



**A response to**

**Review of Criminal Damages and Criminal  
Injuries Compensation Schemes**

**Department of Justice**

**13 March 2015**

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**Women's Aid Federation Northern Ireland**

129 University Street  
BELFAST BT7 1HP

Tel: 02890 249041

Fax: 02890 239296

General Email: [info@womensaidni.org](mailto:info@womensaidni.org)

Website: [www.womensaidni.org](http://www.womensaidni.org)

**24 Hour Domestic & Sexual Violence Helpline**

**Call: 0808 802 1414**

Email Support: [24hrsupport@dvhelpline.org](mailto:24hrsupport@dvhelpline.org)

Text **support** to 07797 805 839

Freephone from all landlines and mobiles. Translation service available.

Open to *all women and men* affected by domestic & sexual violence

## 1. Women's Aid Information & Statistics

### 1.0 Introduction

Women's Aid is the lead voluntary organisation in Northern Ireland addressing domestic and sexual violence and providing services for women and children. We recognise domestic and sexual violence as forms of violence against women. Women's Aid seeks to challenge attitudes and beliefs that perpetuate domestic and sexual violence and, through our work, promote healthy and non-abusive relationships.

### 2.0 Core work of Women's Aid

The core work of Women's Aid in Northern Ireland, including Women's Aid Federation Northern Ireland and local Women's Aid groups is:

- ) To provide refuge accommodation to women and their children suffering mental, physical or sexual abuse within the home.
- ) To run the 24 Hour Domestic & Sexual Violence Helpline.
- ) To provide a range of support services to enable women who are affected by domestic and/or sexual violence to rebuild their lives and the lives of their children.
- ) To provide a range of support services to children and young people who have experienced domestic or sexual violence.
- ) To run preventative education programmes in schools and other settings.
- ) To educate and inform the public, media, police, courts, social services and other agencies of the impact and effects of domestic and sexual violence.
- ) To advise and support all relevant agencies in the development of domestic violence policies, protocols and service delivery.
- ) To work in partnership with all relevant agencies to ensure a joined up response to domestic and sexual violence.

Throughout this consultation response, the term "Women's Aid" is used to reflect the overall Women's Aid movement in Northern Ireland, which is made up of our local Women's Aid groups and Women's Aid Federation. All local Women's Aid groups are members of Women's Aid Federation Northern Ireland. Each Women's Aid group offers a range of specialist services to women, children and young people who have experienced domestic violence.

### **3.0 Women's Aid statistics (2013-14)**

- ) 999 women and 747 children sought refuge.
- ) 59 women in refuge were supported during their pregnancies and 15 babies were born to women in refuge.
- ) 1,084 one to one support sessions were held with children and young people in refuge.
- ) 3,558 women with 4,869 children accessed the Floating Support service, and a further 1,662 women accessed other Women's Aid outreach services, enabling women to access support whilst remaining in their own homes and communities.
- ) 1,554 women participated in a range of group work and personal development programme including *Journey to Freedom* and *You and Me, Mum*.
- ) 375 women accessed support from a Women's Aid Women's Safety Worker while their partners or ex partners were undertaking the IDAP perpetrators programme provided by Probation Board Northern Ireland. An additional 128 children were referred to the Women's Safety Worker in 2013-14.
- ) The 24 Hour Domestic & Sexual Violence Helpline, open to all women and men affected by domestic & sexual violence, managed 55,029 calls.
- ) 150 teachers were trained to deliver the Helping Hands programme in primary schools.

### **4.0 Additional Women's Aid statistical data**

- ) Since 1999, Women's Aid across Northern Ireland gave refuge to 17,424 women and 16,235 children and young people.
- ) Between 1995 – 2014, 429,435 calls were managed by the 24 Hour Domestic & Sexual Violence Helpline.

### **5.0 Statistics: Domestic violence & violence against women**

- ) Domestic violence is a violation of Article 5 of the UN Universal Declaration of Human Rights – that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”.
- ) The joint DOJ, DHSSPS Strategy “Tackling Violence at Home” estimates that the cost of domestic violence in Northern Ireland, including the potential loss of economic output, could amount to £180 million each year.
- ) UNICEF research released in 2006, showing per capita incidence, indicates that there are up to 32,000 children and young people living with domestic violence in Northern Ireland.

- J Where the gender of the victim was known, 72% of adult victims of domestic crimes recorded by the PSNI in 2012/13 were female.<sup>1</sup>
- J Over 30% of all domestic violence starts during pregnancy.<sup>2</sup>

## **6.0 Domestic & Sexual Violence: Crime statistics (Source: PSNI Statistics 2013/14)**

- J Domestic Violence is a crime. PSNI statistics for 2013/14 indicate that there were more recorded crimes with a domestic motivation (12,720) than the combined total of all the following crimes (12,079) – possession of drugs (3764), shoplifting (6,372) and theft of a motor vehicle (1,943).
- J PSNI Statistics for 13/14 indicate that they responded to a domestic incident every 19 minutes of every day of the year.
- J The total of 12,720 crimes with a domestic motivation in 13/14 represents an average of approximately 1 domestic crime every 41 minutes in Northern Ireland.
- J The number of all recorded offences of murder in Northern Ireland in 13/14 total 17. Those classed as having a domestic motivation total 7. Therefore, 41% of all murders in Northern Ireland in 13/14 had a domestic motivation.
- J There were 550 rapes (including attempted Rapes) in Northern Ireland in the period 2013/14.

(Source: PSNI Statistics 2013/14)

Official sources (NISOSMC) estimate that up to 80% of sex crimes are not reported.

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<sup>1</sup>Findings from the PSNI Trends in Domestic Abuse Incidents and Crimes Recorded by the Police in Northern Ireland 2004/05 to 2012/13 N.B. "Adult" defined as aged 18 and over

<sup>2</sup>Women's Aid Federation Northern Ireland

## 2. Consultation Response

- J Women's Aid Federation Northern Ireland welcomes the publication of the Review of Criminal Damages and Criminal Injuries Compensation Schemes, and the opportunity to comment on it on behalf of our local Women's Aid groups. Our comments are specifically focused on potential changes to the Criminal Injuries Compensation scheme and proposals to reinvest savings made as a result of the reforms.
- J Domestic violence is not one incident of physical violence perpetrated against a victim. It is a pattern of abusive and manipulative behaviour over a number of weeks, months or years, specifically designed to control and subjugate a victim. The cumulative negative effect of years of psychological, physical, financial and sexual abuse on victims of domestic violence is huge. It destroys victims' lives, often leaving them in constant fear for their lives and safety, even years after they have left their abuser. Many victims develop mental health issues or addictions as a consequence of their abuse, and some lose their ability to earn a living due to pressure from abusers to quit their jobs or due to mental illness or disability caused by abuse. Victims of domestic violence may take years to recover from the abuse to which they have been subjected.
- J We support the principle of the system of criminal injuries compensation as an expression of public sympathy for the pain and suffering caused by the injury, with the aim of helping the victim recover and move on from the incident.
- J We agree that the system needs to be sustainable and appreciate that the Department has to make difficult financial decisions in the wake of budget cuts.
- J We welcome the Department's intention to make the application process more streamlined (p 19). In our experience, the system would benefit from being more accessible to victims. Applying for compensation should not be an additional ordeal for victims to endure, particularly as those applying will have invariably suffered substantially as a result of the crimes committed against them. We recommend that the 3 step process is reviewed to ensure that victims are not being unnecessarily dragged through excessive bureaucratic processes.
- J Women's Aid supports the principle of focusing on those who are most seriously injured by violent crime and where the impacts of the criminal injuries are long-term and life changing. This is a fair and reasonable way to amend the system if savings must be made.

- ) We appreciate that the system should be a last resort and that victims should be able to first pursue compensation from the perpetrator directly. However in domestic violence cases this would not be appropriate, as it is likely that a victim would be pursuing funds that she part-owns due to the nature of her relationship with the perpetrator.
- ) We support the assertions of Victim Support NI that victims should be able to submit claims where the perpetrator is not made amenable for the crime or brought to court, and that compensation is a valid alternative method of recognising the suffering that a victim has suffered. This is especially pertinent for victims of domestic violence, who may have suffered sustained abuse which may not be recognised appropriately by courts. This could be because the abuse is not recognised as a crime (psychological abuse or certain types of financial abuse), and because physical violence is judged as an individual incident and not as part of a pattern of abuse and violence. Individual violent incidents may be on a low tariff, with no recognition of the fact that physical violence of this kind may have occurred many times over the years, with the specific aim of terrorising and controlling a victim.
- ) Women’s Aid warmly welcomes the proposed exception for sexual and physical abuse related violent crime. We agree that such crime, although technically a lower tariff of crime, can be “some of the most appalling cases in terms of the impact on the victim”. Domestic and sexual violence are under-reported and there remain a number of barriers to victims seeking justice. Not all acts of abuse are recognised as crimes, and the nature of domestic abuse often renders victims afraid to come forward and report their abuse or leave their perpetrator. Many perpetrators of serious abuse, although recognised by police and statutory/non-statutory support agencies as dangerous (for example when discussing a case within MARACs), nevertheless do not have any criminal record to speak of. If they are convicted of a crime, in the majority of cases it is for violent crime it will in most cases fall into the lower tariffs. For this reason the exception is utterly necessary to ensure that victims of domestic and sexual violence are able to avail of the criminal injuries compensation scheme.
- ) Women’s Aid also recommends that the manner in which the system operates for victims of domestic and sexual violence is reviewed. There are significant barriers to accessing compensation for victims of these crimes:
- ⇒ The time limit for applying for compensation does not offer leeway for victims of abuse who tend to report crimes later, and who often need time to process the heinous abuse they have suffered before seeking any redress.

- ⇒ Women's Aid has experience of women who applied for compensation against a perpetrator, and this was used against them in court by their perpetrator, or women who were afraid to apply for this very reason.
- ⇒ We feel that the compensation system does not truly provide compensation for situations where the impact of abuse is long-term and life-changing. Compensation is geared towards single instances of very violent crime, and rightly so as in the vast majority of crimes it is these instances that have the biggest negative impact on victims. Abuse is different however – abuse is sustained and frequent, and is not merely a single incident. It is instead a series of instances of often lower tariff crime, combined with heinous abuse that is not in fact criminal. However the impact of this abuse is invariably long-term and life-changing. Women's Aid recommends that, if an exception is established for sexual and physical abuse, this exception should recognise and fit with the true nature of abuse and recognise the negative impact of coercive control and the cumulative effect of many instances of physical abuse. This should be reflected in the compensation granted.

) Regarding the proposals to tighten the existing provisions relating to an applicant's unspent criminal convictions, we appreciate the sentiment behind this proposal. However we would query whether criminal offences such as non-payment of TV licences would be included in this deduction. Including criminal offences relating to non-payment of TV licences and other similar financial crimes is problematic for several reasons.

) Firstly, it risks penalising those in poverty simply for being poor and unable to pay such fees. The economic downturn and austerity measures continue to drag many families in Northern Ireland into poverty, including those who would be categorised as "the working poor". Reliance on food banks and charitable donations has soared. For victims of domestic violence seeking to set up a new home after fleeing abuse, this poverty is felt even more keenly. It would be an injustice if significant deductions from compensation payments were made against victims of violent domestic or sexual abuse because they had a criminal record created by poverty.

) Secondly, including financial crimes like these risks penalising those who have suffered financial abuse. For instance, a woman may be abused by her husband, and may leave him and seek compensation following a violent attack. However, he may also have been abusing her financially while in the relationship, by refusing her access to money to pay household bills including the household rates, debts or TV licence. If these bills are in her name, she will be the liable party for non-payment. Therefore if her compensation is reduced because of her criminal record for non-payment, this victim is being penalised for abuse committed by a perpetrator. This would be an extremely unjust,

but not unlikely, scenario. We urge that the Department takes steps to guard against such a scenario from occurring.

- J We welcome that the Department has chosen not to restrict compensation to residents or citizens, thus allowing migrants and victims of trafficking to claim compensation.
- J We also welcome the proposal to re-invest savings to conduct research into a better way to capture the experiences of victims of domestic abuse and sexual crime. Women's Aid is of the view that the current means of collecting information about victims of crime such as the National Crime Survey, are not appropriate for victims of domestic or sexual violence and are unlikely to yield accurate responses or statistics.

### 3. Contact Details

For further information about this response please contact:

Louise Kennedy  
Regional Policy and Information Co-ordinator  
Women's Aid Federation Northern Ireland  
129 University Street  
BELFAST  
BT7 1HP  
Tel: 028 9024 9041

Email: [louise.kennedy@womensaidni.org](mailto:louise.kennedy@womensaidni.org)

Website: [www.womensaidni.org](http://www.womensaidni.org)

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