



**Request for views on Law Reform Commission consultation paper on
"compensating victims of crime. 14th April 2022.**

Introduction

Men's Aid Ireland provide a national service underpinned by a victim centric and human rights proofed approach aimed at ensuring all male victims of Domestic Violence / Coercive Control (DV/CC) receive the required support.

In 2021 we supported 8,000 contacts to our domestic violence service. This demand continues to increase having supported 853 contacts in February 2022 and so expecting to support 10,000 contacts in 2022.

Men's Aid support those victims who, from a gender perspective, primarily identify as male, including non-binary, intersex and transgender men within its support and services provision. However, it also acknowledges its responsibility to support all victims of domestic violence / coercive control and will provide 'support to report' for any victim, irrespective of gender, by referral to the most relevant of our civil society partners, with the informed consent of the victim.

Unfortunately, no current figures for actual male victims of DV/CC are available.

Research in this area shows that in 2005 Sarah Parsons and Dorothy Watkins in their survey of domestic violence found that 6% of men are likely to have experienced severely abusive behaviour.

Recent research in the UK and Denmark shows for every 3 victims 1 is male. (Office of National Statistics 2020, UK).

In 2019 Sinead Conneely, Roisin O'Shea and Shane Dempsey observed low figures of engagement with the Legal system (Dolphin House). They found just under 8% of males made applications for protective orders.

We know that where and when male victims disclose that such disclosures will be along a spectrum i.e. Coercive controlling behaviours to serious Assaults / endangerment / Sexual assaults.

Men's Aid appreciate the opportunity to submit views but do so in the context of a lack of current insights into engagement with the Criminal Justice system by the male victim. As a consequence, any engagement by the male victim in Criminal injuries compensation process is also unclear. It is estimated that approximately 95 % of these victims do not engage with the system.

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That said in 2021 almost 8,000 men engaged with Men's Aid an increase of over 40% on the previous year (2020). Anecdotally we have observed little knowledge on the part of the Male victim of their rights as a victim and equally no insights into the area in question i.e. "compensating victims of crime".

Men's Aid thank you for your invitation to participate in this consultation. We view this as important and most positive with particular regard to your committed endeavors to reach out to all victims including the harder to reach victims.

The following comments are made in answer to a select number of questions posed within the consultation paper

Chapter 3. Legislating for victim compensation.

What would be the stated aims of a statutory compensation scheme?

Men's Aid supports the recommendation as set out on pg. 19

- Reparation (repairing damage or harm)
- Compensation as of right
- Acknowledgement of victim trauma and solidarity with victims; and
- Reduction of secondary victimization (a negative reaction following the primary harm caused by the crime. For example: repeated questioning of the victim about the same facts).

Further having regard to the high impact of crimes associated with DV/CC we recommend that consideration be given to extending these aims to include -

- access to counselling / therapeutic services for victims in cases of DV/CC as referenced in the consultation paper (Sweden / Netherlands models)
- access to safe accommodation

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Who should run the scheme?

Men's Aid support the continued oversight by The Dept., of Justice.

This we believe would be in keeping with the need for enhanced collaboration in the delivery of victim's services to lessen any risk of secondary victimization. Further this approach would also assist in achieving the aims of National Strategy / Charters. / The Law in the delivery of a victim centric service.

- Criminal Justice Victims of Crime Act 2017.
- National Victims Charter.
- EU Directive 2102/29/EU
- A Safe, Fair and Inclusive Ireland, DOJ Statement of Strategy 2021-2023.

Chapter 4. Awards of compensation.

Are there circumstances where emergency awards of compensation should be paid?

Men's Aid note the occasions when compensation may be paid to a victim.

We believe that it is important for the victim irrespective of gender that they be able to access financial supports when they (the victim) find it necessary to leave their family home for reasons of personal safety. While recognizing that every case is different, we believe that every support should be given to the victim to meet their primary need for safety. When this can be achieved opportunities to engage with The Civil Protective services (Family Law Courts) and /or the Criminal Justice Process may occur.

Chapter 5 Eligibility and exclusion

Should victims with psychological injuries but no physical injuries get compensation under the scheme?

Men's Aid notes that presently it is unclear if a person with psychological injuries, but no physical injuries can receive compensation under the scheme.

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In this regard we would like to reference Section 39 of The Domestic Violence Act 2018 and the offence of Coercive Control. This section (in our respectful view) provides for Domestic Violence in its many manifestations, including psychological abuse and is an offence that may carry 5 years if convicted on indictment. With this in mind we recommend that consideration be given to recognising psychological abuse in DV as a distinct ground for compensation.

Chapter 6 procedural issues

Men's Aid note this chapter and agree with the overall aims within same. We believe that victims need to be fully supported and the compensation scheme should be sensitive to the needs of the victim. We agree that access should be fully supported by the inclusion of information in languages used by the victim and also regard should be had to ensuring that information is available in the Irish language in keeping with the Irish language strategy 2010-2030 and the Official languages Act 2003 as amended.

Would an online application process be easier for all types of applications?

Men's Aid support a move towards a dual process and ultimately a full online process.

Should the current three-month time limit to apply be changed?

Men's Aid support a change to increasing the time limit to a period of 12 months to allow regard be had to the complexities of disclosure in cases of DV/CC which in many incidences are only partial and may only move to full disclosure after lengthy periods of time because of the many barriers impacting negatively on the victim.

What supports are needed to help the victim go through the compensation process?

Men's Aid supports / recommends that legal representation (costs/expenses to be set out) should be given or made available as an option to each victim. Further support services engaging with the victim should be fully briefed regarding the compensating of crime victims to enable them to in turn fully support the victim.

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How can victims or applicants be protected from secondary victimization?

The efforts undertaken by the Law Reform Commission as part of this consultation process are to be commended. The approach adopted by the commission was one of ensuring that the process was delivered in a user friendly and respectful manner. Further the use of plain language, the clarity of language and the clearness of information along with repeated reference to engage with supports help ensure that secondary victimisation and any risk of same was greatly reduced. Men's Aid recommend that this approach should serve as a model for the delivery of the compensation process.


Conclusion

Men's Aid Ireland acknowledge the efforts of the Law reform commission and thank them for the opportunity to make this submission on behalf of the male victims who engage with our service.

Ends.

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