



RCNI Opening Statement
to the Joint Oireachtas Committee on Justice and
Equality on the
Sex Offenders (Amendment) Bill General Scheme
and the Sex Offenders (Amendment) Bill 2018
November 2018

RCNI Opening Statement to Joint Oireachtas Committee on Justice and Equality on Sex Offenders (Amendment) Bill 2018 GS & Sex Offenders (Amendment) Bill 2018 November 18

Introduction: RCNI is very glad to have the opportunity to put forward its views on both the General Scheme of the Sex Offenders (Amendment) Bill 2018¹ and the Sex Offenders (Amendment) Bill 2018 (PMB), to the Joint Oireachtas Committee on Justice and Equality². Our concern in this area is two-fold: firstly to ensure that sex offenders in the community are monitored and managed in such a way as to **minimise the risk** that they will reoffend in the future, and secondly, that the victims of these offenders do not feel vulnerable and powerless once they are released into the community (as most of them will be) but instead feel that the State can and will address their concerns.

Both the General Scheme and the Private Members' Bill are very welcome as they represent significant increases in the legal powers available to the relevant agencies charged with monitoring and supervision of sex offenders.

This Statement sets out the **principal recommendations** which RCNI makes in its Submission to the Joint Oireachtas Committee on Justice and Equality.

I **Sex Offenders (Amendment) Bill 2018 General Scheme**

Head 5 (Notification Requirements): RCNI recommends that consideration be given to broadening the notification requirements in subsection 6 to include, as under Head 8 (sex offenders convicted abroad) not only the sex offender's home address but also "the address of any other place in the State at which.....he or she regularly resides or stays".

Head 9 (Assessment & Management of risk posed by sex offenders): RCNI recommends that

- The purpose of the proposed assessment teams is emphasized by re-naming them "risk assessment **and management** teams";
- Consideration be given to allowing other assessment team members to either convene a further assessment team meeting, or at least, to request the relevant member of An Garda Síochána to do so – wherever any one of these team members feels that it is necessary to re-assess, and devise strategies to manage, the risk posed by a sex offender to the public or any individual member(s) of the public.
- Consideration be given to providing in this Section for a mechanism whereby "relevant information" could be received by the assessment team, or at least to the Garda member in charge, from third party individuals or organisations.

¹ [http://www.justice.ie/en/JELR/Sex_Offenders_\(Amendment\)_Bill_2018-General_Scheme.pdf/Files/Sex_Offenders_\(Amendment\)_Bill_2018-General_Scheme.pdf](http://www.justice.ie/en/JELR/Sex_Offenders_(Amendment)_Bill_2018-General_Scheme.pdf/Files/Sex_Offenders_(Amendment)_Bill_2018-General_Scheme.pdf)

² <https://data.oireachtas.ie/ie/oireachtas/bill/2018/28/eng/initiated/b2818d.pdf>

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- Every Garda in charge of the risk assessment and management of sex offenders in each local Division, should engage in regular community liaison, including with local rape crisis centres and other support organisations, to provide information not about individual sex offenders but about what is being done, and can be done, to reduce risk generally from sex offenders in the community.

Head 10 (Disclosure of information in certain circumstances)

RCNI recommends that:

- Subsection (2) should be amended to include the risks to existing and potential future **investigations or prosecutions** as well as those already outlined in it.
- The meaning of the expressions “agrees to act”, “committing a sexual offence” and “against a person”, referred to in subsections (3) and (4), should be clarified.
- The Section should include an offence of misuse of information disclosed with appropriate penalties, and
- The grave consequences of such misuse are explained to the person or persons seeking disclosure of information, before a decision is reached to make that disclosure.

Head 18 (Prohibition against working with children and vulnerable persons)

RCNI recommends that:

- Consideration be given to making prohibition orders **mandatory** in every case unless the circumstances are truly exceptional and also, to making them last as long as the sex offender is subject to the requirements of the Sex Offenders Act 2001.

Discharge of Orders: RCNI recommends additionally that: the relevant victim(s) should always be notified and given an opportunity to put their views on the proposed discharge to the court, in writing or in person, as they wish.

II Sex Offenders (Amendment) Bill 2018

Section 4: RCNI recommends that consideration be given to making the Section more robust, perhaps by the inclusion of a proviso limiting prohibitions on travel outside Ireland to those offenders whose behaviour has already demonstrated that they have travelled abroad for the primary purpose of sexual exploitation, or are contemplating or are likely to contemplate, doing so, given that it represents a significant interference with individual liberty.

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RCNI also recommends that consideration be given to including provisions in this Bill which would give the court power to make orders prohibiting travel outside the jurisdiction on sentence in appropriate cases in which **no** post-release supervision order being made.

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