a circumstance, in the same way that if an accused is to amend bail conditions they have to put the Garda on notice of any change of address, it would have to be part of an order that any amendment of name in the future would have to be on notice to the Garda.

Senator Anne Rabbitte: I have the same question for Ms Benson. What is her view in relation to deed poll? I would have a huge concern if it were not covered.

Ms Sarah Benson: This has come up in previous incidents unrelated to femicide. We are aware of cases where somebody changed their name by deed poll and went on to perpetrate really serious physical harm against another partner. We would welcome the exploration of where somebody has been convicted of serious offences, they might not be able to do that. I am not familiar with the legislation but it is worth looking at. A number of survivors have raised that proposition with us.

Senator Anne Rabbitte: Is it okay if I ask the Department a question in relation to that for clarification?

An Cathaoirleach: For clarification?

Senator Anne Rabbitte: For clarification. It is the exact question I asked about deed poll. Is that in this piece of legislation?

Ms Marisa Gomez: I am not familiar with the legislation in relation to deed poll. We will examine any recommendations from the committee to make sure the policy objective of the register, which is to ensure the protection of those involved in partnerships going forward, is fully implemented.

Senator Anne Rabbitte: To Mr. Poole, is there anything that was not in his opening statement he would like to say to the committee for consideration?

Mr. Jason Poole: A lot of the recommendations made in the room today are very valid. As someone who does not have any expertise in a legal background or did not have any understanding what even a red flag was until my sister's murder, I have learned very quickly. The recommendations today are all extremely valid. There is a massive failure in the system in relation to barring, safety and protection orders. The majority of people I meet on a daily basis - my phone some days is nearly ready to explode with the number of victims - have the same issue. Barring orders are being breached the whole time. Those people, when they go back to court, counteract or there might be an opportunity for them to say this did not happen. Everything takes too much time. At the end of it all, victims are still left in a very vulnerable situation. In the recommendations the committee puts back to the Department, I would love to see the area of barring, safety and protection orders addressed and clearly laid out. A lot times, as was said by Ms Benson, in the cases I have heard, these people have breached barring orders on several occasions but are still walking the streets and are not registered anywhere.

Senator Lynn Ruane: I thank everyone for their presentations. I would like to remember Jennie as we have this conversation today. It is a difficult conversation to have because there is the emotion and the reality of people's lives and there is this super technical aspect as well. They are so in contrast it can be difficult. I would like to recognise that. The register is important. I am aware of situations where people have changed their names purely because of violence. We need to make sure that does not interact negatively with other legislation to protect people under the Gender Recognition Act, for example, and that those two things are not conflated and are very different from each other. What Mr. Finan said is important. The change of circumstance is what needs to be legislated for. 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. How that is monitored needs to be looked at in the application of the law. Ms Clarke mentioned the different pillars that need to exist side by side and that everything is not response only and we look strongly at that prevention piece. I have grappled for a long time with trying to understand the distinction between violence in its broadest sense and gender-based violence and how we develop responses to those different instances of violence, whether it is male on male or gender-based specifically. Will Ms Benson comment on whether there is any research or initiatives around the globe that really address that prevention piece that increases safety on an overall basis so that we are not looking at these statistics? I have done a lot of work on violence but mostly male on male. Some of the initiatives I studied and have gone to the United States to look at say it would work with gender-based violence - stuff around focused deterrence, etc. Is there an ideal model that actually helps us reduce male violence in society?

Ms Sarah Benson: I am sure some of my colleagues will also have things to say. In this sector, all of those who have been providing front-line services up to even just a few years ago have just been firefighting. All of our efforts have been going into secondary prevention - where harm has already happened, and trying to mitigate that harm. Thankfully, with the new domestic, sexual and gender-based violence strategy, four pillars are properly set out to mirror the Istanbul Convention, one of which is prevention. We are now able to look in a more concerted fashion at what we mean by primary prevention, not just where damage has been done. There is a lot of good work happening and initiatives starting in schools. We have had a lot of interaction with the NCCA on curriculum development, working with teachers who work with young people around relationship and sexuality education. There is triangulation where there is male violence but male violence against men, women and against other minoritised groups - gender and sexuality. There is an opportunity for everybody in the work to do primary intervention. We have been engaging more with organisations like the Men's Development Network which works on positive masculinity, looking at some of the aggravating factors that work against gender equality like pornography that also have other harms. There are loads of models that overlay each other. Great initiatives are spearheaded by people like Jackson Katz in the United States whom we brought over. We connected him with the Garda and the Defence Forces. He has also done training with schools where he talks about preventing male violence as a leadership issue for men. That is key because it works to prevent male violence against men as well as against women and others.

Senator Lynn Ruane: Anyone who feels it is appropriate for them to respond, please do. I spoke recently about a number of things I feel compound the ability of victims to leave and seek support. Will Alcohol Action Ireland comment? One is some refuges actively refuse people who present with any sort of alcohol or addiction issues. It is a class-based issue in relation to supporting victims of domestic violence. There is also the intersection with access to finances. Women's Aid may also wish to comment. I do not know why it is not being spoken about more. Children's allowance, at the age of 16, has been attached to a child attending school. There are many reasons among different minority groups or marginalised communities that a child might not be attending school. If I am correct, the history of children's allowance was not in relation to a child being in education but the agency and autonomy of a woman. Does anyone have thoughts about the discrimination against women in addiction in accessing supports and the Department attaching school attendance to children's allowance?

Ms Sarah Benson: I might speak on the addiction and homelessness piece because I actually agree 100%. I think our sector can be very risk averse and there are often very good reasons for that. Having worked previously in an organisation where we were working with a lot of women in very low threshold circumstances, where there was addiction, homelessness and precarious immigration, the model that works best is one where there is interagency co-operation that has a very clear understanding of the dynamics of domestic abuse and coercive control but also the impacts on mental health and addiction. We are about to launch a pilot initiative with colleagues in DePaul, where it is not about women engaging with us who are ready to engage with the court system but, rather, us engaging with their teams, empowering them and having that kind of expanded safety net. The same works well with addiction services and there are really good projects, such as the SAOL Project, which is overlaying that experience. There is a huge problem, particularly where there are mental health issues, addiction and then the added risks of homelessness. A huge proportion of those women will

have suffered child sexual abuse or adult abuse, so we need to triangulate all of those things. Initiatives are now starting to happen but they need to happen at pace, where we do not operate in silos. The only way to do it is to do joint case working which recognises the when and the how and the opportunity, and that really supports those services that are dealing with very challenging situations. They have to overlay the risk of domestic abuse in that as well.

Senator Lynn Ruane: Or not expecting other services to step in. If someone presents at a refuge for domestic violence, they are presenting for domestic violence. The fact that they might have an addiction should not prevent them from entering and seeking safety.

Ms Sarah Benson: It is not even a catch-22. People are just caught. The attitude is that we cannot deal with the addiction until we deal with the mental health and we cannot deal with the domestic violence until we deal with the addiction. We have to stop that thinking.

An Cathaoirleach: We will allow a second round if time allows. Deputy McAuliffe, who is substituting for Deputy Cahill, is next.

Deputy Paul McAuliffe: I thank the committee members for giving their time to this Bill. I also thank Mr. Poole, without whom this Bill would not be before the committee, the Dáil or any other body of this House. The community I represent felt Jennifer's loss deeply but I Mr. Poole's family felt it more than anybody else.

I take Deputy Ruane's point that it is difficult to discuss the impact and benefit of this case and then, separately, to look at it from purely legal and technical perspective. I accept the bona fides of everybody here. I have had some involvement in this and I think it is good for other eyes to be on a Bill. That is the purpose of the process of having legislation go through the House.

I want to address two areas. One is related to the barring orders, and the second is the nature of the register itself and the concerns expressed by the Law Society. In searching for a solution, the Minister was bound by so many different possible restrictions that in some ways he has gone for a very elegant and simple approach, that is, to publish the judgment of a person who has been convicted. In publishing the judgment, we are standing by the principle that justice should be done in public. While it is called a register, it is, in essence, a collection of published judgments that are available under a particular heading on the Court Services website. That is particularly important because as we have seen a reduction in the number of local newspapers, and even the number of reporters available to national newspapers, the level of coverage given to cases has dwindled. People can be convicted of any of these serious offences and it might never be recorded in a public way. I am sure other people on the committee have far more experience of law than me, and I am looking at Senator McDowell in particular. One of the consequences of being sentenced in public is that it is public. In some ways, we are restoring something that was there in the past. If somebody was convicted in this way, people would know about it because it would be covered in papers of record. With the absence of papers of record, that is gone.

The Minister has taken an elegant and simple approach. However, this also means that the Bill does not do everything we would all like it to do. As has been said, barring orders are clearly an issue. The difficulty with including it is that it does not fall into same category as a judgment of the courts in that same way. As I said, I am open to that being considered and I

think the committee should give consideration to it, because it is an issue the people often experience earlier in the process.

I ask both the Law Society and the other witnesses to comment on those two points. It is a discrete, simple mechanism and the more complicated we make it, the greater the danger that it would have to become a register. If it were to become a full register where it is simply a list of names, that would have other implications, in terms of not just simply publishing a judgment, if the witnesses understand the difference between the two.

Mr. Cairbre Finan: It is a very tricky area to police. Barring orders are only dealt with in the District Court and in those circumstances, I am not sure if the proposed legislation deals primarily with indictable matters and not District Court matters. On whether it can be expanded to the District Court, I can only speak from my own experience to an extent. I appear before a very diligent District Court judge and have done so for many years, particularly when it comes to domestic violence matters such as barring orders, protection orders, etc. The difficulty is 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. Therefore, it is very difficult to have an overall opinion when the grounds upon which barring orders are granted can be somewhat arbitrary.

Deputy Paul McAuliffe: Regarding the judgments, as I said, my understanding is that this involves publication of the judgments. Mr. Finan expressed concern about the removal of legal representatives' names and so on. We would not want to be getting into the business of redacting written court judgments, so in that way it is not a register that would include those details but simply that the court would issue a written judgment. Would Mr. Finan be happy with that scenario? Does that address his concerns?

Mr. Cairbre Finan: I do not think there is any difficulty with written judgments. It is more the manner in which a court might permit the publication of names of the parties without any safeguards in place, the length of time in which it can be done and the method by which somebody can then-----

Deputy Paul McAuliffe: Some of that is addressed in the legislation, though, in terms of the time, the ability to be removed from the website and so on.

Mr. Cairbre Finan: Yes, but I think the issue is the method by which somebody goes about it and whether legal representation might be provided. Perhaps Dr. Hunt has something to add.

Mr. Brian Hunt: I agree with the Deputy that this is an elegant solution. It is relatively simple and straightforward but I would also add that it is a rather blunt instrument. In our opening statement and our submission, we are saying that it is more complex than it might first appear. We feel that aspects of it merit closer scrutiny. While it is attractive to merely publish the judgment, we think something closer to a register and legislating for it as if it were an actual register would be a better approach.

Deputy Catherine Callaghan: I thank the witnesses for attending. I to join other members in thanking Mr. Poole for bringing this Bill to our attention. I am frankly angry that it has taken this long and that something like this is not in existence already. It needs to be in existence. As was said, 277 women have been murdered at the hands of domestic abusers in their homes.

Our home is where we go at night when we close our door. It is a sanctuary and should be a safe space.

As we know, people who perpetrate domestic violence rely on that safety and sanctuary. It is a despicable act. Jennie, Mr. Poole's sister, a camogie player, was in the dark about this when there could have been something there that could have helped. The longer we wait for this Bill to be passed, the longer people, women like Jennie and the other 276 women who have died at the hands of domestic abusers, will be in danger. It could be me, my sisters or my daughters in the future. It could be any of us. That is why it is vital that the Bill is passed as quickly as possible.

In his statement, Mr. Poole said he would ask the Minister for a longer timeframe than three years. We will have to make recommendations in our report. In Mr. Poole's view, what timeframe would be long enough? How long is long enough?

Mr. Jason Poole: I have to be honest with the Deputy. Three years is just far too short. Where a victim dies violently at the hands of a man or goes through a situation like this, it takes longer than three years to recover from that incident yet that perpetrator can be off the register within three years and allowed to start the same process again. My sister's ex-partner who murdered her had put several women in the same situation. It was only when she was murdered and he was brought before the courts for trial that all of these statements from people he had perpetrated violence against previously appeared. Not only had he done time in prison, there were statements from four or five other women who said they had been put in similar situations. Three years is not long enough. I do not have a timeframe in mind. If I had my way, it would be forever. The organisations represented here, who deal with these matters day in and day out, will tell the Deputy that these people are repeat offenders. They do these things over and over again. I could tell the Deputy personal stories of things that have happened in my own family. It is not a case of having a timeframe. The timeframe is not long enough. I would ask the Minister and the committee to look at that minimum timeframe of three years and to extend it to even five or six years. Particularly where a person has been given a custodial sentence, the timeframe before being eligible for removal from the register should not begin until that person is released from prison. In Jennifer's case, he had been given a three-year sentence and was let out on early release. If he had done the time he was given, he would have never met Jennifer in the first place. If, when you come out of prison, you could have two years of your time on the register already done, there would only be a year left. The timeframe needs to be extended. If a person has been given a custodial sentence, the timeframe should only begin on release. If they have not been given a custodial sentence, the timeframe should be five years at the minimum.

Deputy Catherine Callaghan: In his opening statement, Mr. Finan spoke about head 4. He said that, in the view of the Law Society, the phrase “all the circumstances” should be omitted from head 4. Will he help me understand that a little bit more? Why does the society think that?

Mr. Cairbre Finan: The recommendations in the Law Reform Commission's publication stated that the phrase "all the circumstances" is a little bit too wide. It might be inferred from that phrase that it means all the circumstances of the particular case the court is dealing with. The Law Reform Commission recommends dealing with specific characteristics of the

individual rather than the facts of the case that is before the court. The phrase is probably too broad to be included.

Deputy Catherine Callaghan: Does Mr. Finan believe it should be deleted altogether or should another phrase be substituted in terms of the reasonable belief test?

Mr. Cairbre Finan: In the draft amendment to section 2, it states at section 2(2) that:

> If at a trial for a rape offence the jury has to consider whether a man reasonably believed that a woman was consenting to sexual intercourse, the jury shall, in its consideration, have regard to all the circumstances, including the steps (if any) taken by the man to ascertain whether the woman was consenting...

Mr. Brian Hunt: We have also proposed to delete the words "does not" in section 2(1) and to replace them with "could not". We commend the proposal in the Bill to move from a subjective test to a more objective test. Our concern with the phrases "all the circumstances" and "does not" is that they reintroduce an element of subjectivity. In a way, we are moving towards an objective test but, in the view of the Law Society, with those two sets of words, we are rowing back and moving back towards a subjective test when it seems to be intention of the Bill to adopt an objective test.

Deputy Catherine Callaghan: I fully agree with the suggestion to replace "does not" with "could not". That is much easier for me to understand. Perhaps I need to read around a little bit more.

An Cathaoirleach: I will allow for a second round of questions.

Senator Michael McDowell: I thank all of our guests here today. There are some complications to this. One of them is undoubtedly the point that was raised about deed polls. If we are going to enact a law, we have to make one that works. If we are going to enact a law that allows people to wipe their record off the register after three years of good behaviour, I do not accept that is a sensible thing to do. The length of time should be at the discretion of the judge. There could be a relatively minor domestic incident which could merit a shorter period. We know that in Mr. Poole's sister's case, three years would have been of no use to anybody. That is the case in certain circumstances. That is the first point I wanted to make. If we are saying that people who apply to change their names by deed poll are to be caught, we will have to insert a legal mechanism to set off alarm bells for the various registers when they make such an application. We cannot have a situation whereby people can, by use of a clever legal tactic, anonymise themselves.

The second thing is that I am slightly concerned about the Law Society's suggestion that the phrase "all the circumstances" brings back a subjective aspect to it. In reality, a jury will take into account all the circumstances. They have to decide a charge is proven beyond reasonable doubt before they convict. While I do not do criminal work any more, my experience has been that juries do take into account all the circumstances in determining what the objective facts are.

The third point I was going to raise, and it is something we also have to think about, is domestic violence does not just involve spouses - it is not just about a man and a woman. It also involves dependent persons. You can have a 17-year-old son who gets into an altercation with his father. That situation has to be covered in reality. It occurs to me 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. If there are five children and there is an altercation between a 17-year-old son and the father, in a typical circumstance, the wife and the other four children might want nothing to appear on the register. We are saying here that the victim is the person with the veto. I wonder whether we should extend that to the victim or any other affected dependent person? There is a privacy issue here if the children of the altercation or assault I just mentioned are suddenly projected into the public domain. This is really addressed to the Department. It should think about this slightly more carefully. Most of our discussion here today has been premised on the partner being the victim, but the law does not say that at all. Obviously, protecting infant children is one thing but as it goes up towards the age of majority, you are going to be stuck with a situation where, if you put the man - the assailant - on the register, you are going to affect the rights of the spouse and children.

We have to look very carefully at all the things we are proposing to do. This is not a simple one. The principle is crying out for reform - I accept that - but we need to be extremely careful, with deed polls and all the rest of it, that we put in place a workable law. Does anyone wish to respond to that, or does the Department wish to respond?

An Cathaoirleach: Ms Benson wants to respond.

Ms Sarah Benson: The Senator raises an interesting proposition with respect to dependents. Mr. Poole said in his statement - we had to cut it out for time - that inclusion of abuse against dependents, particularly as defined in the Domestic Violence Act, should be included. Our concern, even with the victims requiring consent, is if it is in context of coercive control and if that is in a household, and you also introduce a veto, there is the potential to simply coerce other parties. We need to consider the difference between privacy and secrecy. Domestic violence thrives in secrecy and often there is coercion and control there. That merits a lot of thought.

On the naming point, we would like to see a situation where the perpetrator is named but the victim is not. Rather, it would be an offence against a person, a relevant party as defined under the Domestic Violence Act, which might mitigate in some ways the exposure the victim might suffer in that situation. Inclusion of dependents definitely merits consideration, but only as an immediate and initial response. I would have some concern around expanding the potential to veto, for the reasons I have said, if it is in the context of domestic violence.

Senator Michael McDowell: I accept that it is complicated. In the case of Mr. Poole's sister, the perpetrator might be able to explain his presence on the register as arising from a row he had with his son, unless the facts are set out in sufficient detail to alert somebody that that is not the case. That is all I am saying.

Ms Sarah Benson: You would have to name the offence.

Deputy Paula Butterly: Many of the points have been covered. I will reflect a little on what Senator McDowell has said about the register. I think you have to have a minimum period of two or three years, irrespective of the domestic incident that occurred. I agree with Ms Benson that we have to be very careful because it is so important but it can be complicated. We have to try to get it as right as possible first time.

On the other side, Mr. Poole touched on a point on sentencing that he might not have been aware of. That man should not have been out of jail. If he was only tied to three years on the register, that would be of no benefit to anybody and of no benefit to the next victim because, undoubtedly, there was going to be a next victim.

We have to look at the register in terms of time limits. We should not confine ourselves to a three-year period. We can allow judicial discretion, but there should be a minimum period of time to be included on that register. I would be inclined to look at indicating what offences the person is on the register for. This would militate against somebody saying it was for this, that or the other when it was also for something far more serious. By giving that degree of time on the register, this in itself will indicate what kind of an offence it is. If it is the minimum, it is the minimum, but if it is five or six years before you potentially come off the register, I do not believe you should automatically come off it forever - you should come off the register if you are deemed fit to do so.

Those are my thoughts. By and large, I agree with this but I have some concerns. In all the circumstances, I think the witnesses are right. I have a bit of doubt over the Law Society. Essentially, it is within that whole remit of the register. It is more for the Department than anyone else to consider this in terms of the time and the language we use on the register. Sentencing has to be drafted far quicker than what it is scheduled for now.

Ms Anne Clarke: We are bringing examples here today as people who work at the coalface. Every day, we see serial perpetrators. We see victim after victim being seriously injured. We go home on a Friday and we hope certain clients will be alive on the Monday. For us, this register acts as an important safety tool so that we can put provisions in place to support that client and make sure they are safe because many of them do not realise this perpetrator has perpetrated these actions in the past. As we cannot breach the confidentiality of previous clients, we cannot say to people "Oh, we have had him in before". In our experience, the majority of attacks on women and instances of domestic abuse are extremely serious. I completely endorse Mr. Poole's belief that three years is too little. In particular, I agree that at least it should start from their release from their custodial sentence. However, I agree there needs to be some sort of triage of severity with that register. This would apply when people are potentially fit to come off the register. For us, this is a tool we are missing to keep women safe. Our service supports men, so we would also endorse that this goes right across the board. We have seen in our service a 20% increase in adult-child-to-parent violence, particularly in rural settings. This register would have huge benefits for those clients also. We would completely advocate for the name of the victim not being released. It should be the offence only that is listed. The time spent on the register should be in line with the severity of the offence and the consequent sentencing.

Deputy Paula Butterly: As Ms Clarke has said, this register is a safety tool. 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. This would give them an opportunity. All we have to do is reflect on what has happened over the past couple of weeks with the grimy Grok AI tool.

We are in a position now where we have invested more than ever in supports, yet we have rising incidence rates of domestic violence and sexual offences. There is something inherently not working within our society that we need to understand and we need to start with tools. I

also really support the recommendation that the register should not be something that is set up now and then left there in perpetuity. It has to be revised, reviewed and analysed - I think the suggestion was every three years - to see how it is working and how it can improve. It has to be a living tool.

Ms Anne Clarke: Absolutely. I would also concur with the Law Society of Ireland regarding barring orders. We see that ourselves in our jurisdiction of Laois-Offaly. The judgments that potentially come from our court are not the same as others across the country. What would be acceptable for a barring order in one District Court is not acceptable in another. There is no consistency with the awarding of barring orders. The same goes for protection and safety orders also. There is great disparity throughout the country.

Ms Sarah Benson: Just for precision in terms of what we are recommending, and in response to Deputy McAuliffe's question as well, we are not suggesting that a person who has a civil barring or protection order in place against them be on the register. We are specifically saying 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. That is because we have situations where quite serious offences are sometimes prosecuted summarily that way, I think for convenience. We are not suggesting that somebody who has a protection or safety order in place against them should be placed on the register. It is up to them not to breach it. When they have breached it and a court has determined that it merits a conviction, that is what we think ought to be included.

An Cathaoirleach: Before I bring Deputy Gannon in, for Offaly Domestic Violence Support Service, the fundamental problem as I see it is that the vast majority of abusers the service may be aware of have never actually been convicted of anything. Would that be fair to say?

Ms Anne Clarke: The level of conviction is a very small percentage.

Deputy Gary Gannon: I apologise to the witnesses, as I had to go into the Chamber for a period. If any of my questions have been asked, the Cathaoirleach might let me know and I will move on.

My first question is for the Department of justice. Directive (EU) 2024/1712 significantly strengthens member states' obligations in terms of trafficking prevention and the identification, protection and support of victims. The national rapporteur of the Irish Human Rights and Equality Commission, IHREC, has stated that the general scheme does not fully transpose the amended directive and that key experts and front-line organisations were not consulted. Is this general scheme the Government's full legislative response to transposing the amended directive or will further measures follow? Why have the national rapporteur and specialist civil society groups not been formally engaged with in the transposition process to date?

Ms Marisa Gomez: I thank the Deputy for the question. Just to confirm, we think that the general scheme will transpose the legislative need to make sure that the offences that are in the anti-trafficking directive are fully transposed into the domestic legislation.

On the issue of consultation, we engaged with a number of Departments including health and children. We also engaged with Cuan. During the drafting stage, it is envisioned that we will be consulting with other relevant stakeholders.

Deputy Gary Gannon: It would seem strange that the national rapporteur in IHREC was not consulted. Was that purposely done? Why were they not consulted at the first stage?

Ms Judith Corcoran: To clarify, the amendments in the general scheme relate to criminal offences that are required by the transposition of the EU directive. We are aware that there are also requirements in relation to national referral mechanisms and protection and support of victims. Those will most likely be put into place administratively but it may be the case that further consideration is needed in that regard. The Deputy is probably aware that the Criminal Law (Sexual Offences and Human Trafficking) Act 2024 sets out the national referral mechanism provisions. They have not yet been commenced because there is consultation going on in terms of the provisions of the international protection Bill and their alignment with the national referral mechanism. I understand there is a piece of work ongoing in the Department in that regard. It is not covered by this legislation. Does that clarify things somewhat?

Deputy Gary Gannon: Yes. It leads to a whole load of other questions but I will come back to them at a different time.

Article 11 of the amended directive requires Ireland to provide specialist assistance, including safe and accessible accommodation, and to ensure co-ordination between anti-trafficking and international protection systems. The Irish Human Rights and Equality Commission has warned that the general scheme, alongside existing legislation, fails to meet these requirements. Given that Ireland currently has just one specialist trafficking shelter with extremely limited capacity, why does the general scheme not include legislative measures to ensure compliance with Article 11 and how is this transposition being aligned with the implementation of the EU migration and asylum pact, particularly for trafficking victims within the asylum system?

Ms Judith Corcoran: My understanding is that there is a specialist shelter, as the Deputy mentioned. I understand that the number of places is intended to be increased but at the moment that is not foreseen in legislation. The legislation concerns the criminal offences that are required to be present in our national law to complete the transposition requirements of the directive.

Deputy Gary Gannon: The Law Society of Ireland has raised concerns about clarity, proportionality and consistency in how the domestic violence register should operate. In its view, what legal criteria should judges be required to consider when deciding whether a judgment is published? How can we avoid inconsistent approaches across different courts?

Mr. Brian Hunt: It is not an easy question to answer. In situations like this, there are always differing, competing interests. One of the points we made earlier is that we need to tread carefully when introducing this register. The approach that has been proposed is superficially attractive. However, as has been raised here by other contributors, it may be more complex than it might first appear. The approach that is proposed in the general scheme needs to be looked at again.

There are competing interests. The focus today has rightly been on the impact on, and the interests of, the victim but there are also the interests of the offender. There are rehabilitation and restorative justice aspects to this as well. Somebody can commit an offence once in their life and it can be through difficulties they have experienced in their life or other exceptional causes. The point we are making is that there are differing parties with differing interests here. That is why we are calling for proportionality and balance.

Mr. Cairbre Finan: As an addendum, and getting back to Senator McDowell's comments, it goes without saying but there may be children of the relationship whose voices would not be heard in relation to such an application unless the judge directed. Naturally, in the age we are living in with social media in schools among kids, it does not take much for the name of a parent or something to be used against a child. It is a very complex area.

Deputy Gary Gannon: I appreciate the perspective but it is not a position I would have a lot of sympathy for, to be honest, just on a personal level. The protection of a child from a domestic abuser should be paramount.

I think I am out of time.

An Cathaoirleach: The Deputy can come back for a second round. I will ask a couple of questions. I might just take up that point. I think what Mr. Poole and his family have done is incredibly brave in many respects. They have shared their story and set out a clear anomaly in the legislation. Hopefully, we can bring this Bill, Jennie's Law, to a point where it is in place to protect others into the future.

Referring to the issues raised by the Law Society, is the problem not that there is inconsistency built into the system?

Everybody in this room will know the name of Margaret Loftus and the situation that came through the courts last week. People will be aware of the details of that, simply because journalists happened to be in the room where the decision was made. You could have a situation where a couple of young people celebrating a county final win overexert themselves, get into a brawl or cause a bit of damage on the main street of their town. If a local journalist happens to be in the court the day that is adjudicated on, that will be searchable for all time to come. Yet, if somebody physically assaults a partner and the case happens to go through the courts system when a journalist is not present, nobody will know about it into the future. If we are talking genuinely about consistency, would it not be a case that, save where there are real issues of either child protection or privacy rights at play, we would publish all court judgments so there would not be the hierarchy that it is in place at the moment?

Mr. Cairbre Finan: I must admit I only really read the front page of the *The Irish Times* today in relation to that report. Interestingly, that offence would not come-----

An Cathaoirleach: I am coming to that now, yes.

Mr. Cairbre Finan: That was a section 2 assault. I do not mean it was only a section 2 assault but a section 2 assault is not a scheduled offence in the Bill. Yes, the reality is that unless cases are reported on by local journalists, certainly in County Kildare, the media generally do not report on Circuit Court cases on indictable matters, which are, for want of a better expression, more serious than District Court matters, and the majority of cases are dealt with in the District Court. It is a difficult area. I am not *au fait* with the particular circumstances of the case the Chair raised. I am aware of the conviction-----

An Cathaoirleach: I was making the point in terms of consistency. It is a lottery in many respects, particularly depending on what type of local media operate in an area and how active they are in covering court systems. There is very clearly a case that if there is a higher profile or if there has been a campaign around a particular case, there will be publicity, which means the judgment will be known to anybody who cares to google it afterwards. However, in other

potentially much more serious instances, because the case was not reported on initially, the judgment will not be known into the future.

The scope of this legislation is quite restrictive as regards the level of offence that has to have led to conviction in order to be included on the register. As Mr. Finan mentioned, a section 2 assault is not included. Without getting too personal, if my daughter, my sister or a colleague of mine was in a relationship with somebody who had been previously convicted of a section 2 assault, I would want them to know about it before entering into that relationship. At the moment, they cannot. Am I right that, under the proposal before us, they still will not know?

Mr. Cairbre Finan: Not to keep suggesting that it is a very complex area, the difficulty that would remain is that the proportionality of a register for a person charged with a section 2 assault may be against publishing the person's personal details. It may be. You would almost have to be fully *au fait* with the full facts of the case, including the mitigation outlined on behalf of the accused and so forth.

An Cathaoirleach: Sorry to cut across Mr. Finan but to go back to the example I gave of young people overexerting themselves and ending up with a public order conviction, in such circumstances they might have the probation Act applied, which means they would not have a conviction after the fact. However, if that was a noteworthy local media story, a quick google search of their names would give every potential employer, partner or associate those individuals have in the future those facts. How is it fair that that is the case, whereas up until this point somebody can be convicted of a very serious crime that people should have the right to know about, particularly in terms of future intimate relationships, yet they do not have recourse to that same information?

Mr. Cairbre Finan: At present, names can be published if the victim wishes to permit the names of the parties to be published. Regarding a minor public order matter in a District Court, in my experience I have had to contact the local paper or the media establishment and they will remove the name from a google search on request after a period of time. They will do that without any requests or applications to the court or to a judge. It is a separate matter-----

An Cathaoirleach: It is longer than three years. My time is up. I will open up the discussion for a second round. I call Senator Ruane.

Senator Lynn Ruane: A few thoughts are coming to me from the conversation. It is the application that we need to tease out, in terms of the report being able to make recommendations. It is proposed in the heads of Bill that the Court Service would manage the register. In other jurisdictions, the police force manages it and some of the witnesses suggested it should be An Garda Síochána here. Will the witnesses comment on that?

Regarding the application to be removed from the register, I am struggling to understand how that would work and how such a determination would be made. With spent convictions, the time a person was last convicted of an offence is looked at. However, if something is behavioural and, as was said, domestic violence breeds in secrecy, how will the ability to determine when, how and why somebody would be removed from a register be resourced? It it important that this function exists. There are varying degrees. Sometimes, but not always, smaller convictions indicate a future behaviour. It sounds like there is nearly a level of guesswork involved in figuring out whether someone will be a risk factor in the future. At the point when someone applies to be removed from the register, what would that look like in

reality to ensure there is safety, privacy but also no more future victims? How is such a determination made? It is a difficult thing to manage. Does anyone have a greater insight into that than what I am instinctively thinking?

Ms Sarah Benson: I will have a go. The Senator also asked about a different model. This whole process has had a very specific evolution, which started with a very different comparative model, the one in the UK referred to as Clare's Law. It was not actually a law *per se*; it was a mechanism by which the Metropolitan Police could have the right to tell and respond if somebody went into a police station and said, "This is my partner who I think may have a history. Can you tell me?". It is, therefore, quite a different model. We have moved past that. We raised the point that the difference is that this is a private one, so the question around victim safety and protection really has to be carefully attended to here.

As to how to get off a register, some useful suggestions have already been offered. There will be judicial discretion. As the legislation is currently drafted, there may be some guidance. The rules committee should come up with some guidance around what are appropriate periods of time for somebody to be on the register, on the spectrum from a breach of an order up to murder, and whether someone ever come off the register in the case of murder.

Rather than making it complicated procedurally, perhaps a period of time could be set and it could simply be examined whether this person has reoffended since then. If somebody has several low-level offences - we have talked about how it is so common where you have repeat breaches of orders - there should be a compound component to it. It does not just come off.

Senator Lynn Ruane: Would Ms Benson differentiate then between offences that are related to gender-based violence, domestic violence or violence in general? Would she separate them from other offences appearing before the court in regard to theft, etc.? Would it be violence-related ones that would determine whether you reoffended?

Ms Sarah Benson: For simplicity - I am also aware of just how complicated this may be for the Courts Service - it should be the named offences as most relevant.

Senator Lynn Ruane: The named offences.

Ms Sarah Benson: As I said, we are concerned that things like stalking, harassment or online abuse against a relevant person as defined in the 2018 Act should be considered more expansively. On theft and things like that, I am not sure there is even the capacity to do that.

Senator Lynn Ruane: I have a final point. It is not really a question. There is a large body of work I did in relation to the non-disclosure agreements, NDAs, in regard to sexual harassment, violence and stuff in the workplace. One of the things that came through from all that research from around the world was that an NDA should only exist to protect the victim and never the perpetrator. You do not pass the trash on by hiding the identity of someone else. That term, "passing the trash", comes from the research. I did not just say that. There is a huge body of work that already shows that this type of outdated thinking - that you have to protect one to protect the other - is not necessarily accurate on every occasion. That is something to consider.

Deputy Paul McAuliffe: It is very interesting listening to the discussion both from the members and the witnesses. I would reiterate the point that this is not a domestic violence register. It is a register of judgments that relates to domestic violence. The difficulty with

recommendations that relate to a register is how that might be applied and how long it might take for a system of that nature to be brought forward. I and, I think, Mr. Poole and many people who support him would be anxious to see this implemented as quickly as possible.

Like Deputy Carthy said, I was quite surprised that more judgments are not published by the courts. I have a question for Mr. Finan in that sense. Is the Law Society of Ireland worried that publishing the judgments in this way might be the thin end of the wedge and there might be demand for publishing other court judgments?

Second, some of the concerns in regard to children of a relationship and so on can be dealt with by giving the judge discretion. I think the Bill does that, although I would welcome more clarity around that discretion from both sides.

Third, Senator McDowell raised the issue of the relevant person. I think Part 5 might deal with that related person because it refers to spouses or civil partners, or people who are not spouses or civil partners and not related but who are in an intimate relationship. That limits the number of people but we should give consideration to that point because it is important. The unintended consequences here are very important. The question is this: is the concept of publishing judgments something the Law Society of Ireland is concerned at in general?

Mr. Cairbre Finan: No. To get back to the Deputy's first question, I think that the only judgments that are published on the courts website - I am not sure if it is a policy - would be written judgments from the High Court up. On Circuit Court judgments, unless the circumstances of the case are cited in the High Court, I do not believe there are any from the Circuit Court. I think there was a judgment by Judge Michael White in 2009 in regard to speeding summonses but it was a very relevant case. There was citation of that case but, in general, Circuit Court judgments are not written. You would get a court order but there would be no facts of the-----

Deputy Paul McAuliffe: There is no general concern about the publication of judgments.

Mr. Cairbre Finan: No.

Deputy Paul McAuliffe: In regard to the model that is applied then in regard to a register of judgments, albeit a different model from the register of perpetrators as such, there is no objection to that model in principle.

Mr. Cairbre Finan: I do not believe so.

Deputy Catherine Callaghan: My question relates to Operation Encompass, which was mentioned. It was broadly supported. I think it is a great idea and I thank everybody who has put in a lot of work advocating for it. I would certainly support the idea that the designated person in the educational facility is properly, adequately and continuously supported and trained. That is a given and has to happen as well. However, I am curious about other jurisdictions where it is operational. I refer to two circumstances. What happens during holidays at Christmas and the summertime? Are alternative supports put in position? Then, are there any similar support systems in place for preschool? I was thinking about primary school. Would Operation Encompass also extend to secondary school?

Dr. Sheila Gilheany: As suggested in the legislation, it is for schools, so that would be both primary and secondary schools. In regard to other jurisdictions, I am aware that in the UK,

preschools, for examples, have been included. In Northern Ireland, further education colleges are included as well. In relation to holidays, I do not think I have any information on that.

Ms Carol Fawsitt: In schools it is operational-----

Dr. Sheila Gilheany: It is in operation during school time, which, given that we have long school holidays, is not perfect or ideal but it is a start, I would say.

Deputy Catherine Callaghan: Absolutely, and it is a very good start. Would Dr. Gilheany propose that a system is put in place to cover the school holidays? Would the witnesses be broadly in support of that?

Ms Carol Fawsitt: I think it is possible. Ireland can introduce whatever it wants in relation to the programme but it could be provided 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 and shown kindness, etc. It is open to us to draft it as broadly as we can to capture the situation that comes to the attention of the Garda.

Deputy Catherine Callaghan: Yes. I see with Ms Fawsitt means there. I am thinking that the broad idea or underlining idea in it is that every child has another adult who is aware of their situation. I refer to that summertime or school holiday scenario that was outlined. This incident could happen on the first week of the summer holidays, at the beginning of June or in July in the case of primary school, and then another adult is not notified about it, apart from the Garda, until September. I wonder whether there should be something to cover that period off. As we know, in the summertime, people are in the house. Are they not? Lots of things could happen in that time of two or three months. It is something that should be given due consideration.

An Cathaoirleach: Ms Clarke, briefly.

Ms Anne Clarke: From our experience, we have to be really careful that, particularly in the home, we are not going to escalate that risk further by calling to a house or something like that. That is where working with domestic violence services in particular is very important. We have someone who works in relation to children and young people within schools throughout the county, as do a lot of other services as well. Those relationships are really important. The Garda, in particular, 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. It is all about interagency support and collaboration that brings that protection and whole-of-community response for that family. Most schools are very aware that the protective parent will manage the abuse significantly during holiday times and we see the peak then, very much so, on return to school, where parents reach out for that support.

An Cathaoirleach: I have one final question. We have received a number of submissions from Women's Aid, Safe Ireland and others who have indicated further relevant offences that this committee should propose be included in the legislation. Does Mr. Poole feel that we should make this as broad and all-encompassing as possible to cover all the areas of domestic abuse and violence?

Mr. Jason Poole: From the submissions the committee has received and from the conversations here today, it is clear no one is setting out to make this legislation narrow. We want to make sure it is capturing all offences and supporting all of those who need it. If there

are further recommendations or extension to Jennie's law to support victims, why should we and the committee not look at that? I would agree with the Cathaoirleach 100%. As a family, we looked at Jennifer's particular story and the failures in the system that Jennifer was let down by. We have listened to the victims and the organisations, trying to capture what they saw as their problems in order to present those to the Department of justice. Safe Ireland and Women's Aid are the experts on the ground. If they feel there is something missing from this legislation, by all means we should make it as real as possible and a safety tool to support those people so that we do not have similar offences and we do not have a continual increase in domestic violence cases.

An Cathaoirleach: I thank Mr. Poole for that. I ask Ms Benson to give the committee a sense of the other offences she feels need to be included in this legislation.

Ms Sarah Benson: As I said, it should include convictions for a breach of any of the protective orders listed under the 2018 Act. We have also recommended adding stalking, harassment, including online harassment offences that are covered in the Harassment, Harmful Communications and Related Offences Act 2020, coercive control and a few other offences that can be prosecutable summarily or on indictment. We think they should be included regardless.

An Cathaoirleach: I am conscious-----

Mr. Cairbre Finan: I wish to clarify that I would also support including offences under section 10 of the Non-Fatal Offences Against the Person Act. That harassment charge is not included but I think it probably should be.

An Cathaoirleach: That is helpful. There are other aspects of the Bill relating to sexual consent and replacing the term "child pornography" with "child sexual abuse material" that are very important. While we did not get time to deal with them in our oral deliberations today, the committee has received a number of submissions and we will deal with them in our private session.

Is it agreed that we publish all the opening statements on our website? Agreed.

On behalf of the committee, I thank each of our guests for taking part in our meeting today and helping us in our deliberations on this important matter.

The committee will now go into private session to deal with a number of housekeeping matters.

The committee went into private session at 4.53 p.m. and adjourned at 5.44 p.m. until 3 p.m. on Tuesday, 27 January 2026.