



RCNI Submission

on

General Scheme of Life Sentences Bill 2024

**4 October 2024**

## **Rape Crisis Network Ireland**

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

## **Introduction**

The RCNI welcomes the opportunity to make submissions on the General Scheme of the Life Sentences Bill 2024.

Life sentences are a vital tool in safeguarding the public from those known to be a risk. Some sexual predators will demonstrate a severity and/or pattern of perpetration and be assessed to have a continued propensity for that behaviour. The Criminal Justice system must be enabled to respond in a robust manner over the lifetime of the perpetrator to manage that risk. Life sentences are a tool that facilitates that aim. We also recognise that life sentences are a severe exercise of power by the State over the convicted. The additional specificity this Bill seeks to introduce is welcome therefore in adding certainty for Judges as they assess their sentencing decisions.

Our submissions are set out following the arrangements of the Heads within the Bill.

The provision for Judges to make recommendations on what minimum term should be served by a prisoner before parole being granted is a welcome step and one supported by the RCNI. Judges are best placed to make recommendations on such minimum terms given their involvement with the trial. Their experience of the both the conduct and circumstances of the prisoner and the

impact of the crime on the victim places them in a unique position to make a full and reasoned assessment of the appropriateness of a sentence and the minimum term that should be served.

Sentencing has historically been plagued by complexities and inconsistencies. The two areas, we submit, require particular attention are: firstly, provision for data collection and transparency in the sharing of such data and secondly, the development of robust guidelines to assist the court in making their decisions. Both these are crucial to combatting inconsistencies and the general lack of understanding around sentencing. We refer specifically to the work of the Sentencing Guidelines and Information Committee (SGIC) and the Strathclyde report published by the Judicial Council which found Irish sentencing data to be underdeveloped.

### **Submissions per Head:**

#### **Head 1 and 2:**

No submission

#### **Heads 3 and 4:**

- a. We welcome the points that the RMCT should not be seen as an indication of when a prisoner should be granted parole nor a presumption of release upon expiry of that term contained in the scheme notes, we submit, however, that these intentions should be included in the wording of the legislation to ensure clarity. We recommend also that a review, based on data, should be part of the legislation to ensure that RCMTs do not in practice become a 'target' for parole once enacted.
- b. We further welcome that there is no upper limit set on what period may be recommended.
- c. We accept that the restricting of this power to a non-binding recommendation maintains the authority of the Parole Board, but our concerns relate to instances where the Parole Board does not agree and does not take into consideration the RMCT when

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making a decision on parole. We submit that further provision needs to be made for the monitoring of the use of the RMCTs to allow for a better understanding of their effectiveness and to ensure a consistent approach by both the courts and the Parole Board.

Head 5, 6, 7, 8:

No submission

We thank you for the opportunity to make a submission. Please contact us should you require further or clarifying information.

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Rape Crisis Network Ireland (RCNI)

Carmichael Centre

North Brunswick Street

Dublin D07 RAH8

Email: [legal@rcni.ie](mailto:legal@rcni.ie)

Website: [www.rcni.ie](http://www.rcni.ie)