

**Minister Helen McEntee,
Minister for Justice,
Leinster House,
Dublin.**

Via Email to: helen.mcentee@oireachtas.ie

Ref: DJE-MO-06205-2022

October, 12th, 2022.

Dear Minister,

I refer to the emailed reply, dated September 15th (copy attached), from your office on the issue of Coercive Control. Safeguarding Ireland is extremely disappointed with the reply and will explain in the following paragraphs.

Safeguarding Ireland does not agree that Section 9 of the *Non-fatal Offence against the Person Act 1997*, (1997 Act) '*already adequately addresses the concerns raised*'.

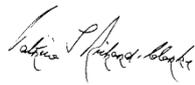
It is not proposed to revisit points already made over the past few years. Attached is a copy of Safeguarding Ireland's Discussion Document *Identifying RISKS – Sharing RESONSIBILITES* which was published in May 2022. We refer you to Chapter Six, in particular, which deals with *Coercive Control of Adults at Risk*. However, a few points need to be made:

- The fact that it was thought necessary to include a specific offence of coercive control in the *Domestic Violence Act 2018* (2018 Act) is a confirmation that Section 9 of the 1997 Act was deemed to be inadequate and in need of further elaboration. There are, of course, also very clear limitations in the 2018 Act as it does not include perpetrators who are not, or who have not been, in an intimate relationship with the victim. There are very many incidences of abuse that do not constitute domestic violence.
- The value of the 1997 Act is very much compromised by providing that prosecution will only take place for the most severe, blatant and violent examples of coercive control. Section 9 also requires a higher threshold of mental element (specific intention) than is required under Section 39 of the 2018 Act.

- There appears to be a lack of understanding in the Department and by An Garda Síochána of the insidious nature of coercive control that is prevalent in Ireland at present and which gives rise to serious safeguarding concerns, particularly for those at risk adults who are unable to protect themselves. The legislation needs to have a comprehensive definition of 'coercive control' in all its forms, including the very high incidence of psychological abuse and abusive behaviour which is controlling and which can occur, not only in a person's own home, but in residential care settings also.
- If the 1997 Act addresses the issue of coercive control and given the prevalence of coercive control perpetrated on at risk adults (mainly older persons and persons with disabilities), why have there not been prosecutions under the 1997 Act?

Safeguarding Ireland is willing to engage with the Department and An Garda Síochána to discuss this matter further.

Yours Sincerely,



**Patricia Rickard-Clarke,
Chairperson.**