

More queries for case non-prosecution made by victims of alleged sexual offences, statistics show

By Mark Hilliard

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Victims of alleged sexual offences are more likely to seek reasons as to why their cases were not prosecuted than in any other form of crime, according to new data. Under the EU victims directive, introduced in Ireland at the end of 2015 and later transposed into domestic law, people were given the right to request an explanation when a crime allegedly perpetrated against them was investigated but ultimately not prosecuted.

Figures provided by the office of the Director of Public Prosecutions (DPP) show that, during that time, 41 per cent of requests for information – 1,601 of 3,880 applications – about such decision related to cases involving allegations of sexual offences.

This rate was far in excess of other crime categories, with the next highest being assault cases (non-fatal offences against the person) which accounted for 25 per cent of requests. “One of the defining features of sexual violence is the culture of doubt and blame,” said Cliona Saidléar, executive director of Rape Crisis Network Ireland. “So, if you like, [victims] would be incentivised to really understand and to interrogate whether or not they are being believed.”

Reassuring for victim

She added: “The decision to prosecute is always reassuring for a victim because they feel heard. But the same would go for if you’re not getting a prosecution, what is the message then? I would hazard a guess that that is one of the major reasons that, in particular, sexual violence victims will be seeking more information about why the case wasn’t prosecuted.”

High numbers of requests for explanations about decisions not to prosecute over sexual offence allegations have been received in each of the six full years since the right to ask has been in place. During that time, such requests have been 68 per cent higher than for any other category.

Under the legislation, people can ask for a summary of the reasons why a prosecution was not pursued if the decision in their case was made after mid-November 2015. Family members in fatal cases can do so as far back as October 2008.

In some cases, an explanation cannot be made available but only three have been refused since the directive came into force. These involved unauthorised applicants or cases that predated the right to seek information. The overall number of requests has been relatively stable, at between 600 and 700 per year for cases going back to 2016. In that time, aside from sexual crime and non-fatal assaults, the requests have related in the main to theft and fraud offences (13 per cent); fatal offences (6 per cent); criminal damage (3 per cent) and road traffic cases (3 per cent).

According to the office of the DPP, the number of suspects for whom decisions were made not to prosecute ranged from 4,575 in 2017 to 5,977 last year. In fatal cases, certain categories of people can seek DPP information. While no specific information was available, a spokeswoman said that in most cases, family members – rather than legal advisers or social workers – were the ones to have sought clarity. The number of Garda files involving a fatality, where a decision was taken not to prosecute since the law came into effect, ranged from 69 last year to 103 in 2016, with the total at 602.

In cases where victims or family members, in certain circumstances, are unsatisfied with the reasons set out by the DPP for non-prosecution, the victims directive allows for that decision to be reviewed by a lawyer not involved in the original process.

If you have been affected by any of the issues raised in this article, you can contact Dignity4Patients, whose helpline is open Monday to Thursday 10am to 4pm.