

SEX CRIME IN IRELAND: EXTENT AND TRENDS

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This paper is primarily concerned with the range of sexual conduct that offends against the criminal law and comes to the attention of An Garda Síochána and the courts. It is important to note at the outset that this is a subset of all illegal sexual activity. Much sex crime goes unreported to the authorities or, if reported, does not result in proceedings. The analysis presented here is offence focused. I have little to say about the characteristics of victims or perpetrators, or the relationships between them. The aim is to outline at a general level what is known about the volume of sex crime, to indicate the available sources of information and to draw conclusions, where appropriate, about the interpretation of trends. By way of a conclusion I will make some general observations about the kind of empirical information that, if available, would assist in decisions about where to place jurisdictional boundaries.¹

I. PLUS ÇA CHANGE?

Before attempting to describe trends in the major categories of sex crime in recent years, it is important to enter a brief historical footnote. Crime rates do not travel relentlessly upward: they can fall as well as rise. Indeed, the pattern in lethal violence since the early 1800s has been

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¹ One of the questions being addressed at the conference to which a version of this paper was presented concerned whether the Central Criminal Court should retain exclusive jurisdiction over rape and aggravated sexual assault. For the perspective of a senior judge see Carney, "The Case for a National Court for Indictable Crime" (2002) 2(1) *Judicial Studies Institute Journal* 1.

steadily downward with an increase over the past 30 years.² The trend for sexual violence may shadow that for unlawful killing, and it seems reasonable to use the latter (for which good quality data are available over a long period) as a proxy for the former. On this basis it is likely that levels of sexual violence were much higher in previous centuries, underwent a significant and sustained decline, but recently rose again.

There are a number of indications from the historical literature that extreme sexual violence is an enduring problem. Rape was regularly reported in the press and a ferocious attack sometimes left the victim dead or dying. To quote from a history of rape in the eighteenth century:

Violence was a staple feature of sexual assaults and, in the fifty years after 1750 at least seventeen women died as a result of injuries incurred during rape attacks or were deliberately killed to prevent them testifying. Sometimes the injuries that were inflicted were gratuitously brutal. When Anne Goldsmith was taken by four men to a field off Blarney Lane in March 1780, both her arms were broken during the rape and she was strangled afterwards. ... [O]thers had their eyes gouged, their throats cut and a variety of life threatening injuries inflicted. ... Joan Murphy was travelling alone from the Cork fair [in 1759] when she was intercepted by four men and brought to an isolated spot off the high road. Her assailants sought to hold her down to violate her, but her resistance so frustrated their efforts that they stuck a knife in her rectum to make her more compliant. They then raped her into 'a state of insensibility,' and were in the process of burying what they

² O'Donnell, "Unlawful Killing Past and Present" (2002) 37 *Irish Jurist* (n.s.) 56.

believed to be her dead body when they were interrupted by the approach of a passing gentleman. Prompt medical attention enabled Joan Murphy to survive her ordeal...³

The stigma associated with what was perceived as a loss of virtue made women reluctant to issue formal complaints. Even in the case of Joan Murphy recounted above, the newspapers reported that although she had survived, death would have been preferable to the shame associated with her violation, and “modesty prevented her disclosing what had happened to her.”⁴ She relented eventually and made a formal statement that led to one of her assailants being apprehended and sentenced to death.

Children were sometimes singled out due to “the belief that a male suffering from venereal disease could cleanse himself of the affliction by engaging in sexual intercourse with a virgin or a girl coming into puberty.”⁵ Sometimes offenders evaded prosecution by marrying their victim.

If one looks at the history of prostitution it appears that this too was a much greater social problem in the past. For example in 1870 there were 3,700 arrests for prostitution.⁶ It was estimated that there were 1,700 prostitutes working in Dublin around this time and that 85 brothels were open for business in Cork. The back alleys between Aungier Street and St Stephen’s Green in Dublin

³ Kelly, “‘A Most Inhuman and Barbarous Piece of Villainy’: An Exploration of the Crime of Rape in Eighteenth-Century Ireland” (1995) 10 *Eighteenth Century Ireland* 78, 91-92.

⁴ Kelly, (1995) 10 *Eighteenth Century Ireland* 78, 92.

⁵ Kelly, (1995) 10 *Eighteenth Century Ireland* 78, 86.

⁶ Arrest data are no longer published, but the Garda Report for 2001 shows that proceedings were taken in 102 cases of soliciting or importuning for prostitution and 218 cases of loitering with intention of prostitution (both ‘non-headline’ offence categories); and in 98 ‘headline’ prostitution cases.

were described in the 1830s as a “nursery of human turpitude and hotbed of depravity [where prostitutes] in a state of nudity openly and wantonly assailed the most respectable persons.”⁷

In other words, despite what one might believe from media reports and popular discourse, there is nothing novel about vicious sex attacks and the sex trade has long flourished in Irish cities.⁸

II. VARIETIES OF SEX CRIME

This paper is not concerned with what are sometimes loosely described as ‘victimless’ crimes where sex is exchanged for money between consenting adults, or profits are made from such exchanges. While prostitution itself is not illegal the way it is conducted tends to bring participants into conflict with the law, namely soliciting or loitering for the purposes of prostitution. Also the organisation of prostitution is criminal (*e.g.* brothel keeping or living on the earnings of a prostitute).⁹

Some sexual crimes have only become possible in recent years due to the widespread availability of the internet. They do not necessarily involve direct contact between victim and perpetrator. These new varieties of crime are beginning to take shape in legislation and require radically

⁷ Luddy, “‘Abandoned Women and Bad Characters’: Prostitution in Nineteenth-Century Ireland” (1997) 6 (4) *Women’s History Review* 485.

⁸ For hundreds of years, as society became gradually safer, successive generations bemoaned the disappearance of a way of life characterised by safe streets, courtesy and peaceful coexistence. This hankering after a mythical past has been skilfully dissected by Pearson in *Hooligan: A History of Respectable Fears*.

⁹ There was a twenty-fold increase in the number of prosecutions taken under the Criminal Law (Sexual Offences) Act, 1993 between 1995 and 2000. It has been argued that this was one manifestation of the ‘zero tolerance’ policing policy introduced after the 1997 general election. (See O’Donnell and O’Sullivan, “The Politics of Intolerance, Irish Style” (2003) 43(1) *British Journal of Criminology*, 41.

new methods of policing. Victims are rarely identified, but it is clear that they are numerous.¹⁰ This new facet of sex offending has yet to make an impression on the official crime statistics. For example, in 2001 there were only 21 offences known to the Gardaí that involved the Child Trafficking and Pornography Act, 1998.¹¹

Sex crime has become internationalised. Irish citizens who engage in sex with children abroad can be dealt with by Irish courts under the Sexual Offences (Jurisdiction) Act, 1996. It is not possible to estimate the extent of this kind of criminal conduct, but examination of the Garda statistics reveals that there has not yet been a single prosecution.

The bulk of sex crime involves: sexual assault and aggravated sexual assault (previously the single category of indecent assault); common law rape and rape under s. 4 of the Criminal Law (Rape) Amendment Act, 1990; buggery of males (formerly known as ‘unnatural offences’); and unlawful carnal knowledge (formerly known as ‘defilement’). Between 1947 and 2001 these categories typically accounted for more than 95 per cent of all recorded indictable sex crime each year. In addition there are a small number of cases recorded of incest (16 in 2001), sexual assault of a mentally impaired person (10 in 2001) and bestiality (two in 2001).¹²

III. PREVALENCE

A major study of the underlying level of sexual abuse and violence in Ireland, carried out by a team of researchers at the Royal College of Surgeons, was published in 2002. Known as the SAVI report, it was based on telephone

¹⁰ See Jenkins, *Beyond Tolerance: Child Pornography On-Line*; Taylor and Quayle, *Child Pornography: An Internet Crime*.

¹¹ Curiously, these offences are not classified with other sex crimes in the Garda annual report, but are shown with a miscellaneous group of matters such as endangering traffic, concealment of birth and escapes from custody.

¹² For an authoritative analysis of sexual offences in Ireland, see O’Malley, *Sexual Offences: Law, Policy and Punishment*.

interviews with a random sample of over 3,000 adults. Its primary aim was, “to estimate the prevalence of various forms of sexual violence among Irish women and men across the lifespan from childhood through adulthood.”¹³

There was a broad overlap between the terms used in this study and legal categories. What the SAVI team described as ‘penetrative abuse’ was equivalent to common law rape, s. 4 rape and digital penetration. ‘Non-penetrative contact abuse’ often corresponded to sexual assault or even aggravated sexual assault, where there was a high degree of violence or humiliation.¹⁴

The key findings in relation to the prevalence of sexual violence and the frequency of reporting can be summarised as follows:

1. More than four in ten of the women surveyed (42%) reported some form of sexual abuse or assault in their lifetime: 10% experienced penetrative abuse; 3% attempted penetration; 19% contact abuse; 10% non-contact abuse. The remaining 58% disclosed no abuse.
2. Over one quarter (28%) of the men surveyed reported some form of sexual abuse or assault in their lifetime: 3% experienced penetrative abuse; 2% attempted penetration; 16% contact abuse; 7% non-contact abuse. The remaining 72% disclosed no abuse.
3. Reporting rates were low. In almost half of all cases the interview with the SAVI team was the first time the individual had spoken in public about their victimization. Only 1 in 12 (8%) of those who

¹³ McGee, Garavan, de Barra *et al.*, *The SAVI Report: Sexual Abuse and Violence in Ireland: A National Study of Irish Experiences, Beliefs and Attitudes Concerning Sexual Violence*, p. xxxi.

¹⁴ ‘Sexual abuse’ is used to describe sexual offences committed against those aged under 17 years. ‘Sexual assault’ is used to describe sexual offences committed against those aged 17 or over; it combines the legal categories of sexual assault and rape.

experienced penetrative abuse as adults (in other words, assaults meeting the legal definition of rape or s. 4 rape) had reported this to the Gardaí, compared with less than 1 in 30 (3%) cases of penetrative child sexual abuse.

IV. TRENDS

The Garda statistics were presented in the same format between 1947 and 1998. In 1999 coverage was restricted to the first nine months of the year due to the phasing in of the new PULSE computer system. The figures were presented in a revised format in 2000 and 2001, making direct comparison with previous years difficult. The traditional categories of indictable and non-indictable crime were swapped for new categories of ‘headline’ and ‘non-headline’ crime. No rationale was given for this changeover.¹⁵

It is appropriate to make some preliminary observations about the quality of the available information. The Garda figures relate only to the minority of cases that are reported to them and deemed suitable to record. In this way they provide at best a partial glimpse of the extent of criminal sexual activity.

Furthermore, the Garda figures are not a total count of offences of rape, sexual assault and so on that are made known to them. The tally is depressed by a series of what are known as ‘counting rules.’¹⁶ The most important for present purposes is the rule which states that: “A continuous series of offences against the same injured party involving the same offender counts as one offence.” In other words a child who is repeatedly raped by her father will count, for the purposes of the Garda statistics, as a single rape. The ‘primary offence’

¹⁵ The limitations of Garda statistics are explored in O’Donnell, “Interpreting Crime Trends” (2002) 12(1) *Irish Criminal Law Journal* 10.

¹⁶ These internal recording guidelines were published for the first time in January 2002 as an appendix to the Garda crime report for 2000. (An Garda Síochána, *Annual Report 2000*, p. 130.)

rule specifies that if a number of offences are committed in a single episode only the most serious one is recorded.

So when we learn from the Garda Report that there was a particular number of sexual offences in a given year this is a huge under-estimate, not just of the number of victims but of the number (and type) of incidents of victimization. The statistics as currently compiled are not fully offence, offender or victim focused.¹⁷

Interpreting the Garda figures is also fraught because of the extent to which the legislative context has changed over the years. Between 1947 and the late 1980s there was little relevant change.¹⁸ The rate of sex crime fluctuated hardly at all during this period: there were 92 sexual offences recorded per million population in 1950 compared with 113 in 1990.

The Criminal Law Rape (Amendment) Act, 1990 introduced two reforms that are germane to our discussion. The first was the broadening of rape to include offences committed under s. 4.¹⁹ The second was the creation of a new offence of aggravated sexual assault. These changes took some time to be reflected in the annual statistics. Sexual assault and aggravated sexual assault were included for the first time in 1994. Rape under s. 4 did not appear as a distinct category until 2000. The fact that the Garda Report has been

¹⁷ For an overview of the potential role of crime data see Home Office, *Review of Crime Statistics: A Discussion Document*. In July 2002 the Minister for Justice, Equality and Law Reform, Michael McDowell TD, announced that the Government had approved the establishment of an expert group “to examine and make recommendations on the collation and presentation of information relating to reported crime.”

¹⁸ There was a low level of legislative activity over this period. See Department of Justice, *The Law on Sexual Offences: A Discussion Paper*, pp. 17-21.

¹⁹ Defined as penetration of the mouth or anus by the penis (the victim can be male or female); or penetration of the vagina by an object manipulated by another person (the perpetrator can be male or female).

slow to adapt to the new legislative environment complicates any analysis.

Having provided these caveats, if we draw together figures from the Garda Reports published over the past half century it is clear that there has been a sharp upward trend in recorded sex crime at the same time as the overall crime rate has risen and fallen.²⁰ The timing and scale of this increase is shown clearly in Tables 1 and 2, which compare the numbers and rates between 1950 and 1998, when a common system of recording was used, with 2000 and 2001 when a new approach was introduced.²¹

Table 1

Indictable Sex Crime

	Number	Per million population
1950	273	92
1960	242	85
1970	258	87
1980	217	64
1990	397	113
1998	979	264

[Sources: An Garda Síochána, *Annual Reports*;
Central Statistics Office, *Population Estimates*]

²⁰ For overviews of trends and patterns in crime see O'Donnell and O'Sullivan, *Crime Control in Ireland: The Politics of Intolerance*; O'Sullivan and O'Donnell, "Why is Crime Decreasing?" (2001) 11(1) *Irish Criminal Law Journal* 2.

²¹ When examining the trend over time it is important to use rates, rather than raw numbers, as the basic unit of analysis. To do otherwise would be misleading, as the national population grew by around 30% over the 55-year period for which a Garda annual report has been published (1947 to 2001). In other words it is possible that the number of recorded offences could show an increase at the same time as the crime rate was actually dropping.

Table 2

'Headline' Sex Crime

	Number	Per million population
2000	1,070	283
2001	1,939	505

[Sources: An Garda Síochána, *Annual Reports*;
Central Statistics Office, *Population Estimates*]

Although the number of sex crimes had been climbing steadily throughout the 1990s, the almost doubling between 2000 and 2001 hardly reflects a tidal wave of change in public behaviour. It is more likely to be a result of the aforementioned change in how data were organised and presented. This would suggest that the figures for previous years are an underestimate, although it is not possible to determine to what extent.

There has been a major change in the nature of sex crime over the second half of the twentieth century, with rape of a female, and indecent or sexual assault, becoming the dominant offence types. 'Defilement' and 'unnatural offences' have diminished in significance in proportionate terms.²²

It would not be overstating the case to say that some of what was considered criminal in the 1950s and 1960s (*e.g.* homosexuality, defilement of a girl aged under 17 years) is today either legal or no longer attracts the same opprobrium. Conversely what seldom attracted the vigorous interest of the agencies of law enforcement in earlier days (*e.g.* sexual violence within the home or in institutions) is now the subject of much concern. In this way the Garda statistics, although unreliable in terms of quantifying the extent of the problem,

²² For example, in 1950 there were 83 recorded unnatural offences compared with 23 offences of buggery of a male in 2000. In 1950 there were 14 rapes, 103 indecent assaults and 70 cases of defilement. In 2000 there were 290 rapes (including 52 under s. 4), 549 sexual assaults, 12 aggravated sexual assaults and 15 cases of unlawful carnal knowledge.

give valuable insights into what is considered sufficiently deviant to merit official sanction.

There may be several explanations for the sharp rise in recorded sex crime since 1990, including:

1. An increase in the likelihood that victims will come forward to the Garda. There is evidence of more frequent reporting of ‘historic’ offences, particularly by male victims.²³ In a study of recorded rape between 1994 and 1997 it was found that around one quarter of the total number of offences related to events in the (sometimes distant) past.²⁴
2. More faithful recording of complaints under the new PULSE computer system. Sexual offences are viewed with increasing seriousness; clearer guidelines and tighter procedures are in place.
3. The changed legislative context during the 1990s. The definition of rape is wider and since the passage of the Criminal Law (Sexual Offences) Act 1993 there has been increased clarity about the kind of conduct between males that is suitable for prosecution.
4. Demographic changes. The population grew by 8% between 1996 and 2002. More sex crime is to be expected as the number of potential offenders and victims grows.
5. There has been a substantial rise in the level of lethal violence since the mid-1990s.²⁵ The growth in sex crime may be a corollary of this.

²³ This has coincided with a growing awareness of institutional abuse and a process of destigmatization that has enabled victims to come forward. For example, see Raftery and O’Sullivan, *Suffer the Little Children: The Inside Story of Ireland’s Industrial Schools*.

²⁴ Leon, “Sexual Offences in Ireland, 1994-1997: An Overview” (2000) 10(3) *Irish Criminal Law Journal* 2.

²⁵ O’Donnell, “Unlawful Killing Past and Present” (2002) 37 *Irish Jurist*

6. Increased alcohol consumption. There is a relationship between alcohol consumption and sex crime just as there is between alcohol and other crimes of violence.²⁶ Between 1989 and 1999 the rise in per capita alcohol consumption in Ireland was 41 per cent.²⁷ This may have had a role to play in increasing the level of sexual misconduct.

It is important to note that despite the recent rise, the overall level of rape in Ireland remains comparatively low, according to data collected by Interpol.²⁸ Taking account of population size, there are more than twice as many rapes recorded in England and Wales, five times as many in the USA and 20 times as many in South Africa.

V. PROCEEDINGS

Since the 1970s there has been a steady fall in the proportion of recorded crimes that resulted in proceedings being taken. The decline for sex crime is striking because it began from a higher base and has been more relentless. The significance of this decline can best be apprehended if we consider the percentage of recorded crimes that led to criminal proceedings in the first year of each decade, as shown in Table 3. This trend appears to have been bucked in 2001. Time will tell whether this is a reversal of the long-established pattern or merely a statistical fluctuation.

(*n.s.*) 56, 67.

²⁶ According to the SAVI report, alcohol was involved in almost half of the cases of sexual assault that occurred between adults. Of those who reported that alcohol was involved, both parties were drinking in 57% of cases where the victim was female and 63% involving male victims (McGee, Garavan, de Barra *et al.*, *The SAVI Report: Sexual Abuse and Violence in Ireland: A National Study of Irish Experiences, Beliefs and Attitudes Concerning Sexual Violence*, p. xxxv).

²⁷ Strategic Task Force on Alcohol, *Interim Report*, p. 5.

²⁸ See <http://www.interpol.int/public/statistics/ics/>.

Table 3

Proceedings Commenced (%)

	All indictable/ 'headline' crime	Sexual offences
1950	57	85
1960	55	86
1970	45	80
1980	37	71
1990	29	57
1998	34	43
2000	20	25
2001	28	37

[Source: An Garda Síochána, *Annual Reports*]

The fall in proceedings applies to all categories of sex crime, although it is more marked for rape and sexual assault. The fact that proceedings were commenced in almost every case in the early years may indicate that sexual violence was less frequently reported and perhaps for that reason prioritised. In addition there may have been a more selective approach taken to recording in the past, in the sense that if the matter could not be pursued it did not enter the official statistics.

There is one final point to be made about what might be seen as the declining effectiveness of the authorities in tackling a form of crime that is the cause of significant public anxiety. This is the difference between the number of cases where proceedings are commenced and the detection rate. For An Garda Síochána to write off a crime as solved, proceedings do not have to be taken. Under Interpol guidelines, a case is considered solved if a police force is satisfied that it has identified the culprit because of the weight of the evidence against him, even if no action is taken.

The detection rate is always considerably higher than the number of proceedings commenced.²⁹ In 2001, for example, proceedings were taken in 37% of the sex crimes recorded that year, but 71% were considered to have been detected.³⁰ The large gulf between these two figures is difficult to understand in the absence of a clear explanatory statement in the Garda Report. Unfortunately such a statement has not yet been provided.

VI. SENTENCING

The Courts Service is in the early stages of developing information systems that embrace the latest technological developments and produce data that are useful from a research point of view. It is difficult to give a clear idea of trends but some broad conclusions can be drawn for the four-year period 1998 to 2001. Table 4 shows that in rape cases leading to an appearance at court, three-quarters (76%) resulted in conviction (others were acquitted, *nolle prosequi*, the defendant was deceased, or the case was struck out). The chances of acquittal on all charges after trial were around 40%.³¹ High acquittal rates in rape trials are not unusual in other common law jurisdictions.³²

²⁹ O'Donnell and O'Sullivan, *Crime Control in Ireland: The Politics of Intolerance*, p. 13.

³⁰ The overall detection rate for recorded indictable crime in 2000, when the Garda Report first appeared in its new format, was 42%. This was identical to the previous year. However the proportion of all crimes in which proceedings were commenced fell from 33% to 20% over the same period. For sex crimes specifically, the fall was from 43% to 25%.

³¹ Data from the Central Criminal Court indicate that persons who face a charge of murder are much more likely to opt for trial than those who face a charge of rape, but few are acquitted on all counts. Between 1998 and 2001, around 13% of murder and related cases resulted in a full acquittal after trial.

³² Harris and Grace, *A Question of Evidence? Investigating and Prosecuting Rape in the 1990s*, Home Office Research Study No. 196, p. 32. See also Lees, *Carnal Knowledge: Rape on Trial*.

Table 4

Rape and Related Cases Completed, 1998 –2001 (%)

Pleaded guilty	58
Tried and convicted	18
Tried and acquitted on all counts	13
Nolle prosequi / deceased / other	10

[Source: Courts Service]

Of sentences passed in 2001 all were custodial and only 10% were suspended. Around half of all sentences were for five years or more.³³ This is in line with the pattern for 1998 to 2001, as summarised in Table 5. In 2001 the number of recorded crimes that fell within the exclusive jurisdiction of the Central Criminal Court increased by 50% while those that could be dealt with by the Circuit Court almost doubled.³⁴

³³ For a comprehensive and insightful overview of the more general issues around sentencing see O'Malley, *Sentencing Law and Practice*. Also O'Malley, "Principles of Sentencing: Some Recent Developments" (2001) 1(1) *Judicial Studies Institute Journal* 50.

³⁴ These calculations are based on original Garda categorisations. It is likely, of course, that some of the cases initially recorded as rape will result in prosecution for a lesser offence and thus come into the jurisdiction of the Circuit Court. Similarly, some sexual assaults may be upgraded and as a result move to the Central Criminal Court.

Table 5

*Sentences for Rape and Related Offences,
1998–2001 (%)*

Life	< 1
10 years or over	10
5 to 10 years	38
2 to 5 years	37
Less than 2 years	7
Suspended	6
Other	1

[Source: Courts Service]

The sentencing regime has consequences for the prison system. Long sentences mean a ‘silting up’ of sex offenders. Although 2% of all ‘headline crime’ is sexual, 12% of all sentenced prisoners are sex offenders. This proportion has remained relatively constant in recent years. In August 2002, the range of sentences being served by convicted sex offenders was from four months to 18 years.

We know little about how sentences for sex crime compare with sentences for other kinds of offence or about the factors that might be associated with sentence severity (*e.g.* choice of plea, nature and number of previous convictions, victim impact, relationship between victim and perpetrator) and their relative weight. It is important to consider the sentences awarded for sex crime in the context of typical penalties for other offences, to explore whether the demands of proportionality are being met. The absence of reliable and detailed information is a significant impediment to understanding this crucial issue.

VII. THE QUESTION OF JURISDICTION

It would be tempting to assume that crime trends prefigured changes in the volume of criminal business for the courts. In other words that the recent surge in recorded rape

will result in the Central Criminal Court being swamped by rape indictments after a short time delay to allow case processing. If such a relationship existed, it would be possible to anticipate the demands on the different courts in a way that might help inform questions about the relative distribution of work.

However, there are several reasons why the existing data do not permit one to forecast the activities of the courts on the basis of changing patterns of recorded crime. Most important are the decline in proceedings taken and the high attrition rate.³⁵ In conjunction these mean that a substantial increase in recorded sex crime would have a modest impact on the number of court proceedings. To further complicate matters the Garda counting rules give an imprecise indication of what is likely to appear before the courts. It is not known how many of the offences initially counted as rape are finally charged as rape. No attempt is made to update the statistics as cases are progressed through the system.³⁶

The present state of knowledge makes it excessively difficult to produce simple descriptive statistics, let alone to draw meaningful inferences about trends. In such an environment prediction is little more than speculation. To enable an informed understanding of the implications of changing patterns of sex crime will require, at a minimum:

1. The routine publication of timely and relevant baseline statistics.
2. The harmonisation of definitions and recording practices.

³⁵ See also Leane, Ryan, Fennell *et al.*, *Attrition in Sexual Assault Cases in Ireland: A Qualitative Analysis*; Bacik, Maunsell and Gogan, *The Legal Process and Victims of Rape: A Comparative Analysis of the Laws and Legal Procedures Relating to Rape, and their Impact upon Victims of Rape, in the Fifteen Member States of the European Union*.

³⁶ Furthermore, it is difficult to predict how many cases will lead to trial and therefore absorb a significant amount of court time. The number of trials at the Central Criminal Court increased from 25 in 1998 to 36 in 2001.

3. Regular tracking exercises to identify at what stages (and for what reasons) cases drop out of the process.
4. Ongoing evaluation of data quality and the closeness of fit between available information and the requirements of decision makers.

Only when these four conditions are satisfied will evidence-based decisions be possible. Regrettably this scenario remains some years distant.