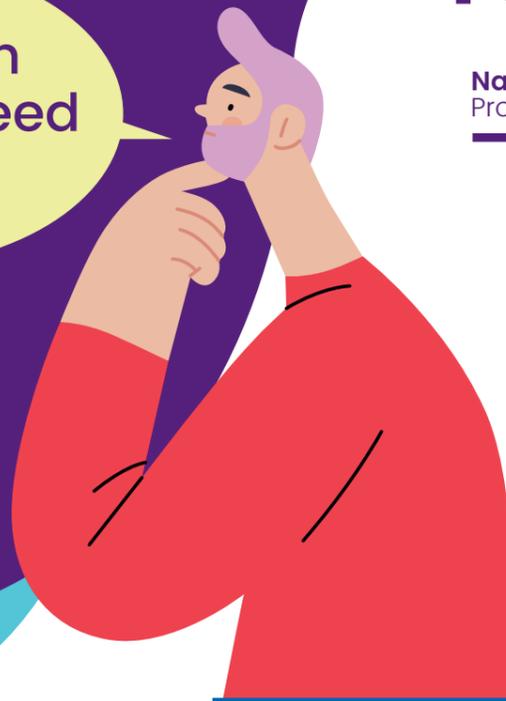


UNDERSTANDING IRELAND'S ROMEO & JULIET DEFENCE

What Youth Workers Need to Know



1 What is the “Romeo and Juliet” defence?

- This is a legal exemption introduced in Section 3(3) of the Criminal Law (Sexual Offences) Act 2006, amended by the Criminal Law (Sexual Offences) Act 2017¹.
- In Ireland this is referred to as the “proximity of age” defence².



The purpose of this exemption is to protect young people from criminalisation for engaging in consensual sexual activity with peers close in age

2 When does it apply?

Consensual sexual activity may not be considered an offence when:

- There is no more than 2 years age difference between both parties.
- Both parties consented.
- Neither party is in a position of authority or trust over the other.
- The relationship is not intimidatory or exploitative.

This means that a person who has been charged with an offence of engaging in a sexual act with a young person who is 15 or 16 years of age, may put forward this defence if all of the above conditions apply. It may ultimately be up to a court of law to decide if these conditions have been met.

3 What is the age of consent in Ireland?

- The age of consent in Ireland is 17 years.
- This means that anyone under the age of 17 cannot legally consent to sexual activity.
- However, the “proximity of age” provision offers a limited defence to young people aged 15–17 years of age who engage in consensual sexual activity with peers.
- The consent of the Director of Public Prosecutions is always required for any prosecution of a child/young person under the age of 17 years.

4 Are there exceptions to this defence?

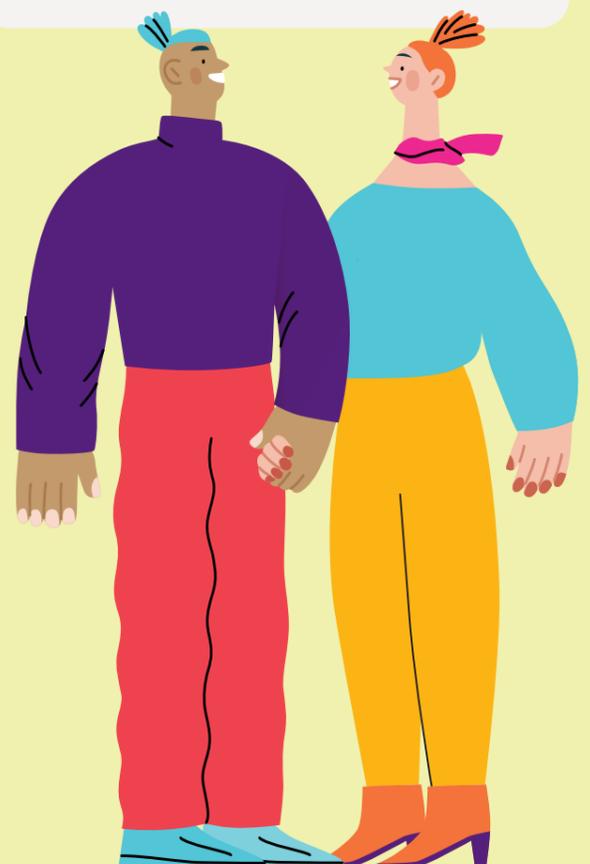
This legal defence does not apply if:

- There is evidence of exploitation, coercion or grooming.
- One young person is in a position of authority (eg: teacher, coach, junior youth leader).
- There is more than a 2-year age gap.
- The activity was not consensual.

5 What are the implications for youth workers?

- Always follow Children First: National Guidance³ for reporting child protection concerns.
- Do not assume a situation is legal just because of the age difference – assess the risk and consult with your Designated Liaison Person.
- Be aware of your duty to report under the Children First Act 2015 when a child or young person may have been harmed or is at risk of harm.

Children First: National Guidance



6 How can youth workers support young people?

- Provide non-judgemental, age-appropriate support.
- Emphasise consent, safety, and healthy relationships.
- Ensure they are aware of their rights and responsibilities.
- Signpost to services like Childline, SpunOut.ie or sexual health clinics.

¹Criminal Law (Sexual Offences) Act 2017 – No. 2 of 2017 – Houses of the Oireachtas

²<https://www.gov.ie/en/department-of-justice/publications/criminal-law-sexual-offences-act-2017/>

³Children_First_National_Guidance_2017.pdf