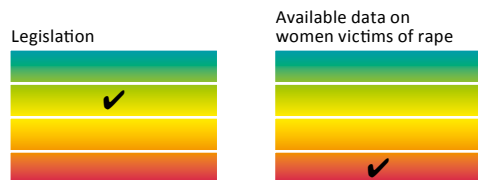


NATIONAL ANALYSIS

Ireland



Expert
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Legislation

The crime of rape may be charged under the Criminal Law (Rape) Act 1981 or the Criminal Law (Rape) (Amendment) Act 1990. The circumstances of the case, age of the victim and evidence will decide which legislation will apply. The maximum penalty in Ireland for a rape offence is life imprisonment. There are related offences under the law of attempted rape, and separately of aiding and abetting a rape. (That is, assisting another person to commit a rape).

Sexual assault/Aggravated sexual assault: **Section 2 of the Criminal Law (Rape) (Amendment) Act 1990 sets out the law in Ireland on sexual assault. A sexual assault is an indecent assault on a male or a female. Aggravated sexual assault is sexual assault involving serious violence or the threat of serious violence. In common with rape offences, the maximum sentence for aggravated sexual assault is life imprisonment.**

Sexual offences relating to children. **The law in this area changed significantly in 2006. The Criminal Law (Sexual Offences) Act 2006 makes it a criminal offence to engage or attempt to engage in a sexual act with a child under the age of 15 years. This is what is meant by the term 'defilement'. The maximum sentence for this offence is life imprisonment.**

A sexual act for the purposes of the law includes sexual intercourse and buggery between people who are not married to each other and any sexual act which could constitute aggravated sexual assault. The 2006 Act provides that the accused may argue they honestly believed the child was aged 15 years or over. The court must then consider whether or not that belief was reasonable. It is not a defence to show that the child consented to the sexual act.

Section 3 of the Criminal Law (Sex Offences) Act 2006 (www.oireachtas.ie/documents/bills28/acts/2006/a1506.pdf) as amended by Section 5 of the Criminal Law (Sexual Offences) (Amendment) Act 2007 (www.oireachtas.ie/documents/bills28/acts/2007/a607.pdf) makes it a criminal offence to engage or attempt to engage in a sexual act with a child under 17 years. The maximum sentence is five years, ten years if the accused is a person in authority (as parent, step-parent, guardian, grandparent, etc.) or any person responsible for the education, supervision or welfare of the victim.

Sexual Offences involving people with disabilities: **There are specific provisions in Ireland for sexual offences involving people with disabilities (contained in Section 5 of the Criminal Law (Sexual Offences) Act 1993.)**

In 2006 the Department of Health published a National Review on Sexual Assault Treatment Services (www.dohc.ie/publications/pdf/sexual_assault.pdf?direct=1). The report identifies some key areas for the development of sexual assault treatment services. The HSE, the Department of Health and the Department of Justice and Equality work to ensure implementation of the recommendations in the report.



Available data on women victims of rape

Outside of the NGOs in this sector there is no statutory agency that collates gender disaggregated data. The Central Statistics Office produces quarterly recorded crime figures which includes figures for sexual offences but these figures are not gender disaggregated. The only disaggregation which occurs in the CSO data relates to persons convicted of a sexual offence. The data available from Government sources is very limited and refers to **reported** sexual offences (see link below).*

www.cso.ie/en/media/csoie/releasespublications/documents/crimejustice/2012/recordedcrime_q22012.pdf

This report qualifies itself as follows, in relation to sexual offences recorded: *'In the twelve-month period ending in Q2 2012, the number of offences recorded in this group decreased by over 4% to 1,998, from 2,083 in the corresponding period ending in Q2 2011. Decreases were observed for recorded Rape of a male or female offences (-3.9% to 465) and Other sexual offences (-25.0%). However, as noted, caution should be used in interpreting these figures.'*

There is data provided **by NGOs**, who receive some funding from the Government and have a high quality data collection system, that constitutes the only gender disaggregated, comprehensive source of data on rape and sexual assault in Ireland. The recent sources have been twofold: the Rape Crisis Network of Ireland and the Dublin Rape Crisis Centre. From 2013, however, data from nearly every (NGO) sexual violence support service will be input into a single database providing more comprehensive national figures on sexual violence.

Recent data links:

Rape Crisis Network Ireland (RCNI) Statistical report 2011: www.rcni.ie/national-statistics.aspx

Dublin Rape Crisis Centre Annual Report (Note this statistical data is also incorporated into the RCNI report 2011 above): www.drcc.ie/wp-content/uploads/2011/03/DRCC-Annual-Report-20111.pdf

Sexual Violence Centre Cork Annual Report 2011: www.sexualviolence.ie/wp-content/uploads/2012/06/svcc-activity-report-2011.pdf

Useful Contact

Rape Crisis Network Ireland: www.rcni.ie
One in Four: www.oneinfour.ie
Listings for all Irish Sexual Assault Treatment Units, of which there are 6 in the Republic of Ireland (statutory: Health /Medical): www.hse.ie/eng/services/Find_a_Service/Sexualhealth/SATU/

