

Domestic Violence Remedies in Ireland



PROTECTION ORDER

SAFETY ORDER

BARRING ORDER

Civil, Criminal, Family Law
and Cross Border Dimensions

Content Warning and Reader Notice

This paper discusses Domestic Violence and domestic abuse in an Irish legal context. It contains references to potentially distressing topics including physical and sexual violence, coercive control, harassment / stalking type behaviour, threats, and the impact of abuse on children, as well as criminal offences, court procedures, and enforcement.

Some readers may find this material upsetting or triggering. Please read with care and pause or skip sections if needed.

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Jurisdictional Differences

This paper concerns the laws of Ireland. Domestic violence laws and procedures vary across jurisdictions, and cross-border recognition / enforcement can be complex and fact specific, readers should obtain advice relevant to the jurisdiction(s) involved.

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Civil, Criminal, Family Law and Cross Border Dimensions.

Historical development: from marital hierarchy to modern protective law.

The modern Irish Domestic Violence framework did not appear fully formed. It evolved out of a much older legal imagination, one in which violence within the home was often treated as a private matter and, more fundamentally, in which the marriage itself historically carried a strong notion of male legal authority. In the common law tradition inherited in Ireland, one of the central doctrines was coverture, being the idea that, upon marriage, husband and wife were treated as a single legal entity, with the husband as the controlling person. Sir William Blackstone famously expressed this ‘unity’ in terms that are striking to modern readers, *‘By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage...’*¹

While it would be historically imprecise to say that the wife was simply goods or property in the same way as ordinary chattels, coverture did mean that a married woman’s independent legal personality was curtailed and that the husband acquired sweeping controls over the household’s legal and economic affairs, including (historically) extensive control over property and earnings. This is one of the reasons domestic abuse could be and was socially minimised and legally obscured. If the law conceptualised the household as governed by one legal person (the husband), it naturally struggled to see intimate partner violence as a public wrong requiring direct state protection.

Irish legislative debates and reforms in the twentieth century show the long tail of this older mindset. For example, the eventual enactment of the Married Women’s Status Act, 1957 was part of a broader reform programme responding to earlier property regimes rooted in separate (and often unequal) marital property assumptions, an issue openly discussed in parliamentary debates. The then Minister for Justice, James Everett, describing the legislation as *‘...the object of the Bill is to put married women in the same legal position as single women and men. In other words, it means to get rid once and for all of the disabilities under which married women at present suffer, not alone in regard to their property but also in regard to their ordinary rights in contract and tort’*.² This wider trajectory matters because Domestic Violence law is inseparable from questions of power, who is entitled to control the home, the money, the children, the spouse’s mobility, communications, and autonomy.

¹ Sir William Blackstone, 1765

² Dáil Éireann debate, 8th of November 1956

A second historical thread is the law's treatment of sexual autonomy within marriage. Until relatively recently, the criminal law carried remnants of the notion that marriage implied a continuing sexual entitlement.

In 1736, Sir Matthew Hale stated that a husband cannot be guilty of raping his wife because *'by their mutual matrimonial consent and contract the wife hath given herself up in this kind unto her husband, which she cannot retract'*.³

The decisive statutory break in Ireland, more than 250 years later, was the Criminal Law (Rape) (Amendment) Act 1990, which abolished "[a]ny rule of law by virtue of which a husband cannot be guilty of the rape of his wife".⁴ This change is not merely symbolic, it marks a shift away from any vestige of marital ownership or permanent consent, and towards the modern principle that marriage does not diminish bodily autonomy. The same movement underpins later recognition of domestic abuse as not only physical violence, but also domination, fear, and coercion.

The first specifically 'protective' civil remedies in Ireland emerged not from a dedicated Domestic Violence statute, but from family law maintenance legislation. The Family Law (Maintenance of Spouses and Children) Act, 1976 introduced an early form of exclusionary protection by permitting the court, on application, to bar a spouse from the family home *'the Court may, if it is of opinion that there are reasonable grounds for believing that the safety or welfare of that spouse or of any dependent child of the family requires it, order the other spouse, if he is residing at a place where the applicant spouse or that child resides, to leave that place, and, whether the other spouse is or is not residing at that place, prohibit him from entering that place'*.⁵ That innovation, exclusion of the alleged abuser rather than displacement of the victim, is now a defining logic of Domestic Violence protection. But the 1976 model was still narrow, it was spouse centred and did not yet provide a full suite of interim and non-exclusionary orders.

The Family Law (Protection of Spouses and Children) Act 1981 developed the protective structure by introducing an interim 'Protection Order' pending the determination of a barring application, where *'the Court is of opinion that there are reasonable grounds for believing that the safety or welfare of the applicant spouse or of any child so requires, the Court may make an order (in this Act called a "protection order") that the respondent spouse shall not use or threaten to use violence against, molest or put in fear the applicant spouse or the child'*.⁶ This was a major procedural acknowledgement of Domestic Violence realities, victims often need immediate court protection before a full hearing can occur.

³ Sir Matthew Hale, 1736 (Vol 1, p.245)

⁴ Section 5 (1)

⁵ Section 22 (1)

⁶ Section 3 (1)

A more comprehensive scheme arrived with the Domestic Violence Act 1996, which modernised and consolidated the civil order framework and broadened access beyond the narrowest marital lens.

In the years after 1996, the law continued to wrestle with the balance between swift emergency protection and fair procedures for respondents, a tension that is a recurring theme in Domestic Violence legislation.

By the time Ireland enacted the Domestic Violence Act 2018, in force from 2019, the conceptual foundation had shifted decisively. Domestic abuse was no longer understood principally as a private marital dispute. It was increasingly recognised as a serious form of interpersonal violence and coercion requiring (i) a rapid civil protection, (ii) enforceable mechanisms including arrest powers and criminal offences for breaches and (iii) criminalisation of modern abuse patterns, including coercive control, which captures persistent controlling behaviour with a serious ‘effect’ on the victim.

This historical path is not a mere preface. It explains the structure of the modern Irish approach, a legal system that now treats Domestic Violence as a matter of public protection and accountability, while designing court procedures to reduce traumatisation, and integrating Domestic Violence considerations into family law and child welfare decision making.

The modern Irish approach to Domestic Violence is deliberately dual track. Firstly, civil protection, primarily through the suite of orders under the Domestic Violence Act 2018 (DVA 2018), designed to provide rapid, practical, and enforceable safety measures and secondly, criminal accountability, through offences (including ‘coercive control’) and the general criminal law of assault, harassment, threats, etc.

This duality is significant. Civil orders are protective, not punitive. They are aimed at stopping the behaviour, controlling contact, and securing the victim’s safety. Criminal law is punitive and deterrent, focused on proving offences beyond reasonable doubt and imposing sanctions after due process. Where necessary, both systems run in parallel. For example, a victim may seek (i) a Protection Order that afternoon in the District Court, and (ii) make (or already have made) a Garda complaint in relation to assault or coercive control.

What Irish law means by ‘Domestic Violence’

Irish statute does not confine Domestic Violence to physical assault. The DVA 2018’s order based remedies expressly contemplate conduct such as *‘molesting’*, *‘watching and besetting’*, *‘following’*, and *‘communicating’* in a manner that puts the applicant in fear, even where there is no physical injury.⁷

⁷ Section 6 (2)

While the newer offence of coercive control says that ‘*A person commits an offence where he or she knowingly and persistently engages in behaviour that (a) is controlling or coercive, (b) has a serious effect on a relevant person, and (c) a reasonable person would consider likely to have a serious effect on a relevant person*’.⁸ The Non-Fatal Offences Against the Person Act 1997, similarly covers non-physical patterns of abuse, particularly through harassment ‘*Any person who, without lawful authority or reasonable excuse, by any means including by use of the telephone, harasses another by persistently following, watching, pestering, besetting or communicating with him or her, shall be guilty of an offence*’.⁹

This reflects an underlying policy, Domestic Violence is understood as a pattern of power and control, often escalating and often occurring in private. The law therefore tries to (a) permit fast, low formality access to protection, while (b) ensuring enforceability through arrest powers and criminal offences for breach.

Civil protection under the Domestic Violence Act, 2018

Domestic Violence civil proceedings are heard ‘otherwise than in public’ (in camera), and are intended to be ‘*as informal as is reasonably practicable*’.¹⁰ The Act also prohibits wigs and gowns in these civil Domestic Violence proceedings, reinforcing accessibility.¹¹

The DVA 2018 also addresses a recurring practical barrier, fear of direct confrontation in court. Section 16 of the Act empowers the court to prevent a respondent from personally cross examining the applicant (or certain witnesses) ‘*Where the applicant or respondent proposes to cross examine the person referred to in paragraph (b) personally, the court shall direct that the applicant or the respondent, as the case may be, may not personally cross-examine the witness unless the court is of the opinion that the interests of justice require the applicant or respondent to conduct the cross-examination personally*’.¹² However, the Act does provide for legal representation where that occurs ‘*[the court shall] invite the applicant or respondent to arrange for a legal representative to act for him or her for the purpose of cross-examining the witness*’.¹³ The policy aim is clear, victims should not have to endure the court process as a continuation of the abuse dynamic.

Irish case law also underlines the constitutional balance which sits behind these procedural protections. In *Goold v Collins & Ors*, the Supreme Court accepted that Domestic Violence legislation serves a vital social purpose, while also recognising that urgent ex parte relief can carry significant consequences and therefore must be matched by fair procedures.

⁸ Section 39 (1)

⁹ Section 10 (1)

¹⁰ Section 23 (1) & (3) (a)

¹¹ Section 23 (3) (b)

¹² Section 16 (1) (c)

¹³ Section 16 (3) (a)

The Court further held that where the ‘live’ dispute has been resolved (in that case, the Protection Order had been discharged by consent), the courts will generally treat remaining constitutional reliefs as moot and will not decide abstract questions. The judgment is also practically useful in rejecting the suggestion that a respondent’s reputation is inevitably ‘damaged’ merely because an ex parte order was sought or granted.¹⁴

The principal civil remedies are a Safety Order, Barring Order, Interim Barring Order, Emergency Barring Order and a Protection Order (short, interim order pending a full hearing). A Safety Order (non-exclusionary order) is an order directing a respondent not to use or threaten violence, not to molest, and not to engage in defined fear inducing behaviour.

The statutory threshold is whether the court is satisfied that the ‘safety or welfare’ of the applicant or a dependent person ‘requires it’ for protection from ‘violence or threatened violence’, or from conduct such as ‘molesting’, ‘watching and besetting’, ‘following’ or ‘communicating’ in a way that places the applicant in fear.¹⁵ The key point is that violence is not limited to a single incident, the Order is available where the court is satisfied that protection is required for safety / welfare, based on evidence presented (often affidavit evidence) and the court’s assessment of risk.

A Barring Order goes much further, it can exclude the respondent from the home (or specified place) and prohibit entry.

The court may make a Barring Order where it is of opinion, on reasonable grounds, that the safety or welfare of the applicant / dependent person requires it for protection from ‘violence or threatened violence’, molestation, or fear inducing surveillance / contact type behaviours.¹⁶ The Act provides for a maximum duration (commonly discussed as up to three years), and the Order’s practical effect is immediate, it compels departure and restricts re-entry.¹⁷

An Interim Barring Order is designed for situations requiring urgent exclusionary protection before the court can finally determine the Barring Order application. The threshold is that there is an ‘*immediate risk of significant harm*’ to the applicant or a dependent person, and that a Protection Order would not be sufficient.¹⁸

The constitutional significance of excluding a respondent from a dwelling on an urgent basis has been emphasised by the Supreme Court. In *DK v Crowley*, the Court highlighted that interim exclusionary relief engages serious procedural fairness considerations because it can operate as a substantial interference with a person’s occupation of their home pending a full hearing.

¹⁴ *Goold v Collins & Ors* [2004] IESC 38 (Hardiman J, 12 July 2004)

¹⁵ Section 6 (2)

¹⁶ Section 7 (2)

¹⁷ Section 7 (7)

¹⁸ Section 8 (1) (a) & (b)

DK v Crowley is a leading Supreme Court authority on the constitutional and fair procedures limits of *ex parte* Interim Barring Orders, and it is repeatedly cited in Irish law reform and practitioner commentary as shaping the statutory safeguards that followed.¹⁹

The Emergency Barring Order is an especially urgent mechanism. It can be made where the court is satisfied there is an '*immediate risk of significant harm*' and that a Protection Order would not be sufficient, allowing exclusion even where the respondent may have an ownership interest.²⁰

It is very important to understand that in the Barring Order suite of remedies, the Domestic Violence Act 2018 draws a careful line between (i) suspending a respondent's right to occupy a dwelling for safety reasons and (ii) not altering underlying ownership.²¹ For a Barring Order and an Interim Barring Order, the court can temporarily exclude a respondent from the home, but the Act places a specific ownership limitation in certain categories, most notably where the parties are intimate partners but not spouses / civil partners, or where a parent applies in respect of an adult child. In those categories, the court cannot make a Barring/Interim Barring Order if the respondent has the stronger legal or beneficial interest in the property and the applicant has no interest, or a lesser interest. By contrast, in those non spousal categories, the Emergency Barring Order is specifically designed for situations where the respondent has the legal / beneficial interest and the applicant has none (or less), and the court may only make an Emergency Barring Order in those ownership circumstances.

Critically, even where an exclusionary Order is made, the Act provides that (save for the temporary suspension of occupation rights) the Order does not affect any estate or interest in the property of the respondent or any other person, meaning the Order is protective and time limited, never a determination of title.²²

Irish case law has long treated exclusionary Domestic Violence relief as protective rather than proprietary. In O'B v O'B from 1984, the Supreme Court emphasised that barring type relief is directed to safety and welfare within the family home context and is not a mechanism for resolving ultimate property entitlement. This authority supports the statutory position under the Domestic Violence Act 2018 that, while occupation may be restricted for protection, the underlying estate or interest in the property is not thereby determined.²³

A Protection Order is typically an *ex parte* or short notice Order pending the full hearing of a Safety or Barring Order application. It is time limited and is rooted in urgency. The court may make it where there is an immediate risk of significant harm pending the determination of the substantive application.²⁴

¹⁹ DK v Crowley [2002] 2 IR 744 (SC)

²⁰ Section 9

²¹ Section 7 (6), Section 8 (5), Section 9 (2)

²² Section 32 (2)

²³ O'B v O'B [1984] IR 182 (SC).

²⁴ Section 10

The constitutional legitimacy of short term interim protection has been considered judicially. In *L v Ireland*, the High Court addressed a constitutional challenge arising from Domestic Violence Protection Order procedures and treated the Protection Order mechanism as a proportionate interim response to urgent risk, pending a prompt inter partes determination. The case is a useful authority to support the proposition that the system's interim measures are designed to protect safety while remaining anchored in fair procedures.²⁵

‘Threshold’ in practice, what evidence tends to matter?

Although each remedy is framed in statutory language, the practical ‘threshold’ is met by evidence which persuades the judge that protection is required. Section 5 of the DVA 2018 directs the court to consider the history of the relationship and patterns of behaviour, and expressly includes factors such as prior violence / threats, intimidation and fear inducing behaviours, property destruction, weapons, substance abuse and significantly, cruelty to an animal as a risk marker. Importantly, the Act instructs the court to look beyond isolated incidents and to assess risk and pattern.²⁶

While most applications are brought by the victim, the Act recognises that victims may be unable to apply. It provides routes including applications involving children and applications by Tusla, referred to as ‘the Agency’, in defined circumstances.²⁷

Again, an important point to note is that, if the person being protected is a child or other dependent person, the court will not make a Barring Order (including an Interim or Emergency Barring Order) unless Tusla satisfies the court that the parent / guardian or other responsible adult for that dependent person is both willing and able to provide proper, reasonable care for them.²⁸

Criminal Law Offences Associated with Domestic Violence

Domestic Violence conduct frequently constitutes standard criminal offences covered under the Non-Fatal Offences Against the Person Act 1997. Common examples include, Assault (summary offence), punishable by up to 6 months imprisonment on summary conviction.²⁹ Assault causing harm (with ‘harm’ including injury to body or mind), punishable by up to 5 years imprisonment.³⁰ Threats to kill or cause serious harm, punishable by up to 10 years imprisonment on indictment.³¹ Harassment, covering persistent following, watching, besetting, or unwanted communication causing serious alarm / distress, also carrying significant penalties, up to 7 years on indictment.³²

²⁵ *L v Ireland* [2008] IEHC 241.

²⁶ Section 5 (2)

²⁷ Sections 11 & 12

²⁸ Section 11 (5)

²⁹ Section 2

³⁰ Section 3

³¹ Section 5

³² Section 10 (6) (b)

These offences provide criminal routes even where a civil Domestic Violence Order is not (yet) in place.

A major reform is the standalone offence of Coercive Control. Section 39 of the DVA 2018 provides that a person who ‘knowingly and persistently’ engages in controlling or coercive behaviour towards a ‘relevant person’, with a ‘serious effect’, commits an offence.³³ ‘Serious effect’ includes causing fear that violence will be used on at least two occasions, or causing serious alarm or distress with a substantial adverse impact on day to day activities.³⁴ The penalty can be up to 5 years imprisonment on indictment.³⁵

It would be right to say that Section 39 is one of the most significant innovations of the Domestic Violence Act 2018 because it aligns the criminal law with the lived reality of domestic abuse. The core harm is often not a single ‘incident’ but a sustained regime of domination, isolation, monitoring, intimidation, financial restriction, humiliation, and implied or overt threats designed to erode autonomy and create fear. By criminalising ‘knowingly and persistently’ controlling or coercive behaviour which has a ‘serious effect’ on a relevant person, the Oireachtas deliberately moved beyond a criminal justice model that historically captured only fragments of abuse through discrete offences (assault, threats, harassment) and often struggled where there was no recent physical injury or where each act, viewed in isolation, appeared ‘minor’.

The stand-alone offence provides an accurate legal label for the overall wrong, permits prosecution of the pattern as the offence, supports earlier intervention before escalation to serious physical harm, and signals in sentencing terms that domestic abuse is not simply a series of low level events but can constitute a serious criminal course of conduct in its own right.

The practical significance of Section 39 is reinforced by the early development of sentencing guidance in the courts. In *DPP v Kane* from 2023, the Court of Appeal considered sentencing in a Coercive Control case and treated the offence as capturing a sustained pattern of abusive domination rather than isolated incidents. The decision provides a useful reference point for practitioners because it demonstrates that Coercive Control is prosecuted and sentenced as a serious form of domestic abuse, with the court focusing on duration, gravity, impact and context when assessing culpability and proportionality.³⁶

³³ Section 39 (1)

³⁴ Section 39 (2)

³⁵ Section 39 (3) (b)

³⁶ *The People (DPP) v Kane* [2023] IECA 86.

Another standalone offence created is that of Forced Marriage.³⁷ This offence is an important part of the DVA 2018 architecture because it recognises that domestic abuse can take the form of compelling a person into a marriage through violence, threats, coercion / duress, or undue influence, including pressure directed at third parties (for example, threatening or intimidating family members to force compliance).

The Act deliberately defines ‘ceremony of marriage’ to include religious, civil or secular ceremonies whether legally binding or not, reflecting that the harm often lies in the coercive process and its social consequences rather than the legal validity of the ceremony.

Its cross order provisions, criminalising removal from the State to facilitate Forced Marriage abroad and, in defined circumstances, coercive conduct occurring outside the State by Irish citizens or persons ordinarily resident, respond to a recognised pattern in which victims are isolated and pressured through travel arrangements and family control. In practice, the Forced Marriage offence may run in parallel with the civil protective regime where threats, intimidation or violence accompany the coercion. The applicant may seek immediate protective orders (for example, a Protection Order or Safety Order) to restrain contact, threats or harassment pending criminal investigation and prosecution, thereby aligning preventive civil remedies with the State’s criminal response to coercion. The penalty on indictment can be up to 7 years imprisonment.³⁸

Section 40 provides an express aggravating factor for sentencing. Where an offence is committed against a relevant person and is Domestic Violence related, the court must treat the domestic context as aggravating.³⁹

Enforcement: Breach of Orders, Garda Powers, and Penalties

The Irish approach is deliberately enforcement led. Protection is secured not only by the making of an Order, but by the statutory mechanisms that support compliance. Garda powers, breach provisions and penalties are therefore central to the operation of the regime, not incidental to it. In that sense, the practical safety value of the Orders is tied to the credibility of enforcement, how quickly breaches can be addressed and what consequences follow.

Under Section 33, a respondent who contravenes a Safety Order, Barring Order, Interim Barring Order, Emergency Barring Order, or Protection Order commits an offence. On summary conviction, the penalty includes a Class B fine (not exceeding €4,000) or up to 12 months imprisonment or both.⁴⁰ In the Domestic Violence (Amendment) Bill, 2024 proposals have been advanced to provide for an indictable version of this offence with higher maximum penalties.⁴¹

³⁷ Section 38 (1)

³⁸ Section 38 (7) (b)

³⁹ Section 40 (1)

⁴⁰ Section 33 (1)

⁴¹ Domestic Violence (Amendment) Bill (not enacted)

Section 35 provides powers of arrest without warrant where Gardaí suspect breach of a relevant Order, including powers connected with entry and enforcement ‘...a member of the Garda Síochána may enter, if need be by force, and search a place where the member, with reasonable cause, suspects the respondent to be.’⁴² This is central, victims should not have to commence fresh proceedings in order to obtain basic enforcement.

How Domestic Violence Ties into Family Law in Ireland

Domestic Violence issues all too frequently intersect with family law proceedings, separation, divorce, parenting disputes, and child welfare applications.

Irish family law statutes recognise that certain processes (including reconciliation counselling, mediation, or negotiation focused adjournments) may be inappropriate in some cases, and they do not compel parties to pursue them. Under the Family Law (Divorce) Act 1996, any adjournment to facilitate reconciliation (or agreement on terms) is framed as optional and depends on both spouses wishing to attempt it.⁴³ The Judicial Separation and Family Law Reform Act 1989 contains a comparable ‘both so wish’ framework for adjournments aimed at reconciliation or agreement on separation terms.⁴⁴

The DVA 2018 also amended Section 3 of the Mediation Act 2017 so that ‘proceedings under the Domestic Violence Act 2018’ are excluded from the Mediation Act’s application, reflecting that mediation may be unsuitable where fear, coercive control, or safety risks are present.⁴⁵

Where children are exposed to Domestic Violence, public law child protection may be engaged. The Child Care Act 1991 provides for a care order where it appears to the court that a child has been or is being ‘assaulted, ill-treated, neglected or sexually abused’, or where the child’s health / development / welfare ‘has been or is likely to be avoidably impaired or neglected’.⁴⁶ Although Domestic Violence Orders are not the same as child care orders, the evidential overlap is real, that is to say, patterns of Domestic Violence and Coercive Control can support findings that children’s welfare is at risk, even where violence is not directly inflicted on the child.

The Criminal Justice (Victims of Crime) Act 2017 strengthens victim supports, including the definition of a ‘protection measure’ which includes advice regarding Domestic Violence orders and safety planning, and measures aimed at preventing repeat victimisation and intimidation.

⁴² Section 35 (2)

⁴³ Section 8

⁴⁴ Section 7

⁴⁵ Section 55

⁴⁶ Section 18 (1)

Defining ‘protection measure’ it says ‘... ..means a measure which is intended to safeguard the safety and welfare of a victim by limiting or preventing contact with, or repeat victimisation, retaliation or intimidation of, the victim by an alleged offender or any other person on his or her behalf and includes: ... advice regarding safety orders, barring orders, interim barring orders and protection orders’.⁴⁷ It also requires an assessment to identify ‘specific protection needs’ and to adapt investigative / procedural approaches to protect victims.⁴⁸

Where the alleged abuser is outside Ireland, what remedies exist?

This issue splits into obtaining orders and enforcing / recognising them abroad. In many cases, an Irish court can still make a Domestic Violence civil order if it has jurisdiction and the statutory criteria are satisfied, but service and enforcement become practically complex. Protection Orders and certain urgent measures can be sought quickly, but the respondent rightly must ultimately be afforded due process.

The practical focus therefore shifts to immediate protective measures within Ireland (e.g., orders affecting the home, contact prohibitions, and Garda enforcement if the respondent returns), and parallel criminal investigation where offences occurred within the State, even if the suspect later leaves.

Where children are involved, family law jurisdiction rules (including EU instruments where applicable) may govern where parenting disputes should be heard.

Within the EU, a major protection mechanism is Regulation (EU) No 606/2013, which provides for mutual recognition of civil protection measures between Member States ‘*This Regulation establishes rules for a simple and rapid mechanism for the recognition of protection measures ordered in a Member State in civil matters*’.⁴⁹

In practical terms, if an Irish Domestic Violence civil protection measure qualifies, a victim may be able to have it recognised in another EU Member State without relitigating the merits.

The Brexit Effect

In cross border terms, an Irish Protection, Safety or Barring Order does not ‘travel’ into the UK through the EU system in the same way it travels between EU Member States. However, the UK has retained (in modified form) the EU civil mutual recognition regime for incoming EU protection measures.

⁴⁷ Section 2

⁴⁸ Section 15 - 16

⁴⁹ Article 1

The relevant instrument is Regulation (EU) No 606/2013 on mutual recognition of protection measures in civil matters, which is implemented (post Brexit) so that qualifying protection measures made in EU Member States can continue to be recognised and enforced in England & Wales and Northern Ireland under UK domestic procedure, provided the Irish order falls within the Regulation's scope and is accompanied by the required Article 5 certificate.^{50 51}

In England & Wales, the Family Procedure Rules and Practice Direction 38A set out the mechanism for 'incoming protection measures' and confirm (i) the need for the certificate and (ii) that enforcement is carried out under local procedures, rather than by relitigating the merits.⁵²

Northern Ireland has adopted a parallel 'continued recognition' position through the same post Brexit retained law approach, expressly aimed at ensuring that EU protection measures 'will continue to be recognised and may be enforced' there.⁵³

Scotland operates a separate post Brexit regime for the retained 606/2013 framework, with Scottish procedural instruments addressing how incoming EU civil protection measures are handled in Scottish courts.⁵⁴

The practical contrast, therefore, is this, within the EU, an Irish civil protection measure can be recognised using the EU certificate process under 606/2013, in the UK, recognition/enforcement remains possible for qualifying incoming EU measures, but it is mediated through UK domestic rules (England & Wales / Northern Ireland / Scotland each with their own procedural routes) and depends critically on securing the Article 5 certificate and ensuring the terms of the Irish order correspond to the kinds of obligations covered by the Regulation (e.g. restrictions on entering specified places, approaching, or contacting).

Where the respondent is outside the EU, there is no single 'EU-style' system for automatic recognition of Irish Domestic Violence orders.

Instead, whether (and how) an Irish order can be relied upon abroad will usually depend on the domestic law and court procedures of the country concerned, together with any bilateral arrangements (if they exist) and the practical realities of service and enforcement in that jurisdiction.

In practical terms, this often means that an Irish victim may need to take a two track approach. Firstly, obtain and maintain the relevant Irish orders to protect them within Ireland (and to ensure immediate enforceability if the respondent returns).

⁵⁰ Regulation (EU) No 606/2013

⁵¹ The Mutual Recognition of Protection Measures in Civil Matters (UK)

⁵² Family Procedure Rules 2010 (UK)

⁵³ Northern Ireland Assembly Research and Information Service *see also* The Mutual Recognition of Protection Measures in Civil Matters

⁵⁴ Scottish Civil Justice Council

Secondly, use those Irish orders and the supporting evidence (statements, Garda reports, medical documentation, screenshots, etc.) as persuasive material to help secure an equivalent local protection order in the foreign state. Alongside that legal work, the most effective protection usually involves early engagement with local authorities and specialist support services in the country where protection is needed, because enforcement mechanisms, police powers, and available remedies can vary significantly. Finally, because formal cross border recognition / enforcement can be slower or uncertain outside the EU, careful safety planning, including travel planning, accommodation, communication controls, and contingency arrangements, is often essential while legal steps are being taken.

Conclusion

Ireland's modern response to Domestic Violence is deliberately multi layered. A fast, welfare based civil protection regime under the Domestic Violence Act 2018, underpinned by criminal enforcement for breach, and complemented by substantive criminal offences that capture both physical violence and nonphysical patterns of domination.

The availability of protection, safety and barring type orders, together with arrest powers and meaningful penalties, reflects a policy choice that victim safety must be capable of immediate legal protection, not postponed until the conclusion of criminal proceedings. The creation of standalone offences such as Coercive Control and Forced Marriage further signals a shift from viewing domestic abuse as isolated incidents to recognising it as a course of conduct that can erode autonomy, create fear, and endanger children even without obvious physical injury.

Domestic Violence issues also intersect routinely with family law and child welfare decision making, requiring the legal system to balance safety, due process and the best interests of children in both private and public law contexts.

Finally, while cross border recognition is relatively structured within the EU and remains possible (though procedural) across the UK post Brexit for qualifying civil protection measures, enforcement outside these frameworks can be slower and more dependent on local remedies underscoring the importance of early protective applications, careful evidence gathering, and coordinated safety planning.

Footnotes list

1. William Blackstone, *Commentaries on the Laws of England* (1st edn, 1765–69) vol 1, *442 (Book I, ch 15).
2. Dáil Éireann Debates, Married Women’s Status Bill 1956, Second Stage (8 November 1956).
3. Sir Matthew Hale, *Historia Placitorum Coronæ* (The History of the Pleas of the Crown) (1736) vol 1, 245.
4. Criminal Law (Rape) (Amendment) Act, 1990, Section 5(1).
5. Family Law (Maintenance of Spouses and Children) Act 1976, Section 22 (1).
6. Family Law (Protection of Spouses and Children) Act 1981, Section 3 (1).
7. Domestic Violence Act 2018, Section 6 (2).
8. Domestic Violence Act 2018, Section 39 (1).
9. Non-Fatal Offences Against the Person Act 1997, Section 10 (1).
10. Domestic Violence Act 2018, Section 23 (1) and Section 23 (3) (a).
11. Domestic Violence Act 2018, Section 23 (3) (b).
12. Domestic Violence Act 2018, Section 16 (1) (c).
13. Domestic Violence Act 2018, Section 16 (3) (a).
14. *Goold v Collins & Ors* [2004] IESC 38 (Hardiman J, 12 July 2004).
15. Domestic Violence Act 2018, Section 6 (2).
16. Domestic Violence Act 2018, Section 7 (2).
17. Domestic Violence Act 2018, Section 7 (7).
18. Domestic Violence Act 2018, Section 8(1) (a)–(b).
19. *DK v Crowley* [2002] 2 IR 744 (SC).
20. Domestic Violence Act 2018, Section 9.
21. Domestic Violence Act 2018, Sections 7 (6) (a) (i)–(ii), 8 (5) (a) (i)–(ii), 9 (2) (a)–(b).
22. Domestic Violence Act 2018, Section 32 (2)
23. *O’B v O’B* [1984] IR 182 (SC).
24. Domestic Violence Act 2018, Section 10.
25. *L v Ireland* [2008] IEHC 241.
26. Domestic Violence Act 2018, Section 5 (2).
27. Domestic Violence Act 2018, Sections 11–12.

28. Domestic Violence Act 2018, Section 11 (5).
29. Non-Fatal Offences Against the Person Act 1997, Section 2.
30. Non-Fatal Offences Against the Person Act 1997, Section 3.
31. Non-Fatal Offences Against the Person Act 1997, Section 5.
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