



PERSONAL INJURY

Securing Compensation for a Victim of Sexual Abuse

THE CASE

Our client was a teenager over the age of consent who had become involved in sexual activity with a middle-aged partner. While it originally seemed that that s/he had agreed to the relationship, it soon became clear that s/he had been groomed by the older party. Their consent was in truth, submission. While it is often thought not possible to pursue a criminal or civil case against a sexual abuser if the victim has the capacity to, or gives the appearance of, consent, this case shows that all circumstances must be examined.

Some of the issues a Court may consider include:

- the claimant's age and the age gap between the claimant and the abuser;
- the claimant's intelligence and maturity;
- any background grooming;
- the claimant's prior level of sexual experience;
- the status and power of the abuser;
- whether the claimant appeared to be a willing/active participant or a passive participant;
- the vulnerability of the claimant;
- dishonesty of the defendant;
- whether the defendant held a position of influence over the claimant;
- whether there is a distortion of the legitimate relationship between the parties;
- the provision of alcohol and drugs and the effect on the complainant;
- the use and/or threat of violence and intimidation;
- the use of other means of control such as emotional or situation control; and
- If the sexual activity constituted a criminal offence, it may be worth considering the underling rationale for making such behaviour an offence (NB as a criminal offence will not in of itself establish an actionable tort).

Our team, led by Terry Donovan and Aideen McGarry, gathered supporting evidence against the accused which included the police file and court documents relating to the complaint, the relevant medical records and comprehensive witness statements from the victim and their family.

We also asked an expert psychiatrist and psychologist to prepare reports outlining the detrimental effects of the relationship between the victim and the older party.

THE OUTCOME

In order to calculate the appropriate compensation, we provided an accurate value of the sum needed by the victim to receive the necessary psychological treatment and get their education and career back on track.

The final amount was negotiated between the parties at a joint settlement meeting, so avoiding the need for court proceedings.



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