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Sexual Offences in Ireland 1994 - 1997

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Abstract

This paper examines the growth in recorded sexual crime in Ireland during the 1990s, by summarising the findings of three Garda Research Unit analyses into recorded Rape, Buggery and Sexual Assault from 1994-1997, against a background increase in all recorded sexual offences between 1984 - 1997. Data on sexual assault includes both male and female victims, data on rape refers to females only and on buggery to males only. The rise in recorded sexual crime is explained by an examination of trends in the recording of different types of complaints. Single incidents are contrasted with series of offences on the victim by the same perpetrator; and are further differentiated according to whether the complaint was reported within the year the offence occurred or later. Series are analysed according to whether the complaint was reported within the year the first incident occurred, within five years, or later. The paper goes on to consider profiles of Offenders, Victims, and Incidents and examines findings on attrition. The paper finds that the bulk of the increase in recorded sexual crime in Ireland can be attributed to an increase in the number of complaints concerning offences, particularly series, which occurred in earlier years. This increase is attributed to factors including legislative changes, the influence of media coverage of sexual abuse and the trend towards the de-stigmatisation of sexual victimisation. The paper concludes that there is little evidence to suggest that actual levels of sexual crime are rising, despite the overall increase in police statistics.

Introduction

The Republic of Ireland, in contrast to the U.K., has a small cohesive population of approx. 3.7 million people, 95 per cent of whom share a common religious and ethnic background. The homogeneity of the population and traditionally strong community ties mean that the Republic has been relatively unscathed by many of the crime and policing problems of late 20th Century society, and experiences some of the lowest crime-rates within the European Community¹.

Even so, crime trends in the Republic have mirrored those in the rest of Europe, witnessing an increase in indictable crimes during the late 1980s to early 1990s, followed by a tailing off during the mid to late 1990s. Also in parallel with other Western European countries, the rates of recorded indictable sexual offences have continued to increase exponentially, from 265 in 1984 to 1002 in 1997 (see Figure 1).

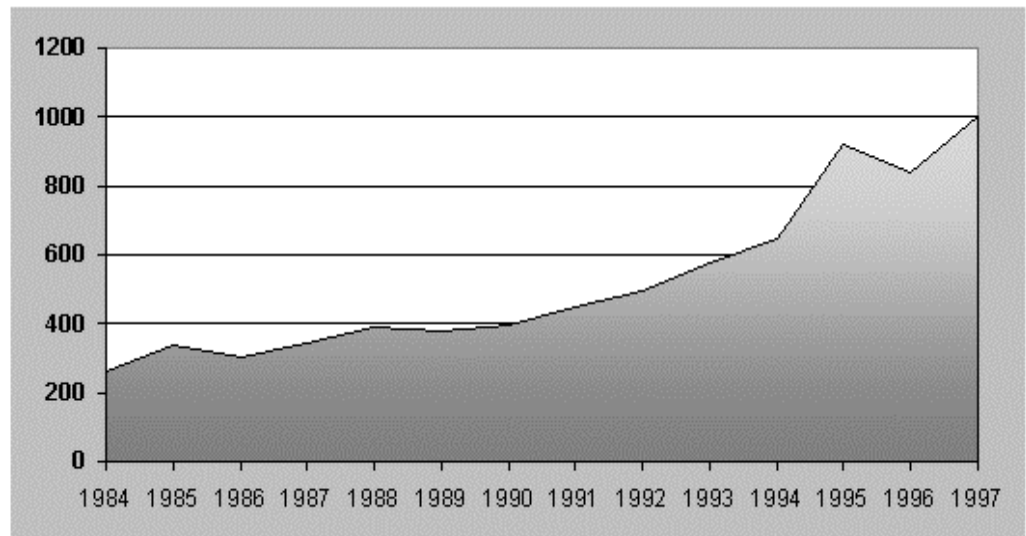


Figure 1: Recorded Sexual Offences 1984 - 1997^[2]

The European Context

Comparisons between member states of specific recorded offences can be misleading, because of terminological difficulties and differences in the recording criteria. With these caveats in mind, Bacik et al (1998) collected data from 10 member states on recorded rape between 1993 - 1996. Data in relation to population size was not included, so levels of incidence and prevalence cannot be compared. However, as the table below shows, on a purely numeric basis, Ireland had the lowest number of recorded rapes within Europe over this period.

Country	Year Recorded			
	1993	1994	1995	1996
Ireland	143	184	191	180
Finland	365	387	446	395
Denmark	499	481	440	
Portugal	448	498	534	494
Austria	552	553	514	470
Italy		860	946	1,151
Sweden	2,153	1,812	1,707	1,608
England	4,589	5,032	4,986	5,789
France	5,605	6,526	7,350	7,191
Germany	6,376	6,095	6,175	6,228

Table 1: Rapes recorded by the police 1993 - 1996^[3]

No prevalence studies have been conducted within Europe into sexual violence and comparative statistical data is rare. Research conducted into incidence rates indicates that these are lower in Ireland than in neighbouring countries with comparable population sizes. Brewer et al (1997) note that while recorded rapes in the Republic doubled from just under two per 100,000 population in 1985, to four per 100,000 in 1995, in the North of Ireland over the same period the numbers jumped from five to 16 per 100,000. O'Mahony (1993) noted that levels of sexual offending in Scotland were four times higher and in Denmark over five times greater. No comparative data is specifically available on recorded sexual assault or buggery.

Legal Background

Until 1990, the law on sexual offences in Ireland was based substantively on nineteenth century legislation, which applied both in the UK and Ireland. O'Malley (1996) describes how the 1990s saw a series of radical reforms in the definition and understanding of sexual offences in Ireland. A non-gendered offence of rape was introduced which includes anal as well as vaginal penetration (s.4 Criminal Law Rape (Amendment) Act 1990, CLRAA). The gendered 'indecent' offences (in the UK still, the separate offences of indecent assault upon a female/male) were abolished in favour of a single non-gendered offence of 'sexual assault' (s.2 CLRAA)^[4]. Consensual sexual activity between males over the age of 17 was decriminalised under the provisions of the Criminal Law (Sexual Offences) Act 1993.

Methodological Background

The Garda Research Unit was established in 1994. Its personnel are a mix of civil servants and members of An Garda Síochána. The Garda Research Unit operates within the Garda Síochána College and conducts research at the behest of the Garda Commissioner. The integration of the Garda Research Unit within An Garda Síochána means that it is permitted access to data which might otherwise be hard to obtain. This is particularly true in the case of sexual offences, where academic researchers in Ireland and elsewhere have been forced to rely on qualitative data because of the paucity of detailed statistical analyses (e.g: Bacik, Maunsell & Gogan, 1998; Temkin, 1999; Leane et al, 2000)^[5].

The Data

This paper summarises the findings of three quantitative studies undertaken by the Garda Research Unit of crimes recorded by An Garda Síochána between 1994 - 1997: Rapes on Females (O'Dwyer, 1998), Sexual Assaults (Leon & O'Dwyer, 1998) and Buggery (Furey, 1999).

O'Dwyer's (1998) study on rape analysed recorded non-consensual penetrations against women and girls, while Furey's (1999) study analysed cases of non-consensual anal intercourse against males. In contrast, Leon & O'Dwyer's (1998) study analysed all sexual assaults, including those that would previously have been separated by gender. None of the studies analysed the 52 recorded cases of incest, the 134 recorded cases of 'statutory rape' (consensual penetrative sex with a girl aged 17 or under), or the 45 cases of aggravated sexual assault, which occurred over the period.

In total 788 rapes on females, 113 cases of buggery, and 1,981 sexual assaults (2,882 cases) were analysed. The analyses were based on standard crime report and crime detection forms, which form the basis of the statistics contained in the *Garda Síochána Annual Report*. The analysed data represents a slightly smaller set than that contained in the Garda

Síochaná Annual Reports due to the fact that it was downloaded slightly before the end of the 1997 recording year (O'Dwyer, 1998; Leon & O'Dwyer, 1998; Furey, 1999).

Recording Practices

In England and Wales crime statistics are compiled from recorded notifiable offences, after the exclusion of complaints that have subsequently been 'no crimed'. The Home Office (1998) *Counting Rules for Recorded Crime* state that any notifiable offence which comes to the attention of the police should be recorded. Recording should not be delayed in order to wait for further details of the case. Practice may vary between forces as to what evidence constitutes an offence. In some forces an allegation will suffice while in others corroboration is required. In the case of rape, most forces take allegations at face value and 'no crime' them later if there is evidence that no offence has occurred^[6]. Home Office Guidance advises that police may 'no crime' a rape case where the complainant 'retracts completely and admits to the fabrication'. However, Harris and Grace (1999) found that 25 per cent of complaints initially recorded as rape by the police were subsequently 'no crimed' for a variety of reasons. These included that the complaint was withdrawn, that there was insufficient evidence, and that the victim was unwilling to testify, as well as because the allegation was false or malicious. No further action was taken by police in a further 42 per cent of detected crimed cases.

In Ireland, the *Garda Síochána Code* states that a crime report form must be completed once the details of any crime have been obtained. This may be interpreted as meaning that the point of recording is once evidence of a crime has been revealed, rather than on receipt of the initial complaint. Consequently not all complaints are recorded as 'crimes'^[7]. 'No-criming', where a crime report form is completed and then subsequently cancelled because of a retraction, only rarely occurs. Where an investigation reveals evidence to support an allegation of rape or other serious sexual offence, the file must be sent to the Director of Public Prosecutions (DPP) for directions. It is not open to Gardaí to take no further action in such a case.

The limitations of relying on data in relation to recorded crime have been extensively documented, for example see Maguire (1994), McCullagh (1996). The National Women's Council (1996), Bacik et al (1998), and Temkin (1999) found that these problems are magnified in the case of sexual offences, because of exceptionally high levels of under-reporting and low levels of recording due to the difficulties of bringing prosecutions where there is no corroborative evidence. A common finding in studies of sexual offences is that there is an exceptionally high 'attrition' rate and that in as few as ten per cent of cases do criminal proceedings result in a conviction (Bacik et al, 1998; National Women's Council, 1996).

While partial and incomplete (because the cases analysed are only those which satisfy strict legal criteria concerning the nature of a chargeable rape, buggery, or sexual assault), the Garda Research Unit studies represent an analysis of a larger data-set for this type of offence than is commonly available. As such, they are a valuable source of information on trends in sexual offending in Ireland.

Trends in Recording

A note on terminology

Overall statistical increases in offence types can be misleading, particularly in the sphere of sexual crime where victims may suffer abuse by the same perpetrator over a period of time and may be reluctant to report their victimisation until many years after the abuse has ceased. In order to consider whether the base level of sexual offending has increased, this paper has tried to isolate incidents which occurred in the year the complaint was made by adopting the following sub-categorisations. Single incidents are analysed according to whether they were recorded in the year in which they occurred (current complaints) or whether they occurred in an earlier year (delayed complaints). In the case of series of incidents committed by the same perpetrator, the data does not indicate the number of incidents but counts the entire series as a single incident. In this paper the term 'series' denotes more than one incident committed on separate occasions against the victim by the same perpetrator. Within the series sub-set, the straightforward current/delayed dichotomy is less appropriate because the date of the final incident was not available, however it was adopted in the rape analysis. In the sexual assault and buggery analyses, the following definitions apply. Offences where the entire series occurred within the year the complaint was made are classified as 'current'. Those where the first incident occurred within five years of the complaint being made are classified as 'recent'. Those where the first incident occurred more than five years before the complaint was made are classified as 'delayed'. Where the first incident occurred over ten years prior to the complaint being made, the series is classified as 'historic'.

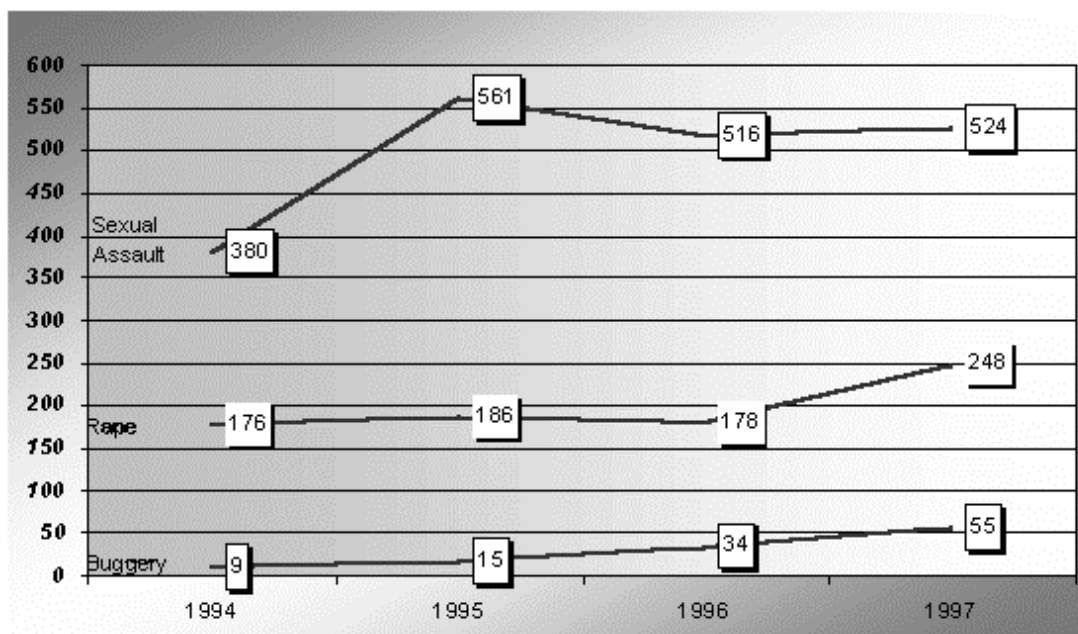


Figure 2: Recorded rapes, buggeries and sexual assaults 1994 - 1997

Rape

The number of recorded rapes stayed relatively constant between 1994 - 1996 and then dramatically jumped from 178 to 248 in 1997, an increase of 39 per cent. Over the same period, the numbers of delayed complaints steadily increased from 25 per cent of the 1994 total (44 incidents) to 28 per cent of the 1997 total (69 incidents).

Buggery

The numbers of recorded buggery cases approximately doubled each year, from a small base of nine cases in 1994 to a total of 55 in 1997. The percentage of delayed complaints increased from 33 per cent to 71 per cent of the total.

Sexual Assaults

Recorded sexual assaults increased by nearly 50 per cent between 1994 and 1995, and then levelled off in 1996 and 1997. There were two more single assault incidents in 1997 than in 1994. Complaints of current single incidents dropped by ten from 205 to 195 over the period while delayed single complaints increased by 12 from 37 to 49.

Recorded serial assaults more than doubled in the same period, from 138 in 1994 to 280 in 1997. In line with the trends for rape and buggery, the percentage of delayed complaints increased, from 31 per cent in 1994 to 52 per cent in 1997. Although the percentage of current/recent serial incidents dropped, the actual number of cases increased by 28.

Explaining the Trends

General Explanations

The increase in recorded rapes, buggeries and sexual assaults between 1994-1997 is set against a background increase of all sexual offences from 1984 onwards. The following three general factors may explain both the underlying increases in recorded sexual offences and the more specific increases examined in the Garda Research Unit studies.

Increases in the recording of sexual offences by An Garda Síochána

As noted earlier, Garda Síochána Annual Statistics are derived from records completed by investigating Gardaí. Technically, Gardaí have no discretion over whether or not to investigate an offence once it has been reported. However it is possible that, until relatively recently, reports of sexual crimes were neither investigated nor documented as rigorously as they have been subsequently. During the past decade, both police and politicians have viewed the incidence of sexual offences with increasing seriousness.

This has resulted in changes in recording practices, including clearer guidelines and tighter procedures, which may have impacted on the statistics.

Increases in the reporting of sexual offences to An Garda Síochána by victims

While Ireland has traditionally been seen as a repressed society, where discussion of the existence of sexual crimes was taboo, there has been a dramatic liberalisation during the 1990s. This is witnessed by unprecedented media discussion and political debate over the nature and extent of sexual abuse. The increased awareness of sexual victimisation within Irish society may have prompted and encouraged victims to report such offences. A further factor was the introduction, in 1995, of mandatory reporting by health care professionals in cases of suspected child abuse, under guidelines issued by the Department of Health and the Garda Síochána.

O'Mahony (1993) notes that data from Rape Crisis Centres does not define the extent of the 'dark figure', because it does not account for victims who do not seek any form of help or counselling. However it provides a larger data set of sexual crime as defined from the victim's perspective than official figures. Figures from Rape Crisis Centres indicate that the percentage of clients who involve the Gardaí is increasing. In Dublin, this rose from 20 per cent in 1993 to 28 per cent in 1995, while elsewhere there was an increase from 26 per cent in 1996 to 39 per cent in 1997 (National Women's Council Working Party Report, 1996; Brewer et al, 1997; O'Dwyer, 1998). These figures indicate that increased levels of reporting may be responsible for the increase in recorded crime. In the absence of any detailed victimisation studies over time, it is not possible to conclusively highlight trends in the reporting of sexual offences.

Real increase in the base-level of offending

The above two explanations for the statistical increase in this type of crime focus on a narrowing of the gap between the real levels of sexual offending and the level of offences recorded by the Gardaí. It is also possible that the increase in offending could be explained by a real increase in the base level of these offences between 1984 - 1997.

O'Dwyer (1998) notes that while Dublin Rape Crisis Centre experienced an increase in first-time calls from 2,543 in 1996/97 to 3,185 in 1997/98, other Rape Crisis Centres experienced a decrease in reports of rapes from 1996 to 1997. Consequently higher reporting and recording could explain all of the increase in the rape figures or even mask a fall in the actual incidence of rape in the community. Similarly, Leon & O'Dwyer (1998) note that while the Dublin Rape Crisis Centre figures might reflect an increase in base-level offending, this increase has not been carried through to Garda figures for sexual assaults between 1996 - 1997, when only eight additional cases were recorded.

Rape Crisis Centres do not collect detailed data on the buggery of males, but Quinlan and Wyse (1997) found that 61 per cent of their sample of 27 Dublin men in prostitution had experienced sexual violence in the course of their work. Although eleven men had experienced forced sex, only one had identified the assault as a rape. This could indicate that males are less likely to identify themselves as the subject of criminal sexual activity and that consequently the dark figure for sexual violence on males may be even greater than that for females, although Furey (1999) notes that the decline in Garda figures for current complaints does not support a theoretical increase in base levels.

Delayed Complaints

The increase in delayed complaints across offence types may be explained by several factors.

The impact of the media

Moral panic theorists have long argued that there is a clear causal link between media coverage and public awareness of social problems (Cohen, 1972; Hall et al, 1978; Goode & Ben-Yehuda, 1994). While it is not the intention here to argue that the media were instrumental in the construction of a moral panic around sexual abuse in Ireland in the mid 1990s, it is clear that intensive newspaper coverage of the issue coincided with the increase in recorded sexual crimes.

Between 1993 - 1997 there was an explosion in media coverage of sexual victimisation, as illustrated by figure 3 below, which details Irish Times coverage of sexual abuse stories.

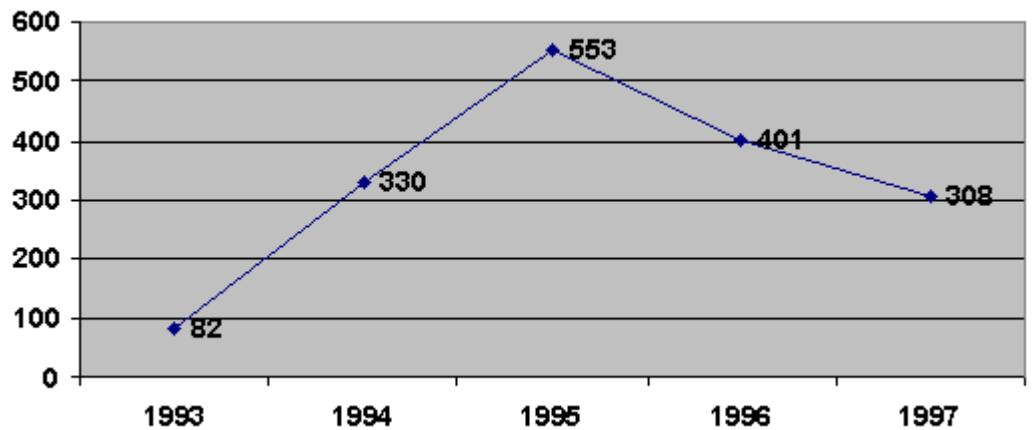


Figure 3: Irish Times Reports of Sexual Abuse
1993 - 1997^[8]

Between 1993 - 1994, Irish Times coverage of sexual abuse increased by more than 300 per cent. This was followed by a 30 per cent increase in recording of all types of sexual offences between 1994 - 1995 (see appendix).

The intense media focus on abuse occurring within institutions run for young people is particularly significant in the case of sexual assaults, reports of which jumped from 380 in 1994 to 561 in 1995^[9]. Delayed complaints of single incidents increased from 37 in 1994 to 79 in 1995. The trend is even more marked in the case of delayed complaints of series assaults, which increased from 43 in 1994 to 146 in 1997. Within this group, complaints of historic series may have been particularly subject to media influence, jumping dramatically from 24 cases (17 %) in 1994 to 92 cases (37 %) in 1995.

Complaints of male sexual assault victimisation more than doubled from 80 in 1994 to a peak of 175 in 1995. There was an explosion in the numbers of complaints of historic series involving male victims, from two in 1994 to 61 the following year.

Figure 4, below, demonstrates that, with the exception of a continuing gradual increase for historic series, there has been a slight decline in complaints of sexual assault since the 1995-1996 peaks. This coincides with a less intense media focus on sexual offences in recent years.

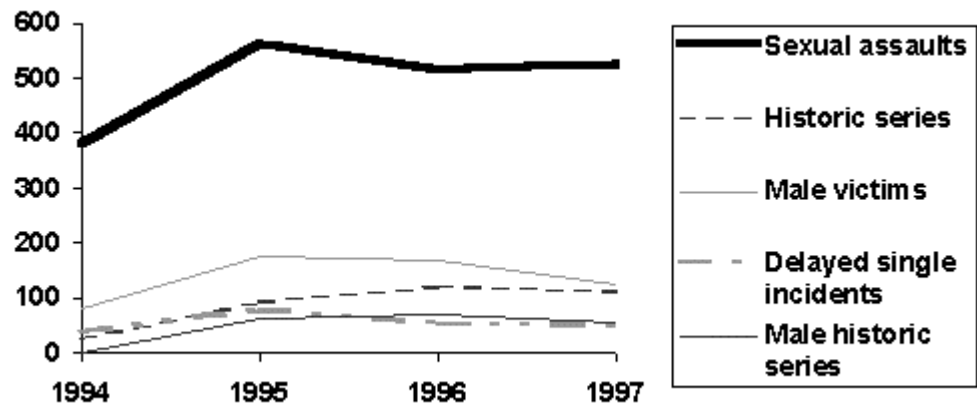


Figure 4: Impact of 1995 media coverage on reporting sexual assaults

The de-stigmatisation of victimisation

The influence of the Catholic Church is felt more strongly in Ireland than elsewhere, where despite recent erosions of its power, according to the Dáil Commission on Education (1997), it still controls 95 per cent of primary schools and 100 per cent of non-fee paying secondary schools. It is only during the last decade that secular interpretations of sexuality and personal morality have become widespread. As recently as the 1960s, unmarried mothers could be ostracised. In the absence of social welfare provision their options included work in the Convent-run Magdalen laundries and placing their babies for adoption. It was not until the late 1980s that it became possible to obtain contraception outside marriage, while divorce was only legalised in 1995. In this climate of repression, victims of abuse were disbelieved or stigmatised.

The 1990s have seen immense legislative and social changes in the sphere of sexual morality. Ireland now has one of the highest proportions of births outside marriage within the

European Community (Ackers, 1996)^[10]. Concurrently the authority of the Church has been shaken by scandals involving the abuse of children in its care by members of the clergy. The changing social climate has been reflected in increased funding for supportive organisations such as Rape Crisis Centres.

Harris and Grace (1999) note that Home Office encouragement to the police in 1986 to adopt a more sympathetic approach to rape victims is thought to have accounted for much of the increase in reporting and recording these offences. In Ireland, the 1990s have witnessed changes in Garda training and investigative procedures for sexual offences complaints. The specialist Domestic Violence and Sexual Assault Investigation Unit was set up in 1993 to deal with offences against women and children in the Dublin area (Murray, 1996) and now has a national brief. Bacik et al (1998) detail how Garda policy now emphasises the importance of allowing the victim a choice of male or female interviewing officer who will maintain contact with them. The philosophy of training has changed from 'command and control' to 'guidance and support'. In a survey of 20 victims of rape from five European Union member states, Bacik et al (1998), found that Irish participants rated the attitude of the chief police interviewer more positively than other participants. Preliminary findings from Leane et al (2000) indicate that six out of the seven rape victims interviewed in their study were generally pleased with the treatment they received from the Gardáí. Watson (2000), in a general survey of victims of crimes recorded in 1996, found that the level of satisfaction with Garda service at the time of reporting the crime was high among victims (although levels of satisfaction with follow-up information and outcome were low).

It is suggested that changing societal attitudes to sexual abuse victims have been reflected by more sympathetic Garda attitudes and that the combined effect of these changes has been the de-stigmatisation of sexual victimisation. The result has been not only an increase in the numbers of survivors who are coming forward to make complaints of historic incidents of abuse, but also an exponential increase in reports of all types of sexual crime since 1990. (See Figure 1 and Appendix).

Current and Recent Reporting

In contrast to the rapid increase in delayed complaints, current and recent recorded offences have increased more slowly. Rather than indicating an increase in base levels of sexual offending, as noted earlier the figures can be ascribed to increases in reporting and recording. Complaints of current single sexual assault declined by 10 between 1994 - 1997, and by nearly 30 from the 1995 peak (see Table 2, below)^[11].

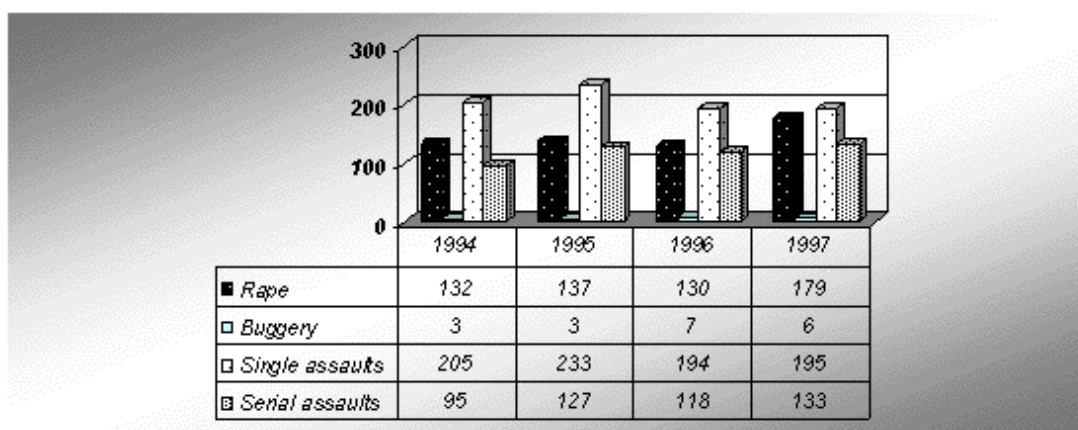


Table 2: current/recent sexual offences
 Rape - 'current offences' defined as those reported within the calendar year that the incident occurred
 Buggery - 'current offences' defined as above

Single incident sexual assault - 'current offences' defined as above
Serial sexual assault - 'recent offences' defined as those reported within five years of the first
incident occurring

Statistical decreases are unusual in the sphere of sexual crime and are not often commented on. The following factors may explain why fewer current single sexual assaults are being recorded:

Legislative and coding changes

The introduction of s.4 of the CLRAA 1990 changed the definition of rape to include digital and object penetration, offences which would previously have been defined as 'indecent assaults'. It is possible that this type of offence is now being included under offence code 1295 (Rape of a Female) where previously it would have been designated offence code 1309 (Sexual Assault).

The role of the Gardaí

Changes in Garda training may have prompted a shift in Garda perceptions of rape away from a preoccupation with the issue of consent and towards a focus on the element of assault. It is speculated that this could result in more initial classifications of an offence as rape and fewer as sexual assault.

Hypothetically, the decrease could be because victims are becoming less inclined to complain of current sexual assaults. However, the available evidence points to high levels of general public satisfaction with the Gardaí (O'Dwyer, 1999; RES, 1999), high levels of satisfaction from victims of sexual crimes (Bacik et al, 1998; Leane et al, 2000) and increased levels of reporting of all types of sexual crime (O'Dwyer, 1998; Leon & O'Dwyer, 1998; Furey, 1999).

Levelling off or decline in the base-level of offending

Alternatively, the base level of sexual assault offending may be staying constant or even declining, due to a greater social awareness of unacceptable sexualised behaviour. Before any further conclusions can be reached on this point there is a need for long-term trends analysis over at least a decade.

A Profile of Recorded Sexual Offences between 1994 - 1997

The Garda Research Unit studies analysed data from crime-report forms, which included profiles of victims and offenders, information about the incident itself and descriptions of the criminal justice process. In this paper it is proposed to conflate their findings in order to attempt a description of sexual offences generally.

Victims

	1994		1995		1996		1997		Total	
	M	F	M	F	M	F	M	F	M	F
Total	89	476	190	572	203	525	192	647	674	2220
Total %	16	84	25	75	28	72	23	77	23	77

Table 3a: Sexual offences (rape, buggery and assault) by gender

	1994		1995		1996		1997		Total	
	M	F	M	F	M	F	M	F	M	F
Total	80	300	175	386	169	347	125	399	549	1432
Total %	21	79	31	69	33	67	24	76	28	72

Table 3b: Sexual assaults by gender

Males

Studies of rape rarely consider male victimisation, often justifying this bias on the basis that it is far rarer than assaults on females and involves different power-dynamics, e.g.: Bacik et al (1998).

The decriminalisation of consensual adult male sexual activity by the Criminal Law (Sexual Offences) Act 1993, has resulted in the disappearance from the statistics of victimless crimes occurring after 1993. However, as Table 3.a. (above) demonstrates, on average 23 per cent of complainants of recorded sexual offences between 1994 - 1997 were male. This has risen from 16 per cent in 1994 to a peak of 28 per cent in 1996.

Because of the disproportionate ratio of rape to buggery cases, it is useful to look at the non-gendered sexual assaults cases in isolation. Table 3.b. illustrates how the percentage of male victims was even higher and averaged 28 per cent over the period, increasing from 21 per cent in 1994 to a peak of 33 per cent in 1996.

In contrast, Dublin Rape Crisis Centre's 1997/98 figures indicate that 18 per cent of victims of rape (including sexual assaults) and child sex abuse were male.

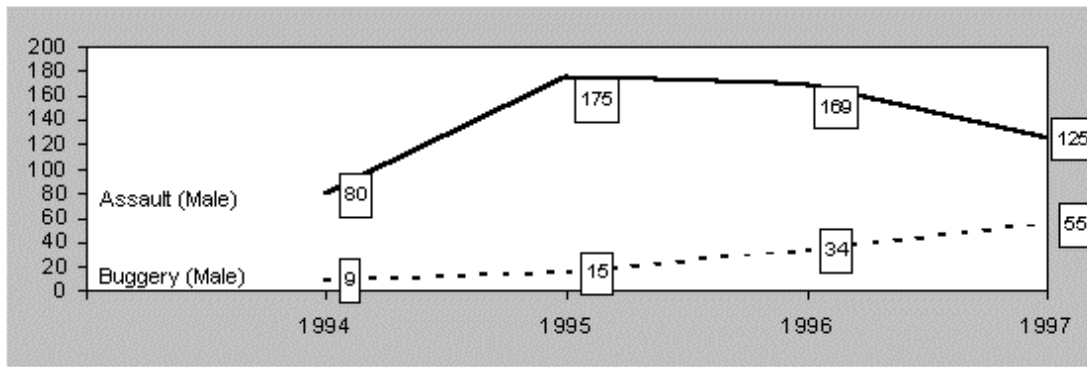


Figure 5 : Male victims of sexual assault and buggery 1994 - 1997

Figure 5 shows that recorded assaults on males peaked between 1995 - 1996, against an underlying increase in recorded buggeries and assaults between 1994 - 1997. Delayed reporting accounted for 11 per cent of cases of sexual assaults on males in 1994 but 55 per cent of cases in 1997. Similarly, recorded complaints of buggery made more than a year after the initial offence increased from six in 1994 (67%) to 49 (89%) in 1997, and those made more than 10 years after the initial incident increased from one in 1994 to 31 in 1997^[12].

In explaining the increased numbers of male complainants, two factors considered earlier are relevant: the influence of the media in highlighting institutional abuse, particularly in establishments for young males, and the destigmatisation of victimisation. When all forms of homosexual behaviour were criminalised, the impact of stigma may have been amplified in the case of male victims by fears that they too could be charged with a criminal offence if they reported the assault against them. Increased social awareness of, and through the passage of time a distancing from, the offence, may have empowered male victims to come forward to report abuse years after the event.

Females

Recorded rapes and sexual assaults on females increased between 1994-1997, peaking in 1995 and 1997.

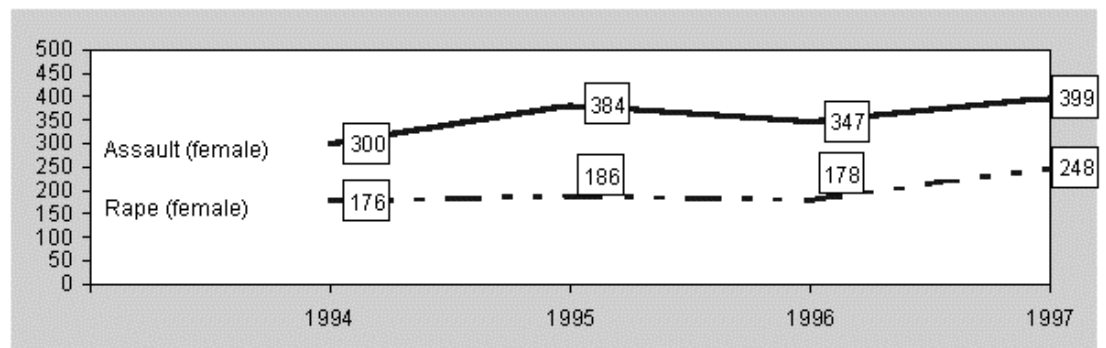


Figure 6: Female victims of sexual assault and rape

1994 - 1997

While there was a six per cent reduction in complaints of single incidents of sexual assault by female victims, there was a 42 per cent increase in complaints of series assaults. Delayed series complaints (where the first incident occurred more than five years before the complaint was made) increased from 39 (35 % of recorded serial cases) in 1994 to 102 cases (47%) in 1997. No breakdown is available for single-incident/series rapes based on when they were reported, however all recorded delayed complaints of rape (where the incident occurred more than one year prior to the complaint being made) increased from 44 (25% of all rapes) in 1994 to 69 (28%) in 1997.

The increase in complaints of serial assaults has probably been influenced by the 1995 clarification of guidelines for the notification of suspected child abuse. Other factors specifically influencing female complainants include changing attitudes towards domestic violence, as embodied in recent legislative reforms such as the criminalisation of marital rape (Criminal Law (Rape) (Amendment) Act 1990) and the general trend in the 1990s towards the de-stigmatisation of sexual victimisation.

Age

The reliability of the data on victims' age may have been compromised in some cases, particularly delayed series reports, where the age entered on the crime report forms may have been that of the victim when reporting, rather than their age when the offence occurred. However, some broad generalisations can be made.

Children generally were more likely to be victimised than adults, although there was some variation between offence type. The victim was aged under 18 in 92 per cent of buggery cases; 79 per cent of serial rapes and over half of all sexual assault cases.

Women aged between 18-21 were most vulnerable to single incidents of rape.

Relationship with Abuser

In roughly a third of recorded cases of sexual assault, rape and buggery, no data was available on the relationship between the victim and the suspect. However the analyses support the following broad generalisations:

While nearly 50 per cent of single incident rapes involved an acquaintance of the victim, 20 per cent involved a friend, and 12 per cent involved a stranger. With serial rapes, in nearly 70 per cent of cases the abuser was a relation and in 18 per cent of cases a friend.

In buggery cases, for both single incidents and serial assaults, the abuser was most likely to be in a position of trust.

In sexual assaults acquaintances, relatives and persons in positions of trust accounted for the majority of cases. The proportions differed significantly by gender with people in positions of trust being responsible for over half of the assaults on males, while acquaintances and relatives were responsible for 60 per cent of assaults on females.

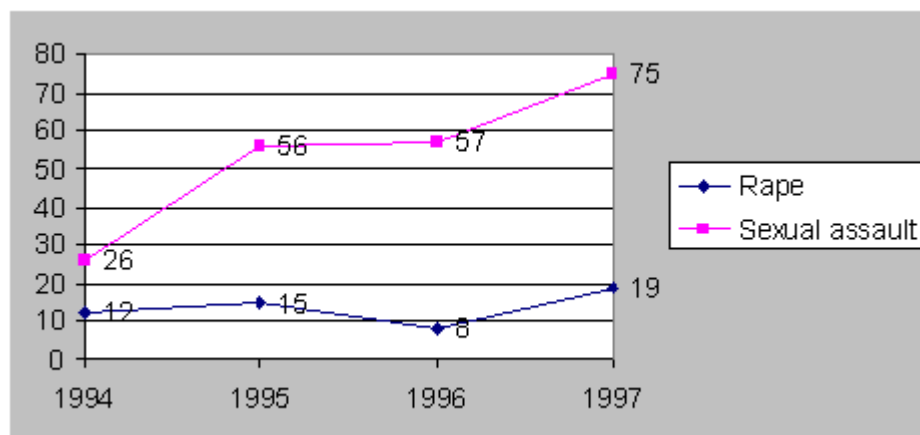


Figure 7: Offences committed by strangers

Strangers

There is a potent fear of sexual victimisation by a stranger within society, and the numbers of recorded incidents grew in the period between 1994 - 1997 (see Figure 7 above). Recorded rapes by strangers increased from 12 in 1994 to 19 in 1997. Recorded sexual assaults by strangers nearly trebled from 26 in 1994 to 76 in 1997, although males were less likely to suffer this form of victimisation (6%) than females (23%). Significantly, 97 per cent of sexual assaults by strangers were reported in the year that the incident occurred ^[13].

Although the figures seem alarming, the rate of increase is too small to conclusively ascribe it to an increase in the base-level of this type of offence. Other explanations may include the sometimes arbitrary coding distinction between 'acquaintance' and 'stranger'. In the case of sexual assaults, the increase may be explained by changes in the social definition of unacceptable behaviour. Consequently sexual acts or lewd behaviour which may previously have been committed on females by male strangers and tolerated as incivilities, humiliations or embarrassments, may now be interpreted and recorded as criminal acts.

Offenders

While there are growing levels of concern over the extent of their involvement in sexual offences, female offenders represented a tiny minority of offenders within the three data sets under consideration. While buggery can only be committed by a male, s.4 rape may be committed by an offender of either sex. There were no female offenders in the rape sample, and they constituted only 0.5 per cent of offenders in the sexual assault sample (nine in total).

Leon & O'Dwyer (1998) posit two reasons for the small numbers of female offenders:

Underreporting

Victims may not appreciate that an assault has been committed on them by a female; they may feel more humiliated than if they had been assaulted by a male; they may lack confidence in receiving empathetic Garda treatment; or issues such as lack of consent may be even harder to substantiate for female victims of female assaults.

Sexual assaults may be an almost exclusively male form of offending

There is a large body of literature that theorises the low rates of female offending^[14], which in most jurisdictions, across offence types, is at a ratio of 1:20. More research is needed before any conclusions can be drawn about why, in the case of sexual assaults, this ratio drops to 1:200.

Preceding circumstances

The circumstances leading up to the incident were analysed from data drawn from the section on the crime report form headed 'particulars of crime'.

O'Dwyer (1998) notes that just over a quarter of single rapes occurred after the victim had been socialising while one in five occurred while the victim was out walking and a similar proportion while the victim was at home. In particular, stranger rapes were more likely to occur where the victim was getting a lift (hitch-hiking or taking a taxi) (17 incidents), or was walking (16 incidents). Over 70 per cent occurred in a public place (39 incidents) while fewer than one in ten occurred in the victim's home (five incidents).

The largest identifiable category of circumstances for buggery victims was while at school or college. This ties in with recent trials of multiple abusers, who were members of the religious orders running industrial schools, and is reflected in the location frequencies (see Table 4 below).

As well as separating the sexual assaults data by gender, Leon & O'Dwyer (1998) cross-tabulated preceding circumstances with the relationship between victim and offender.

These cross-tabulations confirmed the broad pattern of a prevalence of assaults on children in circumstances of either familial or institutional abuse. However for adults, other factors affected vulnerability. Assaults on women while out walking, including while either shopping, going to school, getting home or walking for pleasure, were the second most frequent type of assault on females after family abuse. Offenders were predominantly categorised as strangers. There is a significant gender distinction in vulnerability while out walking. Only six per cent of male victims were assaulted under these circumstances, with a stranger involved in all incidents where the relationship was recorded. Female victims were more likely to experience familial assaults by a relative, while male victims were more likely to be assaulted 'at home'. This label included not only the victim's family home, but also their institutional and/or temporary residence. Where relationships were recorded, the abusers of male victims assaulted 'at home' were most likely to be in positions of trust. In contrast, the abusers of female victims assaulted 'at home' were most likely to be acquaintances.

Sixty-one male victims were assaulted at school or college, with 53 describing their assailant as being in a position of trust. Only 23 female victims were assaulted in these circumstances although again their assailants predominantly were in a position of trust.

Location

Table 4 below gives details of location by offence type. However, because of the broad nature of the descriptions, conclusions can only be tentative. For example, the largest category within this variable is 'public space', which includes disparate locations such as public houses, hospitals and car-parks as well as fields, parks and streets. With the exception of this category, it appears that the gender of the victim may influence the location. Both rapes and assaults against females were more likely to take place in their own homes. Males were more at risk of assault in an institution and of buggery in the offender's home.

LOCATION	Location % All offences	Rape	Buggery	Assault Female	Assault Male	TOTAL
Victim's Home	23	225	18	317	74	634
Offender's Home	20	146	21	278	91	536
Other home	8	54	3	127	26	210
Institution	9	16	14	82	144	256
Public space	37	308	35	522	169	1034
More than one location	1	3	3	12	1	19
Other	2	21	2	26	7	56
TOTAL	100	773	96	1364	512	2745
Missing		12	17		105	134
TOTAL		785	113		1981	2879

Table 4: Location

Time and Day

Data for time and day is unreliable in relation to records of serial offences and of delayed reports. Consequently no analysis of this variable is available for buggery cases. O'Dwyer (1998) notes that the majority of single rapes (including delayed reports) occurred at weekends and nearly 50 per cent occurred between 1.00 - 4.00 a.m. It is not possible to tell whether there is a link between the time and the location of the offence. Leon & O'Dwyer (1998) found that the peak time for current single assaults was between 4.00 - 6.00 p.m. This could indicate that in some cases crime forms are recording the time of the report rather than the time of the incident. They also found that 44 per cent of current-year single incident assaults were recorded as having occurred between 8.00 p.m. on Friday and 2.00 a.m. on Monday, as with the rape data indicating a 'weekend effect'.

These findings conform with research into domestic and inter-personal violence which indicate that incidents are more likely to occur during weekend evenings (see e.g.: Stanko, 1988).

Attrition

Little detailed research has been conducted into attrition (the difference between the numbers of complaints and the numbers of successful prosecutions) in sexual offences cases. Within Ireland rates appear high from the *Garda Síochána Annual Reports*, due to the fact that only convictions obtained in the same year the offence was recorded are documented (O'Malley, 1996; Bacik et al, 1998).

	Buggery	Rape	Sexual Assault
1994	0	4	15
1995	3	2	16
1996	0	0	4
1997	0	1	15
Total	3	7	50

Table 5: convictions for recorded buggery, rape, and sexual assault detailed in the Garda Síochána Annual Reports 1994 - 1997

Clearly, the small numbers indicated above are misleading given that most serious sexual offences cases take over one year to come to trial from the date of recording.

No detailed Garda Research Unit analysis is currently available of the outcomes of rape prosecutions, but the Annual Reports indicate that proceedings were commenced in the year of recording in 314 cases between 1994-1997, roughly 40 per cent of the 788 cases analysed by O'Dwyer (1998)^[15]. Because of possible differences in recording practices, comparative analysis with the position in England and Wales must be treated cautiously. However Harris and Grace (1999) found that proceedings were commenced in approximately 28 per cent of their sample of recorded crimed rape cases (100 cases out of 360 crimed rapes), of which only nine resulted in a conviction for rape, with a further nine being convicted of a different indictable offence. Of the 26 cases heard on indictment, 6 (23%) resulted in an acquittal. From these figures it appears that attrition rates for rape may be lower in Ireland than in England and Wales.

Furey (1999) found that proceedings were commenced in 75 of the 108 buggery cases where details were available, just under 70 per cent of cases. While proceedings were instigated in fewer than 10 cases in 1994 and 1995, numbers increased to 24 in 1996 and 37 in 1997. The increase can be ascribed to large scale Garda investigations into a small number of serial offenders. No analysis of the outcome of these proceedings is available.

Leon & O'Dwyer (1998) analysed the available data on 1699 cases of sexual assault and found that in only 19 per cent of cases (n=318) were no proceedings commenced. In 18 per cent of cases, directions on prosecution were still awaited from the D.P.P. Proceedings were commenced in nearly 60 per cent of cases (n=963). Outcomes were recorded in 729 of these cases and are detailed in Table 6. Of these, over half (369) were the subject of proceedings on indictment, in other words they were treated by the D.P.P. as being too serious to be tried summarily.

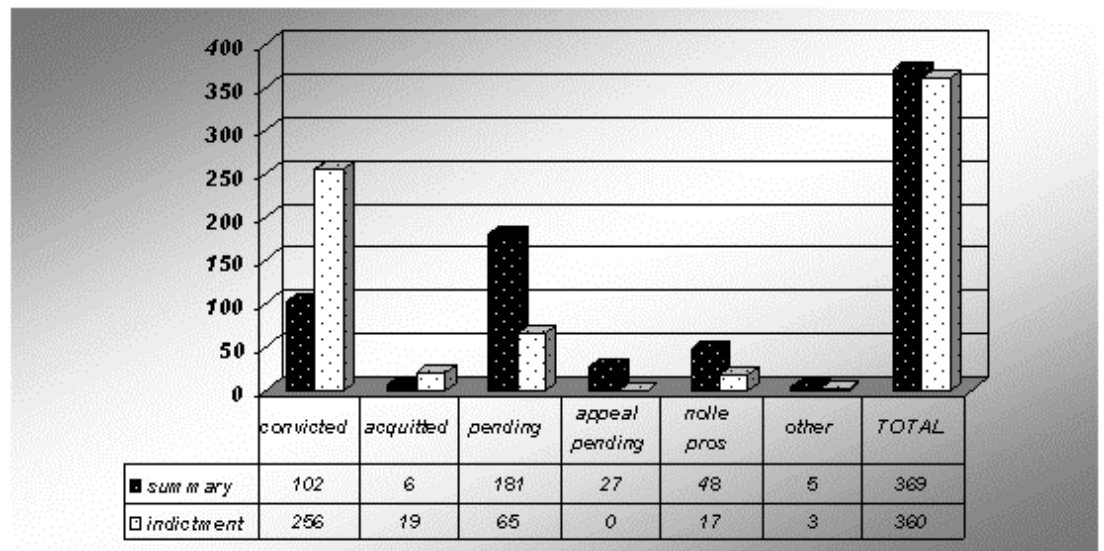


Table 6: Outcome of prosecutions for sexual assaults

As Table 6 illustrates, a conviction was secured in 71 per cent (256 of 360) of prosecutions on indictment. If 'pending' cases are excluded, the conviction rate increases to 87 per cent. Of summary cases, 28 per cent resulted in conviction, however nearly half of these prosecutions were still pending when the data was analysed. Only two per cent of summary cases and five per cent of cases heard on indictment resulted in an acquittal.

The findings on the comparatively successful prosecution and conviction levels for sexual assaults confirm that more research is needed into attrition levels for rape and buggery cases. The figures on the instigation of proceedings would indicate that attrition levels are not as high as would appear from the Annual Reports, while a tentative comparative analysis indicates that rape attrition levels may be lower than in England and Wales.

Future Directions

The Garda Research Unit studies provide a valuable addition to the body of knowledge available on sexual offences in Ireland. However their usefulness is limited by problems of comparison between analyses and overly broad descriptions within variables. In addition they are constrained by the limitations of crime report forms, which provide relatively superficial data.

Research into rape victimisation was prioritised in the Garda Action Plan for 1999, against a background of public concern over sexual offending and a desire to improve Garda services to victims. Part of this research involves a detailed study by the Garda Research Unit into the processing of all sexual offences in 1996, one element of which includes an analysis of reports to the Gardai in four Garda Divisions which were not subsequently recorded (for example, because no formal complaint was made). In addition, the Department of Justice, Equality and Law Reform has commissioned a complimentary qualitative study into rapes on females. This is being undertaken by the National University of Ireland, Cork, and Cork and Kerry Rape Crisis Centres, who are tracking cases through the courts as well as conducting interviews with key actors in the investigation and prosecution process (Leane et al, 2000). The holistic nature of work in progress into rape and sexual offences in Ireland is completed

by research being conducted into Garda investigation techniques by a visiting researcher, S. O'Keeffe, from the University of Surrey.

Conclusion

The incidence of recorded sexual offences in Ireland has increased dramatically over the last decade, and the years between 1994 -1997 present a view in microcosm of the many factors that have influenced that increase. Key findings from the work of the Garda Research Unit show that much of this increase is attributable to the increased openness within Irish society, influenced by extensive media discussion and social destigmatisation of victimisation. This has resulted in a large increase in complaints of past incidents to the Gardaí. Of particular significance are the high levels of complaints by males, in contrast to the percentages of male victims presenting to Rape Crisis Centres. The profile of serial incidents across offence types confirms that girls were more vulnerable to family abuse while boys were more vulnerable to being abused in an institution. While the reporting of recent single incidents has not matched the exponential increase in the reporting of past and serial abuse, within this category the numbers of offences committed by strangers has increased. It is crucially important that, particularly, women and girls' fears of sexual victimisation, are not exaggerated by these findings as there is no concrete evidence of a rise in the base-level of this type of offence. While data currently available on attrition levels for rape and buggery is limited, at least 71 per cent of prosecutions on indictment for sexual assault result in conviction.

In the introduction to this paper it was noted that Ireland experiences one of the lowest crime-rates in Europe and that levels of sexual offending are small compared to neighbouring countries. Despite the overall increase in police statistics, this remains the case.

Notes

1 In 1990, Ireland experienced the lowest homicide rate in Europe, at eight per million (c.f. the UK at 13 per million), and consistently lower rates for other index crimes than Northern Ireland. See Brewer et al (1997).

2 From *Garda Síochána Annual Reports* 1984 - 1997. From 1984 - 1993 the totals include all recorded cases of Unnatural Offences; Indecent Assault on a Female; Rape of a Female; Defilement and Incest. From 1994 - 1997 the totals include all recorded cases of Sexual Assault; Aggravated Sexual Assault; Buggery; Rape of a Female; Unlawful Carnal Knowledge; Incest; Bestiality and 'Other'. For a full breakdown, see Appendix 1.

3 From Bacik et al (1998).

4 The offence of sexual assault covers a wide range of behaviours, most of which will involve some physical contact or the apprehension by the victim of immediate personal violence. All behaviours in the range will involve 'circumstances of indecency' - conduct which is so offensive to contemporary standards of modesty and privacy as to be deemed indecent by a jury. *R v. Court* [1988] 2 WLR 1071 at 229 (Lord Ackner).

5 Note, however, the UK Home Office's analysis of 483 UK police investigation files of incidents initially recorded as rape (Harris and Grace, 1999).

6 Information supplied by the Home Office Research Development Statistics section.

7 No figures are available on reported as opposed to recorded complaints of sexual crime. The Garda Research Unit is currently conducting research into this area.

8 Source: Irish Times Library, D'Olier Street, Dublin 1.

9 O'Dwyer's (1998) study concentrated solely on female rape victims, and the effect of media

coverage of institutional abuse in 1995 is consequently not so pronounced. Furey (1999) considers there is a link between media coverage and increased complaints. She found that the percentage of delayed complaints of buggery increased from 67 per cent to 82 per cent between 1994-1997 and that roughly half of recorded buggery cases in 1996 and 1997 had occurred over 10 years earlier. Many of these were discovered during intensive Garda investigations into institutional abuse. At least one investigation was instigated after a victim complained, having seen a TV programme on the subject.

10 See also Report of the Constitutional Review Group (1996) who note that over the past fifty years the proportion of births outside marriage has risen from three per cent to 20 per cent. For a review of legislative changes affecting personal morality, see Leon (1996).

11 While complaints of current buggery declined by one between 1996-1997, no conclusions can be drawn from such small numbers.

12 No breakdown is available on the distinction between serial and single incident cases of buggery in terms of delayed reporting.

13 There were four single incidents of buggery by a stranger during the period 1994 - 1997. No further breakdown is available.

14 See Heidensohn (1994) for a review of explanations of the gendered nature of criminogenic behaviour.

15 The Garda Research Unit is currently engaged on an analysis of attrition rates in sexual offences cases.

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