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### **NEWS REPORT**

<b>Country:</b>	Ireland
<b>Title:</b>	Domestic Violence Bill 2017
<b>Date:</b>	7 July 2017
<b>Expert:</b>	Frances Meenan
<b><u>Context</u></b>	
<b>Issue at stake:</b>	Ratification of the Istanbul Convention
<b>Ground of discrimination:</b>	Gender
<b>Source:</b>	Irish Parliament – Seanad Éireann
<b>Field:</b>	Family Law and Victims' Rights

### **Content**

The Domestic Violence Bill 2017 repeals earlier legislation and consolidates matters in respect to domestic violence. The Bill includes provisions which must be enacted in order for Ireland to be able to ratify the Council of Europe Convention ("the Istanbul Convention") on preventing and combatting violence against women and domestic violence. The Convention was signed by Ireland in November 2015. The proposed legislation re-enacts various orders to include safety orders, barring orders (there will be no longer a co-habitation requirement of six months for interim barring orders and also the new provision of emergency barring orders), protection orders (an order prior to the determination of an application for a safety order or a barring order). All orders will be expanded to impose a prohibition on electronic communication. There is to be a new provision providing for emergency barring orders. The Minister for Justice and Equality stated that this provision is "transformational" and "will put life and limb ahead of property and allow a person in a dangerous situation to get a temporary barring order ....". A person can apply for an emergency barring order when he or she has lived in an intimate and committed relationship with the perpetrator without being their spouse or civil partner or where he or she is the parent of an adult perpetrator. The Minister stated that "[t]he most significant element of this new provision is that a person can apply for an emergency barring order even if they have no legal or beneficial interest in the place concerned or if they have an interest which is less than that of the person against whom the order is sought. Emergency barring orders will only be granted where there are reasonable grounds to believe that a person is at immediate risk of harm." Such order will be granted without notice to the perpetrator and will take effect for up to eight working days. Once such order has expired, another order cannot be made for one month unless the court is satisfied that there are exceptional circumstances. This is to ensure that such order is a temporary measure only. If there are extraordinary circumstances in the case, it will be up to the court to decide as to whether to grant another such order.

There are also proposed provisions in respect of forced marriage. Again this provision is to enable Ireland to ratify the Istanbul Convention. It will be an offence to use violence, threats, undue influence, duress or coercion to cause another person to marry. It will be

an offence to remove people from the State with the intention that they will be forced into marriage abroad. There is also a provision for children to give evidence by televisual link in civil proceedings; furthermore the views of the child are to be taken account of when they are the subject of an order.

The Bill also provides that the Courts Service will have to provide information on domestic violence support services to victims in order to comply with Directive 2012/29/EU.

**Key points of analysis:** This proposed legislation consolidates and amends the law in relation to domestic violence which is required if Ireland is to ratify the Istanbul Convention. Unusually, the draft legislation was introduced in the *Seanad* (the upper house) rather than the *Dáil* (the lower house). Such approach is more usually considered when legislation is urgent. The draft legislation, however, protects the property rights of the owner of property over which there may be a barring order, an interim barring order or an emergency barring order.

The Bill is proceeding to committee stage in the *Seanad* and will proceed in due course to the *Dáil*. It is difficult to establish a time frame for the passage of this legislation through parliament but it may be completed by mid-July 2017. There may be a number of amendments.

**Internet link source:**

<http://www.oireachtas.ie/viewdoc.asp?DocID=34491&&CatID=59>. Accessed 26 May 2017.

<http://www.justice.ie/en/JELR/Pages/PR17000033>. Accessed 26 May 2017.