

Emergency Measures in the Public Interest (Covid-19) Bill 2020 – Domestic Violence Act 2018 Submission

Overview

This submission relates to amending the Domestic Violence Act 2018 (Section 8 and/or Section 9) granting emergency powers to An Garda Síochána to make interim barring orders. It is prudent and necessary to enable senior Gardaí make barring orders in the context of an increased likelihood of domestic and gender-based violence during the Covid19 emergency and diminished capacities to access the courts services.

Rationale

- A toxic combination of being cut off from family and friends, shut refuges, financial hardship, loss of work, closed schools and community services means families experiencing or potentially experiencing domestic violence are in great danger because of Covid19.
- Under the Domestic Violence Act 2018 courts issue barring orders; however, the ability to access the courts is significantly impacted by the current situation, including limited sittings of courts services and the erosion of supporting services for applicant/dependent person, eg. childcare, support workers, transport.
- The Istanbul Convention to which Ireland is a signatory requires for special measures to be taken to prevent and protect women from gender-based violence. 22 other European Countries that are signatories to the Istanbul Convention have already granted special powers to police to make Emergency Barring Orders.

Amendments

To address this issue, emergency amendments will be required under Section 8 and/or Section 9 of the Domestic Violence Act 2018 covering Interim and Emergency barring orders respectively to allow a Garda of appropriate level make such orders for the duration of the emergency period as defined in Emergency Measures in the Public Interest (Covid-19) Bill 2020 (Section 4).