

Launch of Revised Information Booklets
James Hamilton - Director of Public Prosecutions
13 November 2006

I am delighted to welcome you here today to the launch of the revised editions of our two information booklets. I would particularly like to welcome Mr. Jim McHugh, Chairman of the Commission for the Support of Victims, who has kindly agreed to officially launch the booklets for us.

As most of you will be aware, the booklets were first published in September 2003 to foster a better understanding of the work my office does. They are written in a question and answer format and answer the questions that my Office is asked most often.

One of the main reasons for revising the booklets was to reflect the changes that have taken place in relation to victim support services. While it was not practical in booklets of this nature to give details of all the support services available, we have instead given contact details for the Crime Victims Helpline, who will direct callers to the most appropriate support service available. I would like to thank the Crime Victims Helpline for their assistance and co-operation in this, in particular Ms. Maeve Ryan who is with us here today. I am also delighted to see so many victim support services represented here today. I understand that some have travelled from as far afield as Donegal and Kerry. I would like to acknowledge the importance of the work that you do and the valuable contribution that you make to the criminal justice system.

Over the last number of years this Office has focussed considerable attention on establishing better links with victim organisations and trying to improve its own procedures for communications with victims.

The Victims Charter was in place for several years prior to the establishment of the Commission for the Support of Victims of Crime. In more recent times there has been an increasing awareness on all sides of the need to improve the experience of victims within the criminal justice system.

Those who have not been victims of crime themselves can only begin to imagine the trauma and grief experienced by a victim or a deceased victim's family. We owe it to

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victims to try to demystify their journey through the criminal justice system so as to make their ordeal a little more bearable.

England has a system of victim care entitled 'no witness no justice'. The phrase speaks for itself and could as easily be applied to the Irish criminal justice system. As prosecutors we fully recognise the contribution that witnesses and particularly victims make to ensuring that justice prevails. However we also realise that in the pressurised and rushed atmosphere of a busy courtroom that may not always be apparent. While prosecutors must primarily focus on doing their job to present the prosecution case, we are all committed to the providing of information to victims. This is why the various agencies funded by the Commission providing victim services are so crucial in the system as they can help victims in the run up to a trial by preparing them for what to expect at the trial itself. The agencies' strict protocol of not discussing the evidence with the victim at all time means that they can be with a victim, even during breaks in their evidence when lawyers cannot.

My Office has worked very hard in recent years through conferences, seminars and meetings to engage in dialogue with other actors within the system, including the courts and the Gardaí, but also victim organisations, to try to ensure that communications are co-ordinated to the highest level. We accept that we have not yet achieved that but this work is ongoing. The objective is that no victim should fall through the cracks of available services simply due to a lack of knowledge and information.

I already mentioned our goal of demystifying the criminal justice system for participants. One of the greatest challenges we face as prosecutors, and this is acknowledged by some experienced volunteers, is to ensure that victims and the general public have realistic expectations of what the criminal justice system can deliver. The prosecutor prosecutes on behalf of the people and for valid reasons does not represent the victim.

There are so many possible pitfalls between the commencement of a prosecution and its successful outcome. The prosecutor must weigh up whether there is a reasonable

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prospect of conviction and whether a prosecution should proceed at all. There are limitations on admissible evidence. Delay in obtaining a trial continues to be a major problem. Our system of judicial review presents an accused who wishes to postpone the evil day with ample opportunities to do so. Giving evidence and being cross-examined is an ordeal. The conviction, if one is secured at all, may be for a lesser offence than that charged. The sentencing process itself can often be bewildering for an onlooker. The judges take exception to accusations of inconsistency in sentencing patterns but they themselves have been reluctant to set measurable standards for sentencing by which the consistency of sentences could be judged.

We have tried in a frequently asked question format to provide information which is hopefully helpful to victims and the general public alike and which prepares them for the realities of the criminal justice system and their role within it.

It is essential that all of the agencies involved in the criminal justice system work together to enhance the services provided, in particular to victims of crime. In the course of revising these information booklets we consulted with a number of agencies, including An Garda Síochána, the Probation Service, the Courts Service and the Forensic Science Laboratory. The benefit of their advice and co-operation has contributed greatly to the quality of the information contained in the booklets and I would like to express my appreciation to all of them for their assistance and support.

One of the most difficult challenges for an office such as ours in producing booklets of this nature, is to ensure that they are written in plain language so that they are accessible to the people who matter most. To transpose complex legal issues into plain language without losing accuracy is not an easy task. I would therefore like to compliment and thank the National Adult Literacy Agency for their excellent Plain English editing advice. In particular I would like to acknowledge the tremendous assistance given to us by Ms. Clodagh McCarthy, Plain English Co-ordinator, who I understand is here with us today.

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We also have a responsibility not only to provide information in plain language, but to ensure that the increasing numbers of foreign nationals that are now resident here have access to information in their own languages. As well as the trauma suffered by every victim of crime the foreign victim, whether here as a tourist, a worker, or an asylum seeker, has the added difficulty of trying to cope with a legal system which is foreign to him or her using a language which is not his or her mother tongue. For this reason we have arranged for the information booklets to be translated into eight foreign languages: Arabic, French, Latvian, Lithuanian, Chinese (Mandarin), Polish, Russian and Spanish. This means the booklets are available in all six official languages of the United Nations as well as three other languages spoken by sizeable immigrant communities in Ireland. The foreign language versions of the booklets are available on our website and are displayed on a number of screens around the room this morning.

The booklets are also available in braille and audio cassette formats and I would like to thank the National Council for the Blind of Ireland for their assistance in converting the booklets for us.

I will now ask Mr. Jim McHugh, Chairman of the Commission for the Support of Victims, to officially launch the booklets for us.

James Hamilton
Director of Public Prosecutions