

COIMISIÚN UM ATHCHÓIRIÚ AN DLÍ PREASRÁITEAS

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Law Reform Commission publishes

**Report: Compensating Victims of Crime**

**Monday 23<sup>rd</sup> March 2026:** The Law Reform Commission has today published its Report on **Compensating Victims of Crime**, at an event at the Commission's offices in Styne House, Dublin 2.

This Report on **Compensating Victims of Crime** details the **proposed statutory basis** for a compensation scheme for victims of crimes of violence and for **an independent body to assess and determine claims for compensation**. The Law Reform Commission ("Commission") engaged with victims, professional bodies, human rights organisations, advocacy bodies, individual experts, representative groups, and relevant government departments during its extensive consultation process.

The State has been compensating Victims of Crime since 1974 under an administrative scheme. However, this Report addresses the need for **a completely new compensation structure** which is victim-centred and takes a rights-based approach to compensating victims for the suffering they have endured as a result of violent crimes. This scheme should **assist in the victim's recovery from the crime of violence by providing fair, appropriate, and timely compensation**. For this reason, the Commission recommends **the provision of compensation without delay, and without waiting for the outcome of any criminal or civil proceedings**. For the purpose of the scheme, a person is a victim of a crime of violence if they have suffered harm (including physical, mental or emotional harm or distress ) as a direct result of that crime.

Against this background, the Commission recommends the introduction of legislation to create **a new independent statutory body, with clear objectives aimed at acknowledging, on behalf of the State, the impact of a crime of violence on the victim**. The proposed

objectives ensure clarity, certainty and permanency – features which cannot be achieved in a purely administrative scheme such as the current Tribunal.

To ensure that victims receive appropriate compensation payments for the harm they have suffered, the Commission recommends **that victims should be assisted as much as possible with their compensation applications by staff who are specially-trained to provide trauma-informed support and to avoid re-traumatisation or secondary victimisation of victims.** The proposed application process **is designed to ensure that applicants are enabled to claim the payment they are entitled to.** Information should be provided in an accessible form, and if required, applicants should be helped by the staff of the new body to prepare their applications. The Commission recommends that **the application procedure should allow applicants to track the progress of their application.**

This statutory body will **assess applications, decide if an applicant is eligible and if so, decide the appropriate payment to compensate victims for the harm they have suffered, including payments for pain and suffering.** Separately, the body should be able to **reimburse reasonable expenses and some loss of earnings** where appropriate. These recommendations are designed to **bring the state compensation scheme into compliance with European law** and a recent decision of the European Court of Justice that the scheme should compensate for pain and suffering.

This scheme addresses only the right to compensation for victims of crimes of violence, although the proposals **adopt a sufficiently broad definition of ‘harm’ so that the harms associated with both physical and non-physical violence are captured.** Apart from offences which are obviously violent like murder and assault, other **offences such as harassment and stalking, intimate image abuse offences, and domestic violence offences should be expressly included in the definition of crime of violence** in the Commission’s view. Recognising that crimes of violence give rise to different levels and types of harm, the Commission recommends that **the definition of harm should clearly encompass non-physical impacts arising from particular offences such as sexual offences and domestic violence, including mental or emotional harm or distress as a result of a crime.**

**The Commission recommends** that the statutory scheme should provide compensation for **reasonable, verifiable expenses, including loss of earnings, not covered by any other source, incurred as a result of the crime of violence, without a minimum or maximum threshold.** Moreover, the Commission has recommended payment of general compensation for pain and suffering with minimum and maximum thresholds. In determining general compensation payments, **the statutory body should use a band scheme reflecting cases where the impact of the crime on the applicant was (a) severe (b) serious, (c) moderate or (d) minor. A fifth category of payment applies where a crime of violence resulted in the death of the victim.** **The Commission recommends** that each band category should provide a minimum and maximum amount of compensation which should be fixed by statutory instrument. The top band, Category A, will represent a maximum threshold, or a cap, for

general compensation payments. The bottom band for non-fatal cases, Category D, will contain a minimum threshold.

The recommendations provide **detailed provisions for exclusions from the scheme, for example, cases of fraud, collusion or contributory misconduct**. The proposals would also allow for the state to **recoup double payments** (where, for example, damages are recovered in civil proceedings) or payments which are subsequently found to have been based on fraud. **The Commission recommends** that the statutory body **may refuse a payment, or make a reduced payment**, where it considers that the payment would be so contrary to the interests of justice that public confidence in the compensation scheme would be undermined. The exercise of this exceptional discretion requires extra safeguards and reasons must be published if it is used.

In the view of the Commission, **decisions should be made about compensation as quickly as possible**. The Commission recommends that **interim compensation payments may be made in appropriate cases for example**, where the appropriate final payment cannot be determined quickly and an applicant requires urgent financial assistance. The only ground for delaying a decision is where it might interfere with the interests of justice. In this regard, the Commission notes that a conviction is not a prerequisite for a claim for compensation in the current scheme and the Commission recommends that stays the case.

**With regard to staffing of the statutory body, the Commission recommends** that it should be **adequately staffed to ensure sufficient support is available for all applicants and that speedy decisions can be made on applications for compensation by independent adjudicators**. Appeal panels should consist of three assessment and adjudication officers of the statutory body, with a minimum of one legally qualified panel member. All staff of the statutory body and all assessment and adjudication officers should be provided with the **training** necessary to enable them to work with and respond to the needs of victims of crimes of violence.

The law already allows the courts to order convicted persons to pay compensation to victims. This provision is not frequently used for a variety of reasons and the Commission acknowledges that not every accused person will be in a position to pay compensation. Nonetheless, **where a convicted person in an appropriate case has means, the Commission believes they should pay compensation to their victims and it has made recommendations to increase the use of the existing provisions**. This includes ensuring victims are informed of the court's ability to make such compensation orders and of their right to outline their losses in a victim impact statement.

Because of the assistive function which is built into the proposed statutory body, the vast majority of applications should not require the assistance of a lawyer. However, the recommendations **allow for lawyers in appropriate situations**, including complex cases or the personal circumstances of the applicant. The Commission **recommends a contribution towards the costs on a scale of fees** as recommended by the statutory body and approved

by statutory instrument. Pre-certification for a contribution towards legal costs would be permitted in limited cases where the body believes an application cannot be made without a lawyer.

The Commission recommends a **new application time limit of 2 years** from date of the crime giving rise to the claim, with some exceptions, for example children may apply up until 2 years after turning the age of 18. This is to reflect the understanding that victims can be deeply traumatised after a violent crime and may need recovery time before they can make an application.

The Commission recommends that **in general, the crime must be reported** to Gardaí (or Fiosrú) and **applicants must cooperate** with the investigating and prosecuting authorities, and with the statutory body itself, unless there are good reasons why this wasn't possible. This is to assist the statutory body with making decisions and to assist with the administration of justice.

The Commission recommends that the statutory body **should provide information and assistance to victims in accessing victim support services** and assist with **cross-border applications** for compensation in other EU States.

The Commission recommends that **application forms should be accompanied by a guidance note in plain language which explains the entire application process**, all documents required and who should or can obtain them, and in what circumstances, as well as all of the applicant's rights throughout the process.

The Commission recommends an inbuilt **internal appeal** to help keep the delay and costs of appeals to a minimum. The Commission recommends that the appeals tier should involve three decision-makers and that it should have **the power to determine the application at an entirely new hearing** or the hearing can be restricted where not all aspects of the decision are appealed by the applicant. Where the appeal relates to contributions to costs, it will be dealt with 'on the record'. Further recommended safeguards include the **publication of appropriately-redacted decisions and of the procedures, rules of procedure and practice directions** of the statutory body. Finally, the Commission **recommends judicial oversight** take the form of appeals to the High Court on a point of law.

The Commission intends that this new scheme will provide **timely, fair and appropriate compensation** to victims, which should help them access the **assistance** they need and **aid their recovery** from the impact of violent crime. It is central to this recommendation that **the statutory body is funded from predictable and sufficient government funds**. This is not currently the case and evidence suggests that the limited funds available to the current scheme have led to delays in the past for payments to victims of crime.

Finally, the Commission recommends that a person should be **eligible for compensation if they suffer harm** in other circumstances that may warrant state-funded compensation, for

example, **while saving a life, or when coming to the assistance of a member of An Garda Síochána** who is under attack, trying to prevent the commission of an offence, or save a life.

The Commission has prepared a draft Bill, the Compensation for Victims of Crimes of Violence Bill 2026.

The Report will be available on the Law Reform Commission's website, [www.lawreform.ie](http://www.lawreform.ie), **from 5pm on Monday, 23rd March.**

The Executive Summary of the Report can be accessed through the Commission's website [www.lawreform.ie](http://www.lawreform.ie), **from 5pm on Monday, 23rd March.**

Beidh leagan Gaeilge den achoimre fheidhmeach ar fáil go luath ar [www.lawreform.ie](http://www.lawreform.ie)

**For further information, contact Larry Donald, Heneghan 087 2581787 or Michael Hall, Heneghan 087 3106238.**

**Background Notes for Editors.** The Law Reform Commission is an independent statutory body whose mission is to keep the law under independent, objective, and expert review, to make recommendations for law reform, and to make current law accessible for all. The Commission strives to ensure that the Commission's law reform publications are practical, relevant, solutions-driven and focused on the end-users of legislation. To date, the Law Reform Commission has published over 200 publications (Working Papers, Issues Papers, Consultation Papers and Reports) containing reform proposals. The majority of these proposals have influenced the drafting and content of Irish legislation.