

## BOOK REVIEW

**Susan Leahy and Margaret Fitzgerald O'Reilly, *Sexual Offending in Ireland: Laws, Procedures and Punishment* (Clarus Press 2018), ISBN 978-1-905536-93-1, 308p.**

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In February 2017 the Criminal Law (Sexual Offences) Act 2017 ('2017 Act') was signed into law and in doing so, a watershed moment of sorts was reached in the area of sexual offences in Ireland, reforming and amending long outdated aspects of the law. In light of the enactment of the 2017 Act, along with the passing of the Criminal Justice (Victims of Crime) Act 2017, this new publication, *Sexual Offending in Ireland: Laws, Procedures and Punishment*, is a most timely and much welcomed addition to the field. The authors, Dr Susan Leahy and Dr Margaret Fitzgerald O'Reilly of the University of Limerick, have a strong record in the area of criminal justice, criminology and sexual offences and this is clearly evidenced throughout this publication. The book covers an impressive amount of ground in a concise and succinct manner, while also providing important and thought-provoking analysis, alongside beneficial comparative insight.

It has been stated that 'our present law (substantive and procedural) on sexual offences has developed in a piecemeal fashion over a considerable period of time'.<sup>1</sup> This is indeed the case, and as a consequence much of the law in this area has developed into a complex patchwork of legislation. This book presents the law on sexual offences in a manner that cuts through these complexities and offers readers an accessible yet erudite overview of the law as it currently stands.

The book is intuitively broken down into three parts. Part 1 of the book provides a comprehensive account of the substantive law on sexual offences. Chapters 1 and 2 cover the primary sexual offences, namely rape and sexual assault offences against adults. The remaining chapter in Part 1, Chapter 3, addresses those offences relating to victims who are under the age of consent or who have limited decision-making capacity. The consideration given to the latter issue is particularly insightful, given that until the commencement of the Criminal Law (Sexual Offences) Act 2017 this area was 'the subject of much criticism and was clearly not fit for purpose' [page 91]. The authors go on to concisely trace the development of offences against individuals with limited capacity and concludes consideration of this issue by perceptively noting that 'significant follow-up is required to ensure that the new provisions are progressively implemented and achieve the right balance between protection and respect for sexual autonomy' [p. 102].

Part 2 covers the procedural aspects of the law on sexual offences. While this area of the law has given rise to much controversy over the years, the authors do a stellar job of outlining and analyzing some of the more difficult and challenging procedural issues. The admissibility of character evidence, the corroboration warning and the doctrine of recent complaint are considered in Chapters 5 and 6. Chapter 4 is dedicated to special procedures in sexual offence trials that aim to protect victims from secondary victimisation. Of particular benefit in this section is the consideration given to the reforms introduced by the

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<sup>1</sup> Thomas O'Malley, *Sexual Offences* (2nd edn, Round Hall 2013) 41.

2017 Act, along with the extension of the availability of special measures in the Criminal Justice (Victims of Crime) Act 2017. The authors offer valuable insight into these reforms, paying particular attention to the introduction of important testimonial aid and other special measures to facilitate witnesses when testifying at trial.

Part 3 aptly bookends the publication through the consideration of the sentencing and punishment of those convicted of sexual offences. Chapter 7 provides a comprehensive examination of the manner in which those convicted of sexual offending are sentenced in the Irish courts, while Chapter 8 explains the post-release orders and requirements a convicted sex offender may be subject to in the aftermath of imprisonment. There is a specific sub-section in Chapter 8 dedicated to the effects of these orders and requirements. A considered and thought-provoking analysis is provided on the true nature of these requirements and whether they are punitive in character. The publication concludes with a poignant note on the increased concern for the rights of victims of sexual violence and the shortcomings of the criminal justice system in supporting such victims throughout the various processes. The authors close by observing that '[s]exual violence is not a criminal justice issue...[i]t is a social issue that significantly affects the lives of those touched by such wrong doings...a co-ordinated approach premised upon education and support is essential in responding to and preventing sexual violence' [p. 264-265].

While the above presents an overview of the main topics addressed in the publication, it would be remiss not to specifically commend the manner in which the socio-legal issues affecting this area of the law are interwoven throughout the book. The law does not operate in a social vacuum, and this is exceedingly true in relation to the law on sexual offences. The realities of sexual violence and the problematic myths, stereotypes and misconceptions associated with this area is an issue that is highlighted throughout this publication in order to 'demonstrate that there is much more to the investigation, trial and punishment of these crimes than the "law on the books"' [page ix]. Thus, while the book focuses predominantly on the relevant legal rules, at all times the authors remain true to the socio-legal orientation of their research [page ix]. The result is a publication that is both comprehensive in detail and considered in analysis.

*Sexual Offending in Ireland: Laws, Procedures and Punishment* provides the reader with a clear, succinct, considered and thought-provoking insight into the extensive area of sexual offences. Students, academics and practitioners alike will greatly benefit from the pedagogic and reflective manner in which this publication treats an area of the law that can be both complex and controversial.