

Submission to the Joint Committee on Justice on the Victims of Sexual Violence Civil Protection Orders Bill 2025

April 2026

1. About Women's Aid

Women's Aid welcomes the opportunity to make a submission to the Joint Committee on Justice on the Victims of Sexual Violence Civil Protection Orders Bill 2025.

Women's Aid is a leading national organisation that has been working in Ireland to stop domestic violence and abuse (DVA), against women and children since 1974. In this time, the organisation has built up a huge body of experience and expertise on the issue, enabling us to best support women and share this knowledge with other agencies responding to women and children experiencing domestic violence. More information on Women's Aid's work is available on womensaid.ie.

2. The policy issue the Bill is seeking to address

Victims of sexual violence often face a long and difficult journey to recovery. For the small minority of victims where the perpetrator is brought to justice, this healing journey can be dramatically disrupted when he is released. A number of survivors have clearly stated that they are extremely anxious about the release of the perpetrator from custody and that after his release they live in fear of coming across him in their day-to-day life, as they often know each other or live in the same community. Meeting the perpetrator can be re-traumatising for survivors.



Moreover, when a perpetrator of sexual violence is released after serving a sentence, victims/survivors can be fearful about retaliation against themselves or their families or about him approaching and harassing them both offline and online.

We note that not only is sexual violence highly traumatising for victims/survivors, but because the criminal justice process being protracted and stressful, often causes secondary victimisation. After having experienced sexual violence and having gone through the criminal trial as witnesses, victims should not be required to initiate separate civil proceedings, in which they would have to face the perpetrator again, to get ongoing protection.

This Bill offers a solution to this issue, by providing that when someone is convicted of a crime of severe sexual violence, at sentencing the judge can impose an order restraining the person convicted of the offence from communicating with or approaching the victim, without the victim having to do anything else.

3. Existing remedies and limitations

A number of existing remedies provide a partial solution to these issues, but they all present severe limitations.

3. 1 Domestic Violence Orders

If the survivor and the perpetrator have been in an intimate relationship, the survivors could seek an order under the Domestic Violence Act 2018.

The limits of these measures are:

- Many survivors would not be eligible as they were not in a relationship with the perpetrator
- The survivor would have to apply for an order in the District Courts. This means that they would have to go through yet another court proceeding, after having gone through the criminal one which brought the perpetrator into custody, and would have to face him in court. They would have to attend hearings and possibly be cross-examined again. This would be very re-traumatising for survivors, who often suffered secondary victimisation in the criminal trial.
- Moreover, in our experience, Safety Orders are often not granted if there is no recent abusive episode. This issue is often reported to Women's Aid by women survivor of Domestic abuse including coercive control, where the perpetrator has received a custodial sentence. Women report that they are still terrified of him and fear retribution when he is released from custody, but the lack of recent abuse prevents them from obtaining a Safety order, even if the lack of abuse is simply due to him being in custody. In practice, they must wait for "something to happen" before making a fresh application.
- Safety orders can last a maximum of 5 years, then the process needs to be repeated.

3.2 S28 Orders Under Part 5 of the Criminal Justice (Miscellaneous Provisions) Act 2023

These orders do not have limited eligibility, but other than that, the limitations discussed above in term of the survivors (or in certain cases a member of AGS) having to make a separate application and go through another adversarial court

process apply. These orders also need fresh evidence of “relevant behaviour” associated with stalking and only last a maximum of 5 years.

3.3 S46 Harassment orders under the Criminal Law (Sexual Offences) Act 2017

Harassment orders can be made on application by the victim or by member of the Garda Síochána not below the rank of Inspector or by a probation officer. They may prohibit the offender from communicating by any means with the victim or from approaching within a distance specified by the court of the victim’s home, workplace or any other place frequented by the victim as the court deems appropriate. The Harassment orders again rely on separate application being made to the court and on evidence of recent intimidation or harassment. Moreover, they can last a maximum of 12 months from release, which is clearly not long enough.

In short, these three remedies above present the following limitations:

- While in some cases, members of AGS can apply on behalf of the applicants, in many cases the survivor of sexual violence would have to apply for the order herself
- They require a separate civil proceeding, which can be re-traumatising
- They require evidence of harassment or intimidation based on behaviour which occurred after the conviction for the sexual offence, (in practice in many cases after release from custody).
- This misses the point that victims can be traumatised simply by the perpetrator approaching them. More importantly, this means protection may be granted only after some act of intimidation or harassment has happened, which means the physical and psychological safety of the survivor and her recovery has already been jeopardised.

- They have a maximum duration of 12 months or 5 years (depending on which order) whereas a victim of severe sexual assault may not be able to face the perpetrator after that time.

3.4 S16 Sex Offenders Act 2001

These orders are applied for by a member of the Garda Síochána not below the rank of Chief Superintendent in the Circuit Court to protect the public from serious harm from a convicted sex offender. They do not require the victim to appear in court but again need evidence of relevant behaviour after release from custody.

Moreover, their aim is to protect the public from serious harm, defined as “protecting a member or members of the public from death or serious personal injury, whether physical or psychological, which would be occasioned if the respondent were to commit a sexual offence at a time subsequent to the making of the application”. Therefore, these orders are applicable only in limited circumstances.

4. Conclusions

The proposed Bill addresses the issue of providing protection and peace of mind to survivors of severe sexual violence by prohibiting the perpetrator from approaching them.

The Bill would work better than existing remedies, because:

- There is no need for further court proceedings, it does not force the victim to go back to court and face her attacker there, which is re-traumatising.

- The state rightly takes responsibility for the ongoing psychological and physical safety of the survivor rather than putting the onus on the survivor to act for her safety or curtail her life to avoid the perpetrator.
- The order can be made without further harassment or intimidating behaviour on the part of the perpetrator after their release.
- The proposed bill does not specify a maximum duration but leaves it to the discretion of the court.
- The orders are made at sentencing, preventing anxiety and stress around the time the perpetrator is released, and giving the survivor peace of mind for the future.
- It is a victim's centred measure that prioritises the safety and well-being of the victim and gives them the best change of healing and recovery.

Women's Aid therefore strongly supports the Bill.

5. Suggested changes to the Bill

Women's Aid would like to outline the following suggestions for amendment at Committee stage

1) Offences under the Harassment, Harmful Communications and Related Offences Act 2020 are not included in the Bill. Given that the impact of online sexual violence can be as severe as that of offline sexual violence, there may be cases where an order should be available for online sexual offences. Therefore, the offences under the HHCRO Act 2020 should be included in S2 and S3.

2) Ensure protection in all relevant public places by adding in section (1) "or any other place frequented by the victim as the court deems appropriate" after the words "place of residence, education or employment of the complainant".

3) In S (7) aggravating circumstances for breaching of orders, current or former history of intimate relationship between the parties should be included as an aggravating factor, in line with S40 of the Domestic Violence Act.

4) While this Bill focuses on Sexual Violence, it is Women's Aid experience that women survivors of intimate partner violence are similarly very fearful of retaliation when offenders are released from custody after convictions for other (non-sexual) offences.

As mentioned above, it is very difficult for women to obtain a Safety Order at this time, as there are no recent incidents, due to the fact the abusive partner has been in custody. This is a system failure that needs to be addressed, at least for serious offences. Therefore, we suggest including in the Bill a requirement for courts to consider a long-term Safety Order for victims of Domestic abuse, when current or former partners are convicted and sentenced to custody not just for sexual violence crimes but for any indictable offences.

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