

# DÁIL ÉIREANN

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## AN COMHCHOISTE UM DHLÍ AGUS CEART, GNÓTHAÍ BAILE AGUS IMIRCE

### JOINT COMMITTEE ON JUSTICE, HOME AFFAIRS AND MIGRATION

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*Dé Máirt, 28 Aibreán 2026*

*Tuesday, 28 April 2026*

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Tháinig an Comhchoiste le chéile ag 3 p.m.

The Joint Committee met at 3 p.m.

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Comhaltaí a bhí i láthair / Members present:

<b>Teachtaí Dála / Deputies</b>	<b>Seanadóirí / Senators</b>
Tom Brabazon,	Robbie Gallagher,
Paula Butterly,	Garret Kelleher,
Gary Gannon,	Anne Rabbitte,
Pádraig O'Sullivan,	Lynn Ruane.
Mark Ward.	

Teachta / Deputy Matt Carthy sa Chathaoir / in the Chair.

## Supports for and Experiences of Victims of Crime: Discussion

**An Cathaoirleach:** Apologies have been received from Deputy Callaghan. I remind members and guests to turn off their mobile phones or switch them to flight mode. I am delighted to say that the purpose of this meeting is to have an engagement on the topic of supports and experiences of victims of crime. On behalf of the committee, I extend a warm welcome to all of our guests. They are Ms Ruth Maxwell, criminal injuries compensation tribunal, CICT, consultant, victims' representative and victim survivor; Ms Lynette Bradshaw and Ms Susan Whelan from Accompaniment Support Services for Children; Dr. Ian Marder and Ms Sara Murphy from Victim Support at Court; Ms Joan Deane and Ms Kamila Lewandowska from AdVIC; Dr. Liam O'Driscoll, lecturer in law at TU Shannon; and Ms. Michele Puckhaber, chief executive of the Crime Victims Helpline. We are also delighted to welcome Ms Niamh McGuinness, who is a victim and survivor of crime.

The format of the meeting is that we will invite each organisation or individual to make an opening statement to a maximum of three minutes and then members of the committee, in the order in which they have indicated to me, will put their questions. In order to manage the committee's time effectively, we will have strict time limits on the engagements to allow each member to have an equal opportunity. If time permits, we will allow for a second, shorter round.

Before I invite those opening statements, I have to explain some limitations to parliamentary privilege and the practices of the Houses as regards references a witness may make to any other people in their evidence. The evidence of witnesses physically present or who give evidence from within the parliamentary precincts is protected, pursuant to both the Constitution and statute, by absolute privilege. Witnesses are reminded of the long-standing parliamentary practice that they should not criticise or make charges against any person or entity by name or in such a way as to make him, her or it identifiable or otherwise engage in speech that might be regarded as damaging to the good name of the person or entity. Therefore, if their statements are potentially defamatory in respect of an identifiable person or entity, they will be directed to discontinue their remarks. It is imperative that they comply with any such direction.

We have quite a number of guests. We will move through the opening statements as quickly as possible. I extend a particularly warm welcome to Ms Ruth Maxwell, who in many respects is the reason we are having this hearing and why there has been some progress on this matter. She is very welcome and I thank her for being here.

**Ms Ruth Maxwell:** I thank members of the committee for the opportunity to speak. I am a victim of violent crime and I also support other victims in navigating the criminal injuries compensation process. In my own case, the perpetrator is now the longest serving prisoner in the Republic of Ireland due to consecutive sentencing. However, that level of recognition is not applied consistently and victims' experiences are not reliably reflected within the system. I became aware of appeal hearings in my own case through the media, which caused significant distress to both me and my family. Through both my own experience and my work with others, I have seen that victims are left to navigate complex systems without structured post-trial support. There is no consistent pathway to help people stabilise or rebuild their lives. Ten years after the crime, I remain on a waiting list in relation to my injuries. I only received full psychological support last year, nine years after the offence.

I only received full psychological support last year, nine years after the offence. As my physical injuries worsen, there is still no long-term support framework in place. I live alone, which compounds the day-to-day impact. There is no dedicated organisation specifically supporting victims of violent or knife crime. As a result, recovery is prolonged and isolating, and in many cases harder than it needs to be. The compensation process is a central part of the problem. It is not accessible in practice. Victims are required to gather evidence, understand the process and manage applications while dealing with trauma, injury or grief. The burden of making the system work is placed on the victim.

This is not an isolated experience. It is something I see consistently across victims of violent crime, including those affected by domestic and sexual violence. The issue is not whether a compensation scheme exists; it is whether it is workable. At present, it is not. While there are positive elements in the proposed reforms, the key test is whether they reduce the burden on victims in practice. My submission sets out practical recommendations, including automatic access to support, and reducing the reliance on victims to gather evidence themselves. Without these changes, the system will continue to place responsibility on those least able to carry it.

**Ms Lynette Bradshaw:** I am co-founder and co-executive director of Accompaniment Support Services for Children, ASSC. I am joined by my colleague Susan Whelan. I thank the committee for inviting us to make a submission on the important topic of representing children, young people and families moving through the criminal justice system. The ASSC provides specialised support throughout this journey, with a core vision of a child-friendly justice system. Victim support is a key aspect of the State's fulfilment of its obligations to victims of crime under the EU victim's directive and the victims of crime Act. The ASSC supports the State in fulfilling this.

The ASSC operates on a hybrid staff-volunteer model. Our accompaniment services rely on volunteer support. We would not be able to reach so many children without their dedication and the dedication of our small team. The ASSC has seen exceptional growth. Overall, the charity has seen a 150% increase in services in the past two years. This reflects a charity responding to a growing and valuable need for children. The ASSC recognises that children are a distinctive, vulnerable group of people who need individualised, specialised support. Children who have experienced crime are not only vulnerable due to the nature of being a dependant, but also due to their age, the passage of time and their ongoing development. All of this relates to their ability to be their best witness possible. This impact is reoccurring as they move through the criminal justice system, thus demonstrating the importance of delay reduction measures within the system.

The ASSC welcomes the recent development of the establishment of the inter-agency protocol to expedite child victims and defendants within the Central Criminal Court jurisdiction. This initiative supports the ASSC's call for a centralised court pathway for children. The ASSC identifies several barriers that prevent children from remaining engaged in the criminal process. These are late referrals for ongoing support, the levels of trauma experienced by children due to the impact of crime and the criminal justice process, challenges in understanding language and processes and being fearful of speaking up and asking questions. Children are also more likely to be engaged in parallel systems, which results in complex and impactful cases.

Children have the right to procedural justice. Giving them choice and voice will allow children to remain engaged and supporting better outcomes with harm reduction. Data collection on child victims is limited and not collated or co-ordinated nationally. This directly impacts this group. This data could transform policymaking, ensuring that policies are evidence-based and that resources are targeted for maximum effect. The ASSC requests that the committee consider the recommendation for a separate and centralised court pathway through the criminal justice system for children. This recommendation has a number of key components.

At the heart of the work are the children themselves. They demonstrate extraordinary courage in breaking their silence and disclosing information to a trusted adult. An effective system sends a clear message to those who perpetrate offences against children that this group is prioritised, supported and, by consequence, less vulnerable. The ultimate objective is harm reduction and a direct, measurable improvement in outcomes for children, young people and families.

The recommendations include a dedicated model of specialised support for child victims and witnesses of crime, an automatic referral pathway into the ASSC, sustainable and adequate funding provisions, centralised data collection on the prevalence and experience of child victims of and witnesses to crime, research into international best practice, a robust mechanism for capturing and evaluating feedback directly from children and young people and the establishment of an advisory group. I welcome questions and further engagement.

**Ms Sara Murphy:** As the Criminal Courts of Justice, CCJ, manager of Victim Support at Court, V-SAC, I am delighted to address the committee. I am joined by the deputy chair of our board, Dr. Ian Marder. As court is a difficult environment for anyone, our comprehensively trained volunteers provide support, accompaniment, practical advice and access to a separate area within the courthouse away from the public. We ensure victims and witnesses are not alone and can navigate courts with dignity and resilience. Since finalising our national expansion in 2024, any victim or witness coming to court can access V-SAC's court accompaniment services, anywhere in the country. V-SAC is funded by the Department of Justice and works closely with An Garda Síochána, the Office of the Director of Public Prosecutions, DPP, the Courts Service and other victims' services. In 2025, 100 volunteers gave 2,909 days to support 3,917 victims and witnesses. The cases involved included murder, rape, sexual assault, assault, domestic violence, dangerous driving causing death and many others.

In 2023, the European Commission proposal to amend the victims' rights directive stated that all victims in the EU have at least a right to be assisted during a trial and cited V-SAC specifically as a model of good practice. As an active member of Victim Support Europe, V-SAC maintains deep connections with victim support bodies across Europe. We recognise research which illustrates that victims have service needs, expressive needs and participation needs. A Department of Justice report in 2019 is essential reading, outlining how meeting victims' needs in Ireland requires bespoke services, procedural justice and other investments unrelated to sentencing outcomes. We note that gaps remain in the provision of court accompaniment and other services for victims of crime. In particular, we are concerned that some people do not become aware of our service. Referrals to V-SAC are based on the discretion of judges, gardaí and the prosecution staff. We hope the committee will explore

potential structures in which victims opt out, as opposed to opting in to receiving an offer of service. We also hope the committee will consider a national, general victim support service in line with other EU countries so that all victims receive the offer of support.

Ireland also requires a victims' commissioner or an ombudsman with the resources and powers to drive change and ensure that victims' rights are fully implemented in practice. We also support efforts to encourage and facilitate national collaborations across the victim support and criminal justice sectors to co-create and align on meaningful change. We urge committee members and other decision makers to explore how other European countries organise, fund and legislate for victim support and draw on best practice to co-design a comprehensive system in conjunction with Irish stakeholders.

**Ms Kamila Lewandowska:** I thank the Chair and committee for the opportunity to address them today. I am here on behalf of Advocates for Victims of Homicide, AdVIC. We are an organisation supporting individuals and families who have lost a loved one to homicide. Our work is grounded in front-line experience working with families in the immediate aftermath of homicide and often for many years afterwards. Today, I will make three brief points about the lived experience for families, the gaps in the current system and the changes we believe are needed.

Families affected by homicide experience one of the most severe forms of trauma and bereavement. The impact is shaped not only by the loss but also by the sudden and violent circumstances of the death, media attention and prolonged engagement with criminal justice processes. In our experience, the effects are deep, complex and long lasting. Many people experience trauma, anxiety, depression, prolonged grief, and significant disruption to family life, work, education and relationships. Children and young people can be particularly affected. However, access to long-term, trauma-informed counselling and psychosocial support remains limited. Support is often short term, inconsistent or unavailable when it is most needed. Families must also navigate a complex system involving An Garda Síochána, the courts, compensation processes and support services, often without clear guidance or a single point of contact.

At a time of extreme distress, families are effectively left to co-ordinate their own support. We consistently see a lack of co-ordination between services, inconsistent communication at different stages of the process, financial strain and significant stress caused by navigating complex systems alone. The criminal injuries compensation scheme is another source of stress. Families frequently experience the process as slow, complex, and impersonal. Delays and procedural barriers can add further strain during an already devastating time.

From our work, a number of system gaps are clear. There is no single body with overall responsibility for the victim experience. Support is inconsistent, depending on location and service provider. Services are fragmented rather than co-ordinated. Based on these experiences, we ask the committee to consider several key actions. We call for the establishment of an independent victims' commissioner to provide oversight, accountability, and a clear national voice for victims. We also call for significantly improved supports for families bereaved by homicide, including access to long-term counselling, better co-ordination between agencies, a clear pathway for families, and reform of the criminal injuries compensation scheme. Families affected by homicide cannot be expected to navigate trauma

and complex systems alone. With the right structures and supports, we can provide a more effective and humane response.

**Dr. Liam O'Driscoll:** I thank the Cathaoirleach and committee members for the opportunity to speak with them today. Last year, I completed my doctoral studies on State compensation for victims of crime in Ireland, so I shall speak to this issue in light of the recently published report from the Law Reform Commission.

The criminal injuries compensation scheme has existed since 1974 but has seen minimal reform. While improvements have been made in recent years, victims face low awareness of the scheme, strict time limits, complex processes, and a heavy burden to gather evidence while recovering from trauma. Many describe the experience as adversarial, obstructive and retraumatising. Recent rulings from the European Court of Justice make clear that victims are entitled to fair and appropriate compensation, including for pain and suffering, exposing serious shortcomings in our current system. The commission's report is, therefore, a welcome and necessary step toward a statutory, victim-centred and trauma-informed scheme.

Much of the report is to be commended. However, I wish to highlight several areas requiring improvement. Certain exclusions in the commission's draft Bill, including crimes on foreign-registered aircraft bound for Ireland, road traffic offences and the maintenance of a child born as a result of sexual violence, may produce unfair outcomes and warrants further reflection. The solatium payment in fatal cases, currently capped at €35,000, must be set significantly higher in the legislation. In addition, the four bands proposed by the commission for pain and suffering are not sufficiently detailed to reflect the individual suffering requirement as required by the European Court of Justice. The contributory misconduct rule in section 22 of the draft Bill should not apply to indirect conduct, and in homicide cases an award should always be made unless there are exceptional reasons otherwise. The contributory misconduct provision must only apply after decision-makers of sufficient seniority have reviewed the case and only after an oral hearing has taken place. The broad and sweeping public interest discretion to reduce or refuse an application in section 27 should be removed entirely.

Time limits should be extended from three months to six years, aligned to assault and battery and not negligence, and should not begin until the conclusion of police investigations or criminal proceedings. There should be no upper statutory long-stop. In various places in the draft Bill, there should be more explicit obligations on the statutory body to make applicants aware of their entitlements in areas such as interim payments, oral hearings and legal costs. The statutory body needs strengthening, with an independent board, regular training obligations, and a mandatory rather than discretionary duty to conduct public awareness and research.

No victim should be denied compensation out of a fear their compensation application will be used against them in the criminal trial. Additionally, offender compensation should be made more accessible in criminal courts but careful consideration is needed here in relation to offenders, rehabilitation and debt management. The "same roof" rule must be abolished retrospectively and Ireland must establish a victims' commissioner to independently protect victims' rights across the justice system.

With my suggested amendments above, along with the further refinements set out in my written submission, the commission's report and draft Bill are real opportunities to deliver a

State compensation system that is fair, accessible, and truly centred on victims. I thank the committee and I welcome any questions.

**Ms Michele Puckhaber:** I thank the committee for the opportunity to speak with it today. Crime Victims Helpline is Ireland's only national support service for anyone who has been affected by crime. We provide a free, confidential service through the 116 006 helpline, as well as by email, text and webchat. We listen, we provide clear information about victims' rights and the criminal justice system, and we guide people to appropriate services.

The core message I want to leave with the committee today is that we need to change the system in Ireland that supports some victims but leaves many others behind. A two-tier system has developed in which some victims can access structured, ongoing support while others cannot. There are specialist services for certain categories of crime, such as for domestic abuse, sexual violence and homicide. These services are essential and they must be protected. However, there is a much larger group of victims comprising people affected by what we might call general crime, such as assault, burglary, harassment, robbery, arson, and fraud. There are no services for these victims beyond the Crime Victims Helpline and victim support in court, if the case makes it to court. There is no in-person practical assistance or counselling and there are no personalised support plans.

The Crime Victims Helpline can listen, inform and guide but it cannot replace structured, ongoing, individualised support. This is what many victims need in order to recover as well as to engage meaningfully with the criminal justice system. Crime Victims Helpline has submitted a proposal to the Department of justice to pilot a comprehensive support model for victims of general crime, who currently fall outside existing services. We are ready to deliver this. We have national reach, we have the expertise and we have the trust of victims and the criminal justice system. What we do not have is a mandate or the resources to meet this need. Support for victims of crime in Ireland cannot remain piecemeal. It must be planned, it must be resourced and it must be available to all victims. I thank the committee members and I look forward to their questions.

**Ms Niamh McGuinness:** There is clearly so much work to be done in this area, and I am grateful for this opportunity to contribute to the conversation. I have been working with people impacted by adversity for over two decades, including people experiencing poverty, addiction, homelessness and mental ill health. I am also a mother whose son was murdered. Losing a child is everyone's worst nightmare. Losing a child to violence adds another layer of horror that is impossible to articulate. My son was kind, empathetic, loved animals and music and is adored and missed unbelievably by his family. He is now part of a devastating statistic, which is that 85% of homicide victims in Ireland are male. Despite this number, our systems are built on subtle victim-blaming. We have made great progress in creating appropriate outrage regarding violence against women but there is a pervasive assumption that men invite violence through their lifestyle or choices. That cultural bias leads to a massive disparity in empathy and, consequently, a massive disparity in funding for interventions and supports.

My experience of navigating the very system this committee is reviewing has revealed a system that can inflict secondary trauma. Initially I was told by gardaí that they had "the body of a deceased male." I had to beg them to stop referring to my son as a body. When I went to identify him I was separated from my son by a glass screen and treated as a witness to evidence rather than as a grieving mother. I could not hold him or go to him. Legal technicalities left

him in a morgue for seven days, leading to physical changes that caused me to black out when I finally did get to hold him. I was only informed after I identified him that I would be required to give evidence at the Coroner's Court.

Despite making it extremely clear that I did not want to hear any details of injuries, unfortunately, they were mentioned.

The traumatic loss of my son made me contemplate living. To survive, I made a conscious choice to not hear the details of my son's final moments. I sat outside the courtroom and attempted a media blackout. I sat outside the courtroom with my young daughter every day of the trial to shelter us from the horror, only later to have the graphic details screamed at us through a car radio. This was despite heartfelt letters to the Press Ombudsman and the Garda Press Office, begging for discretion regarding just the details. The State's current response to the shattering of a human life is a leaflet and a cap of 12 counselling sessions. It is absolutely astounding that the primary organisation for homicide victims receives less than €200,000 in annual funding. Twelve sessions cannot begin to pick up the pieces of a life destroyed by the violent loss of a loved one.

I will turn to recommendations. I am calling for a radical shift toward a trauma-informed ecosystem to support victims and to interrupt violence. I am also calling for: the establishment of a trauma care centre, a physical building, a fully resourced sanctuary providing long-term psychological care, peer support, and advocacy, violence intervention and restorative justice to help break the cycle of violence; recurring trauma-informed communication training for gardaí and morgue staff to ensure basic human dignity; and a right to shield, namely, legislative reform to protect families from the secondary assault of graphic media reporting. We must amend section 27 of the Civil Law (Miscellaneous Provisions) Act 2008 to allow judges to prohibit the publication of sensationalist details that serve no public interest. A key driving factor of violence is exposure, so graphic details are not in the best interests of the public. There should also be a reformed criminal injuries tribunal. Paragraph 14 should be removed. This allows the State to deny compensation based on a victim's lifestyle - a practice rooted in stigma and judgment, often leading to families who need financial support the most not even applying.

I was sent a link to register with the Irish Prison Service so I could be notified every time the perpetrator is moved or has a status change during his life sentence. The State has this high-tech system to track the perpetrator, yet I was not offered a link or a pathway to seek help for the life sentence of grief I was handed. I also cannot help but wonder if there was similar investment in violence intervention work, whether it might have been able to interrupt that perpetrator's pathway to violence before the ultimate damage was done.

It costs the State approximately €2.5 million to imprison one person for 25 years. Early trauma intervention costs a fraction of that amount. If we fund prisons but ignore victim recovery and violence intervention, we are presiding over a failure of social justice. We know that people who commit violent crimes often experience violence first as victims. We must do everything we can to break that cycle so that yesterday's victims do not become tomorrow's perpetrators by funding recovery and intervention. I am asking this committee to ensure that no other family is told, through silence or underfunding, that their loved one's life mattered less. Intervention and postvention can equal prevention. I thank the committee.

**An Cathaoirleach:** I thank Ms McGuinness, and all our opening speakers. As I said, we virtually have a full house of members here as well, and I think this is an indication of the importance this committee is attributing to this issue and our determination that the voices of victims and survivors of crime are heard in terms of the overall policy approach. I thank everyone. I thank Ms Maxwell and Ms McGuinness for bringing their personal experiences to the committee, which I think will help inform the debate.

I suggest that members have six-minute contributions in the first round and then we will see if we have time for a second round. I call Deputy Ward.

**Deputy Mark Ward:** I thank everybody for their opening statements, particularly Ms Maxwell and Ms McGuinness for bringing their personal touch here. The area where I grew up was and still is blighted by crime. I was not aware of the compensation scheme until I started reading up on it in relation to today's meeting. That work needs to be done and the information needs to get out there. I will be ringing a few people after this meeting today and asking them if they were aware of it, because I do not think that people I represented would have been aware of that compensation scheme.

I have a couple of questions. The first is for Dr. O'Driscoll. He mentioned the fear that victims have around compensation applications being used against them in a criminal trial. Does that happen often? Can he expand on that point a little bit more?

**Dr. Liam O'Driscoll:** Yes. There is evidence from Northern Ireland and England and Wales from the victims commissioner there that suggests that victims, especially sexual violence victims, are being told not to apply for compensation as it will potentially be used to undermine them in court. They are then applying late after the criminal trial, and because they have applied late, they are being denied compensation. There is some evidence that this is also occurring in Ireland. As part of my research, I have spoken to people who have suggested that this does happen as well. In reforming this scheme, I think we need to take account of that with a time limit and allow people to apply late if they wish to delay the making of an application to the tribunal.

**Deputy Mark Ward:** At the moment, I think it is three months and there is an ability to go up to two years. Dr. O'Driscoll is advising that there be a longer time.

**Dr. Liam O'Driscoll:** The Law Reform Commission is suggesting two years and that this be extendable up to ten years. There are some exceptions around this as well. I am saying that the baseline should be at least five or six years in line with the civil process for assault and battery. Ideally, for someone in that particular situation, there really should not be a time limit, because if they are delaying the application because they are worried it is going to be used against them, then it should absolutely be the case that they are allowed to delay and allowed to apply later, instead of the time limit going against them, if that makes sense.

**Deputy Mark Ward:** We have had big debates in relation to the use of counselling notes against survivors and victims of sexual assault over the last while. It seems to be that when people are going to look for help, the help that they are looking for is going to be used against them. I think that is the wrong way to be approaching this altogether.

**Dr. Liam O'Driscoll:** Yes, absolutely. In my written submission, I refer to research conducted by the group, Beyond Surviving, in relation to counselling notes. The issue here is

very similar, because material is being brought into the trial in some way. I think we need to take account of that research. I encourage members to look at that research in detail because there is a lot of good information in it around what victims think about these processes.

**Deputy Mark Ward:** Okay. I ask Dr. O’Driscoll to excuse the ignorance, but will he explain the term, “same roof rules” please?

**Dr. Liam O’Driscoll:** Up until 2021, if a person lived with a perpetrator, he or she could not apply to the criminal injuries compensation scheme. That was abolished in 2021, and rightly so, but my understanding is that it was only abolished on a prospective basis. For the last couple of years, there have been victims who have been denied compensation because their claim related to pre-2021. Looking again at England and Wales, that retrospective retention of the rule was held to be contrary to the European Convention on Human Rights. That is something that also needs to be accounted for. Essentially, domestic violence victims were excluded from the scheme up until that time.

**Deputy Mark Ward:** That would occur more often, particularly in the current climate of the housing crisis, where people just do not have an option to be able to leave the home they are in.

**Dr. Liam O’Driscoll:** Yes. Even if we think of a situation like two young people living in a house share as tenants. Does it apply in those cases? Some decisions of the tribunal suggest it does, while others suggest it does not. It is really unclear. It is quite a controversial one and problematic in many ways.

**Deputy Mark Ward:** I thank Dr. O’Driscoll. I have a question for Ms Maxwell, if that is okay. She mentioned the process that victims go through in respect of having to gather evidence in relation to compensation and how a primary statutory body would be better placed to do so. Would a primary statutory body be better placed to do so?

**Ms Ruth Maxwell:** Yes, absolutely. Initially, you have three months to get your application in. Like me, however, if you were suffering from injury and had multiple surgeries, and then dealing with detectives for criminal proceedings, you were obliged to start getting your statement together from the detectives within the three months, and yet having to do re-enactments. You are trying to gather that information.

**Deputy Mark Ward:** What kind of information is this in respect of gathering evidence? Would this include statements from the Garda?

**Ms Ruth Maxwell:** Yes.

**Deputy Mark Ward:** Would it also be in relation to loss of working and all that kind of stuff?

**Ms Ruth Maxwell:** In my case, the tribunal had said it would be contacting my employer, so I did not need to do that. It transpired four and a half years later that it just rang my employer once to see if I worked there. I had to go back to my employer to ask for all the details I may require. The tribunal had accused me of not helping it properly and sufficiently to help it to gather evidence. This went around through all different kinds of systems. I had to deal with the Department of Social Protection because I was not able to work. I had to gather all the information from there as well for the tribunal, despite it saying it would deal with it. There was a doubling up of so many documents. Reports were coming in years later.

It was so overwhelming trying to get all this evidence. At one stage, I was told that the tribunal had no medical reports in relation to my injuries. I refused to deal with it then, so the Minister for Justice set up a mediation team at the time. I sat with a few friends and had my files with me. I said that all of the medical reports were in there and it said that it needed more. The detectives on the case were so embarrassed that they had got in touch with the DPP's office to get all of the evidence that was submitted to court to give to the tribunal, and it refused that. This went on for four years. There was no communication whatsoever from it for four months post trial. I emailed, rang and so forth. That is something which is still going on with clients I have when it comes to dealing with the tribunal. There is just silence for months on end, and then there is always a reason as to why. The reason given to me was that it was moving offices.

I was trying to gather all of the evidence but the process was not clear. I was ringing people to ask them about the process. I was told to get off the phone because there were probably people with worse injuries than me trying to call. I cannot even begin to describe how horrific the whole experience was. The tribunal was saying that it would have to wait until the final appeal from all the cases because it was one offender who had attacked multiple victims. That final appeal took place last week. That would have meant that it would have taken ten years for it to even consider my application just for my loss of earnings and medical expenses. It told me that there was nothing in relation to psychological trauma. I said that of course there was, so I got a psychiatric report and more medical reports to submit to it. The tribunal had agreed to cover the cost of them, however. They were €3,500 or €4,000 each. It wanted me to go to the area that I had been attacked in when I was living down the country to be assessed there. I refused to do so. It eventually asked me to decide who I wanted to go to, so I found my own assessor and went with that. The list goes on and on.

I just remember asking it for an interim payment because my partner at the time had covered the costs privately. I had eventually split up with that partner. They had become extremely violent. It was a very difficult relationship. The fact that I am even here again to be able to discuss a second severe injury that left me with near-fatal injuries is just phenomenal. I was crying down the phone when I was on to the tribunal asking it to please help me. It said that there was no such thing as interim payments. With the mediation team, it still said that there was no such thing as interim payments.

I had nowhere to go because my case did not fit the remit of any organisation. There was nobody at the time to support me. It was just me on my own. I sat down one day at home and decided that this was going to have to become a full-time job. I went to the shops and bought folders and binders and then started emailing Ministers. I started to see who knew about this scheme, who could help me and how long this would take, because the whole process of applying to that compensation scheme was so much worse than the attack. I would go to multiple attacks than ever have to deal with that again. For me, being able to be in a position now whereby I can support other victims of crime with their applications is an absolute privilege. I can do four years' work with victim survivors in the space of a couple of months. I have designed templates for all their letters and all the correspondence they will need, including all the medical reports, Garda reports and everything else that is needed.

Many gardaí do not even know that the scheme exists. There is one Garda report that is required at the very end. The name of it is HQ Circular 46/96. After a trial it ends, the Garda has everything put in there. In the context of the scheme, the tribunal comes to the Garda

looking for that report. Sometimes, it can take 18 months to two years for it to do that. Every client that I have, when they go to detective gardaí or other officers, they do not even know what this report is. That is the final obstacle. Before then, people are put on a waiting list and they do not know how long that is going to be because the money is coming from the budget.

**An Cathaoirleach:** I thank Ms Maxwell for that. I know we went way over time, but I just I thought it was important to get the full experience in relation to the criminal injuries compensation scheme. What we have heard is absolutely disgraceful.

**Senator Anne Rabbitte:** I totally agree with the Chair. I appreciate him letting Ms Maxwell expand on that to give us a comprehensive understanding of it. I thank Ms McGuinness for sharing her story as well. It is not easy to come in here because when you are telling your story, you are being retraumatised. I acknowledge that in the case of both witnesses and thank them very much.

I listened Ms Bradshaw's opening statement in my office. I know she is solely focused on children, but what about the child who does not have a voice? What about the child who is non-verbal? How do we hear their voices? How are they protected in this whole scenario? I find that they are not. I would like to hear her opinion on that.

**Ms Lynette Bradshaw:** We reach out to children on a case-by-case basis. I refer, for example, to a child who may have a diagnosis and would have limitations in engaging with the criminal justice system. Currently, they do not really have a voice, which is unfortunate. We have a new panel of intermediaries that has been established in University of Limerick over the last few years. An intermediary could be seen as parallel with a guardian *ad litem*, GAL, in the civil family court. Intermediaries are engaged in the criminal justice system. They will provide and come from a background of communications and speech and language. They would help a child or vulnerable adult in relation to providing testimony. A report will be compiled. It falls under the victims of crime Act. It is a special measure under the victims of crime Act that they will be afforded. It is down to the investigating garda to do an assessment of need as to whether the child or vulnerable adult needs such an intervention. That would be the only pathway that somebody with that difficulty would be afforded.

**Senator Anne Rabbitte:** A woman going through or fleeing from domestic violence may have a vulnerable child who has been a victim of crime. They could be trying to access the system while protecting themselves and other children and also having a child who has been a victim of domestic and gender-based violence and is non-verbal. The system is not equipped to support a child like that. We talk about Barnahus in Galway, but not everybody in the country knows about Barnahus and that they have access to those services. Yet, at the same time, a child will be put through a system that is not equipped for a child who could have an intellectual, physical or sensory disability. That child lives with that trauma for years to come with no outcomes. What can we do within the Bills that are coming before us to ensure that we can address this? We had a referendum on the voice of the child, but the voice of the child never becomes a voice in a lot of the situations we are talking about. How can we include that voice of the child and, most importantly, the silent voice or the child who cannot speak?

**Ms Lynette Bradshaw:** Absolutely. I recommend that the committee consider that ask. We do reach out and provide support to a number of children with a number of disabilities. Obviously, more resources would be needed but also with understanding and being able to get

that voice. How do we do that? It is a really good question, and a difficult one in respect of which to provide answer.

Intermediaries are a great step forward. We see intermediaries in use on the ground with a lot of children who have certain neurodiversities. Those children are verbal but have a lot of challenges. We understand that a neurotypical child providing testimony would have considerable challenges but a neurodiverse child would have additional needs. They would be provided for. The DPP has been putting in a process of providing all children under the age of 14 with an intermediary. However, we need more resources to better understand and support these children who are non-verbal to be able to give-----

**Senator Anne Rabbitte:** Sorry, my time is going to run out and the Chair is very strict. Take a case going through the court system where there are disputes about access. The mum knows her child so well that how they hug their teddy bear when they are doing a transition or handover shows that child does not want access. They may not be verbal but the mother understands how their child communicates with them. That mother goes to court and says their child does not want access but yet access continues to be granted. It is only when an incident is then found on camera that we have protection orders and safety orders put in but by that time, the child has then become the victim. What should we say to alert the court system? What do we need to change to protect the voiceless?

**Ms Lynette Bradshaw:** We need to protect all children.

**Senator Anne Rabbitte:** Absolutely.

**Ms Lynette Bradshaw:** A big compounding factor for us in ASSC, when we provide support for children through the criminal justice system, is when they are engaged in a parallel system like the civil courts. That can be very impactful for a family. It requires understanding that there could be ongoing cases coming up in the family courts but the family are also engaged in the criminal courts. We need good conversations between the two so everybody is transparent and clear about what is going on for that child and family. It is down to good collaboration between all the systems, which is a difficult task but a task that absolutely needs to be addressed and held.

**Senator Lynn Ruane:** I thank everyone for their presentations. It is such an important session today. I acknowledge Ms Maxwell's work. The system she describes feels like another violent act. It feels like structural violence after the experience of violence. I will direct my questions to Ms McGuinness in this instance but others might have comments on the topic if there is time afterwards.

There is the trauma-informed piece and we have looked at the system and personal injuries board. The area I am interested in is the court process and reporting. We had discussions about this in the past. I never thought too much about what there is to protect around reporting and the idea of what is in the public interest and what is not in the public interest. Could Ms McGuinness explain a bit more around other areas where decisions are made about how to report so it does not become that contagious factor of violence breeding violence? There is no purpose to the public reading graphic details. There is the trauma on the victim or their family but also what it does on a societal level and how we speak about violence.

**Ms Niamh McGuinness:** That is exactly my point. I felt like I should have had the right to shield from certain details. I understand crime reporting, the reason it is done and the importance of it. I am not naive but I do believe in everyone's right to psychological safety. I know from myself and my young daughter that it had a really negative impact on our well-being, which is unfair. That is especially unfair given there are other areas where there are protections. We protect minors in the media. We protect victims of sexual assault and gender-based violence in general. Even around suicide, we do not report on means of suicide because the research shows it can lead to contagion and it is not in the public interest. Research shows that exposure to violence is a key driver of violence. Why, then, are we so easy and so graphic in the detailing of violent acts in our media? It serves no purpose. It is sensationalist, it is damaging and it can lead to more violence.

**Senator Lynn Ruane:** That leads me to the next bit, which is around that prevention piece. We are starting to have more conversations now. We look at violence intervention work being about victims too because it is about trying to prevent there being victims and about reducing the instances of violence. As Ms McGuinness said, past violence can be a predictor of future violence. In terms of that community violence intervention piece, where does Ms McGuinness see that conversation? How can we engage in that to be able to reduce violence?

**Ms Niamh McGuinness:** Despite the fact that my beautiful son's life was taken by violence, I do not have hate in my heart. I have love and pain. I will have pain for the rest of my life and that is okay. That is the price you pay for love. However, I also know that people are not born violent. The research suggests, and I know this through my experience in the work I do, that people become violent through exposure. That can be because people were violent towards them, because they witness a lot of violence in their home or communities, online or in the media or it may be a combination of those things. The more exposure one has and the closer the proximity of the exposure, the higher the risk that they will become violent and there is nothing being done about it.

That is what drives me mad the most; all this money is pumped into prisons and investigations. The perpetrator in my son's case got a life sentence. That did zero for me. It did not bring him back. It did not make me feel 1% better. I would love to see investment in violence intervention. I know a strategy was drafted that is being piloted in one area. Piloted in one area when this is an issue across the country. We know it works in other jurisdictions. We know it works from the research. There are books on it. It makes sense. There is a book by Gary Slutkin called *The End of Violence*. It is so simple and we are not doing it. It needs to be done so people who have been victims of violence can get the help and support they need so they do not go on to become perpetrators. There are no winners in the current system. There are zero winners; just pain and suffering.

**Senator Lynn Ruane:** I thank Ms McGuinness. She mentioned how empathetic her son Jamie was and I want to say that empathy lives on through her. It is not easy, given what happened, to have that sense of what needs to be done in relation to prevention. I thank her for that.

I only have a few seconds left. Hopefully there is a second round. Regarding the 12-week period, we are looking at trials and stuff happening but in a case like Ms McGuinness's you have 12 weeks-----

**Dr. Liam O'Driscoll:** It is 90 days or three months.

**Senator Lynn Ruane:** So, there are 12 weeks to apply for somebody who has been highly traumatised and the last thing in the world they are going to think of is compensation in relation to the loss of a child. In those circumstances, does that come up much? The victim is dead but there is the victim's family. Could Ms Maxwell and Dr. O'Driscoll comment on the piece around how a person lived? That is a really classist basis, especially when it comes to homicide and we look at male-on-male violence. There is a piece that determines how someone lived could decide whether they can access compensation.

**Ms Ruth Maxwell:** The process can decide if they are of good character. It has kind of been redefined in the new scheme but it is still there in the recommendations. In situations like that it should be instant. Some of the clients I have that are bereaved families never finish the application. They start gathering evidence, identification and all of that, and then they say "no, €35,000 is a price put on my loved one's life." There is not one single client I have had as a bereaved family that have actually finalised the application.

**Dr. Liam O'Driscoll:** On the three months, it can be extended up to two years if they are exceptional circumstances but to prove exceptional circumstances, the onus is on the victim.

With the three months specifically, the applicant has to seek out a medical report explaining that they were so traumatised they could not apply. From my perspective and from the research I have done, I think trauma should be presumed and an applicant should not have to go get a medical report just to explain why they need an extension to the time limit. That should be pretty straightforward. What is really important then is that it is a two-year upper time limit. It cannot be extended beyond that. What the commission proposes, I think, is ten years. That is obviously significantly better than the situation we have at the moment.

**Senator Robbie Gallagher:** I thank all the witnesses for taking time out of their schedules to be here this afternoon. I thank Ms McGuinness and Ms Maxwell for sharing their personal experiences. I am sure it is very painful for them both. From what we hear this afternoon, the system seems to be completely broken and it is quite alarming how bad things really are. It is clear that an awful lot of work needs to be done to tidy this up and to make it better, with easier access for people, because this is just another layer of trauma and hurt on top of what victims are going through already.

As regards lack of awareness of the scheme, I, like others, am hearing stuff this afternoon that I was not aware of, to be honest, and maybe I should have been. I am thinking from a victim's perspective. Who talks to victims about this scheme initially? Is there anybody designated who can tell people how the scheme operates and where they are meant to go? Is there a designated person who says that? Some of the witnesses mentioned best practice elsewhere. Is there any particular model anywhere out there, in some other jurisdiction, that they can put forward as a kind of template that should be rolled out here? What is the traffic like on the helpline that was mentioned? Do we have a record of how many calls are made to it? How many staff man the helpline?

I will come back if I have time, maybe, after some responses to those questions. Whoever wants to take that-----

**An Cathaoirleach:** That is fine. Ms Puckhaber might answer that last question first.

**Ms Michele Puckhaber:** In 2025 we had nearly 6,000 contacts over our helpline, 116 006, email, text message and web chat. We made 132 referrals to the Criminal Injuries Compensation Tribunal. However, there is no one person or entity that necessarily does a good job of communicating with victims about their right to apply for compensation. Victims do have a right to be told about this compensation scheme on first contact, and that would be most often by the Garda. The Garda does have a leaflet that has been put together with all the information the Garda is required to provide to victims - again, on first contact - but I am uncertain how often that leaflet is being provided to victims. In addition, when you are traumatised or have just been a victim of crime, you are handed a leaflet. There is a lot of information that victims have a right to and, again, I am not even certain that the leaflet is handed to them. I know it is also online, on the Garda website. The onus is always on the victim to do things and to access information at a time when, again, they are traumatised. They are not in a position to proactively research these things and, again, there is no one entity that is responsible for making sure that this is happening. I think a lot of the people here have said we need some kind of plan. The system is not completely broken. There are great organisations doing amazing work in the field of victim support. The issue is that there is no overarching plan, no vision and no one to make sure that the good services we do have are talking to all the other bits in the criminal justice system. At the Crime Victims Helpline, we do what we can in terms of acting as more of an overarching group. We know all the services because that is part of our really important role. If and when victims do make their way to us, we can let them know there is this really great service, there is victim support at court if they go to court, there is AdVIC and there are all these amazing services. Unfortunately, however, 6,000 contacts is a very small percentage of people who are impacted by crime each year.

**Ms Joan Deane:** Everything that has been said so far today just underpins the requirement for a victims' commissioner or office of the victims' commissioner to co-ordinate the services that are there. In AdVIC, we can speak only for victims of homicide. We do give victims information when they contact us, but we have to wait for them to contact us because in trauma you cannot go cold-calling people. We give them the information when they are ready to receive it, but that is usually long, long, long after three months. In some cases we have had families come to us after 20 years or 25 years and it is way too late for them to do anything. They never heard about compensation back in that time. We do try to inform families of their rights. Funding is a big issue for us. We also provide, as the committee heard in Ms Lewandowska's opening statement, psychological support and professional trauma support for families. However, with the very little funding that we have and that we get - and we do not have a guaranteed stream of funding for counselling; we get funding only to run the service - we can provide only 12 sessions for an adult, which in most cases, as Ms McGuinness said, is inadequate and not sufficient to deal with the trauma. When it comes to children, however, we cannot cap the number of services to a child. Thankfully, we do not have a huge number of children who need counselling after homicide but the number is growing, sadly, and we desperately need a guaranteed stream of funding. We have tried in the past to approach the Department of Health and we have not been successful in even getting a meeting.

**An Cathaoirleach:** I just have a few questions myself. Ms Maxwell, I attended the Law Reform Commission's report launch, which you spoke at. Are you satisfied that if the recommendations in that report were fully implemented, the experience would be much different and much more positive for all victims?

**Ms Ruth Maxwell:** Yes, and I am very happy with the recommendations and what was in the report. My concern, however, as somebody who has gone through the process, is the first assistive tier. If you cannot gather your evidence, that is it, you have fallen by the wayside at the first hurdle and you do not get any further. Support should be automatic to every single applicant. That is the most crucial stage. That is still putting the burden on the victim-survivor for gathering their own evidence in order to prove their case. At the moment, the scheme has been paused, so that is in limbo. I have clients who just have no idea what to do now. They are just in limbo, waiting to see what will happen.

**An Cathaoirleach:** Clearly, one recommendation this committee will make is to unpause it, put it on a statutory basis and implement the proposed reforms. In terms-----

**Ms Ruth Maxwell:** And pain and suffering. It has to be implemented immediately.

**An Cathaoirleach:** Absolutely, so for all that, if the suggestion is that there is some necessity for evidential backup to any application, I think most people who would come across this at first glance would think it absolutely crazy and just nonsensical to expect somebody who might have been through a horrific and traumatic experience personally in terms of a physical attack or, as in Ms McGuinness's case, losing a loved one, to essentially carry out a policing operation on their own situation. Are you suggesting that there should just be an automatic range of payments for particular types of crimes and injuries?

**Ms Ruth Maxwell:** They are all the different compensation bands the commission has recommended, but there are no specific guidelines on any of those bands, so nobody will know yet what kind of compensation they are looking at.

For me the assistive tier is the most important. There could be a digital portal where all your documentation is uploaded, the Garda and courts-----

**An Cathaoirleach:** Does the outgoing scheme not have a digital portal?

**Ms Ruth Maxwell:** Not that I am aware of, no. It is just by email going back and forward, attaching your documents.

**An Cathaoirleach:** Ms Maxwell mentioned long-term structured supports for victims of violent crime. This State is not good at long-term structural supports for anybody in need, to be frank. What might that look like? Who would be responsible for delivering that? How would it be delivered?

**Ms Ruth Maxwell:** In the area of compensation or multidisciplinary support services?

**An Cathaoirleach:** In terms of the multidisciplinary supports Ms Maxwell mentioned.

**Ms Ruth Maxwell:** I have no idea because it is all so fragmented. The systems are not joining up to make sure there is somewhere you can go to avail of all the different areas of support where needed. Everything is not joining up properly. I would like to have been able to just go to one particular area that helped and supported me with everything such as the compensation scheme, the application process and all the medical side. I am still on waiting lists for years now. There is no clear pathway or long-term support network in place at all.

**An Cathaoirleach:** All members of this committee deal with a lot of victims on an ongoing basis. My guess is the vast majority of the people I have been speaking to have never heard of

Accompaniment Support Services for Children, Victim Support at Court, AdVIC or the Crime Victims Helpline. Is there something we can do? It is probably on the leaflet the Garda gives, but I imagine if someone was in Ms McGuinness's position and they were handed a leaflet by a garda, it is the last thing they would take. Perhaps Ms McGuinness might speak to her experiences before I ask the organisations to comment.

**Ms Niamh McGuinness:** I did get a leaflet. I am privileged in navigating services because of the work I do and I have good supports around me but my heart breaks to think about anybody who does not. If you are in a state of distress, navigating complex systems must be horrendous. In my statement, I mentioned the establishment of a trauma care centre for all victims that could house everything from advocacy support for applying for compensation to psychological support to court support - whatever somebody needs. It should be a one-stop stop. It could be for victims of crime getting those interventions they need as well, which could lead to breaking the cycle. The possibilities are endless. There could be restorative justice practices in such a centre as well. They do exist. Everything could be brought under the one umbrella.

**An Cathaoirleach:** Do any of the organisations wish to comment?

**Dr. Ian D. Marder:** This may speak to the other member's question about European models. There could be an organisation called "victim support Ireland" that provides universal support, triage and casework. It is a kind of organisation that exists in other countries such as Victim Support Netherlands, Victim Support Sweden and Victim Support NI. That would potentially address the need for universal and long-term support. It could refer people to other specialist services. There is no particular reason it could not be an expansion of the Crime Victims Helpline within those structures. It could also potentially address the question around information provision. In the Netherlands and Northern Ireland, there is a legislative basis where the police are not the ones primarily responsible for the provision of information about victims' rights. Rather, there is legislation that has interacted appropriately with data protection and the governance of data so that victims opt out as opposed to opting in to receive information about their rights.

**An Cathaoirleach:** I thank Dr. Marder. That fits in with the notion of a victims' commissioner.

**Deputy Paula Butterly:** This is more of a commentary than a specific question but I would welcome some feedback. It is clear from every time we have witnesses in that the justice system is a very cold place for victims. I would like to hear more about the hidden victims, who are the families. From reading the submissions made, it is clear we need a victims' commissioner. Should that be established, everything could flow from there and, such as Dr. Marder suggested, bring everything under one house. It is really hard for a victim's voice to be heard, never mind understood. Supports are equally inadequate. I have also spoken before about the need to redefine what a victim is, that it is not just the direct victim but the hidden victim, particularly when there are serious offences like murder, homicide and assaults. I would like to hear the witnesses' views on that.

**Ms Lynette Bradshaw:** When we support children in ASSC we always support the family as well. Crime in relation to children has an impact across the board, not just on their immediate family but the family and community around them. We help, understand and support the family

through ongoing support and advocacy via the phone. It is crucial to be able to hold a family through the criminal justice system. There are engagement points where they need to engage more and points where they do not need to engage. The support also changes depending on what point they are at. When a family has heard a disclosure of sexual violence concerning their child, their needs are very different from a family preparing to go to court and has a child who will testify. Most important is post-trial support. It speaks to compensation as well. When we see a family and a child with a perceived lack of support or if they have been engaged in the criminal justice system for a very long time, and we have had cases of children engaged in the criminal justice system for up to eight years, they hold a lot more anger towards the criminal justice system, and this reflects immediately in their ability to look for post-trial support. They tend to disengage immediately. They do not want to reach out for post-trial support. It is a very important aspect to be able to help to support families and children after the fact - all victims of crime. That speaks to the need for having a smoother, more coherent system and having victims on the agenda to give them streamlined access to supports.

**Deputy Paula Butterly:** As the Chair said, there is not a public representative in here who has not had to deal with and listen to the stories of various victims from all parts of Ireland. I continue to hear at an increasingly alarming rate is, even when someone is an indirect victim, perhaps a member of the family affected, by not having the correct supports in place, those people can suffer detrimental consequences years down the line, such as addiction and violence. It is a precursor to intergenerational problems. I would like to hear people's opinions on that - any of the witnesses.

**Ms Niamh McGuinness:** I was reading that the National Office for Suicide Prevention estimates through research that, for every person who dies by suicide, roughly 18 people are impacted. There is that ripple effect the Deputy described - the immediate family, extended family and the community. People hear about it at school and sports clubs. So many people are impacted. They are doing a lot of work in that area to put the supports in to avoid that contagion or exposure, that decline in mental health and well-being and that addiction to cope with the aftermath. Something could be done to estimate the number of people impacted by violent crime, for example.

**Ms Joan Deane:** We support families, friends and individuals and communities affected by homicide. We provide professional trauma counselling, which I mentioned earlier. That can go on for a long time. The time a person or family looks for the support can vary from immediately after the event to years later.

In the work we do, we have learned that trauma does not ever really go away. Sadly, as Ms McGuinness has touched on, traumatised people can traumatise people. The intervention of a good, professionally trained trauma counsellor can be vital in breaking that cycle. Resources are our biggest problem. Our counselling service is funded mainly by donation. We are seeking a meeting with the Department of Health, particularly with officials involved in mental health, and the Department of children. We have never succeeded in getting a meeting with them to look for funding. They see us coming with our begging bowl and run for the hills.

**Deputy Paula Butterly:** No different from anyone else, everybody needs funding.

**Ms Joan Deane:** It is essential. I am not a counsellor, so I cannot speak as one but from what I have experienced when meeting people and from speaking to our service director, who

is a psychotherapist, I know that children need so much support. Sometimes, if the child is not able to avail of the support because of disabilities, which the Deputy mentioned, we provide coaching for the parent on how to help their child. It is all very valuable stuff. It all costs money. I do not know what we would call it, whether a "victims commissioner" or "victim support Ireland" or something else, all of those services should be encompassed in one entity.

**Deputy Pádraig O'Sullivan:** I thank the witnesses for coming in. It is very difficult to listen to some of the testimonies, but they are much respected. It is important that we hear about the coalface, so we can feed into various legislation that is coming forward.

I will start with Ms Bradshaw. Her submission, at point 16, notes that there are gaps in the provision of court accompaniment and other services. It states that it is at the discretion of individual judges, gardaí and prosecution staff to refer clients to the service. It also provides figures on the number of people and families the service deals with each year. As a broad percentage or number, how many potential victims or actual victims is the service catching through its interaction in the Courts Service?

**Ms Lynette Bradshaw:** That speaks to a core problem that we have in ASSC. It is in relation to data that is collected on child victims of crime nationally. We do not know how many children there are who are victims of crime, which is a problem strategically for us in ASSC. We saw a 50% increase in referrals from 2024 to 2025. We have seen a 150% increase in referrals from 2024 to 2025. That is a huge jump. We do not know where we are with regard to the bell curve. Are we at this point on it or that point on it? We do not know. We know and understand approximately how many specialist interviews are done by An Garda Síochána every year, but all those cases do not translate into court cases for children. I could not give the Deputy a percentage as to how many more child victims of crime there are. That speaks to our submission around understanding and co-ordinating data on child victims of crime, so we better understand.

**Deputy Pádraig O'Sullivan:** From what Ms Bradshaw said, it is safe to say that demand would potentially be massive-----

**Ms Lynette Bradshaw:** It could be.

**Deputy Pádraig O'Sullivan:** -----and far outstrip what the service is individually capable of meeting.

**Ms Lynette Bradshaw:** Absolutely. We certainly see an increase in our numbers across the board. Our referrals would be primarily from An Garda Síochána. Those have increased considerably over the past few years.

**Deputy Pádraig O'Sullivan:** The service depends on referrals. What threshold has to be met for a judge or member of the Garda to pick up the phone? Is it just a matter of chance and having a very active garda? How does it work?

**Ms Lynette Bradshaw:** Absolutely. That is pretty much what we are working on. The only remit we have at ASSC is that the child is under 18 years. They need to know where we are, who we are and what we do. A lot of our uptake on referrals over the past few years is due to the considerable work the team has to done in engaging with the Garda, the DPP and all the actors within the criminal justice system to make them aware of where we are. There is no

obligation on them to refer, except for the assessment of need and their right under the victims of crime Act to have information on support services.

**Deputy Pádraig O'Sullivan:** My next question is not meant as a slight on members of the Garda and the staff of the Courts Service. Are they aware of the service? Has training been provided to members of An Garda Síochána in various areas? What way does the service get itself out there?

**Ms Lynette Bradshaw:** Yes, we do that. We go into the specialist units yearly. We provide-----

**Deputy Pádraig O'Sullivan:** They know the service is there.

**Ms Lynette Bradshaw:** -----an information talk. ASSC is a signatory to the protocol to expedite cases. We provide training for staff in the DPP's office every year as well. We do training talks with the family liaison officers within the Garda to make them aware of who we are and what we are at. That is a big piece of work, which requires a lot of time and resources to do, in addition to the work we do providing services on the ground to children and families.

**Deputy Pádraig O'Sullivan:** I hope to contribute again in a second round. I do not want to focus my questions entirely on one witness. Ms Bradshaw mentioned that an opt-out system might be the way of doing this. How does Ms Bradshaw envisage that working?

**Ms Lynette Bradshaw:** As Dr. Marder mentioned, an opt-out system would be much more organised and streamlined. If there was good communication between the services about, as the Deputy mentioned, housekeeping and referring on appropriate people to appropriate services, we would hope to capture all victims of crime. That is the goal. As the Deputy mentioned, it is around harm reduction and reducing crime. In ASSC, we very much believe that if we can support victims and vulnerable people more, it will have a direct impact and reduce the need.

**Deputy Pádraig O'Sullivan:** My last question is for Dr. O'Driscoll. I hope to come back in afterwards. As with other members, I am not familiar with the same roof rule. Dr. O'Driscoll mentioned that if that rule were to be abolished and there was to be compensation for victims, it should be done retrospectively. Has that worked or been implemented elsewhere?

**Dr. Liam O'Driscoll:** The retrospective retention of the rule was successfully challenged in Northern Ireland, England and Wales. Essentially, when the court struck down the retrospective retention, the Minister, Naomi Long, created an opening for victims who were previously excluded to apply. There is a mechanism that could be followed there in relation to that. Obviously, that would be costly, but it is only right that people who were previously excluded have an opportunity to come in again.

**Deputy Pádraig O'Sullivan:** A victim is a victim even if the initial trauma was a decade ago, eight years ago or whatever. How was it done in the North? Was it time-bound?

**Dr. Liam O'Driscoll:** People who were previously excluded had something like two years to apply. There was a time limit on it, but they publicised it, which is important. There was information distributed about the change. That can sometimes be an issue here in terms of information provision. That is the Northern Ireland example. It particularly affects victims of childhood sexual abuse. For example, there might be a perpetrator who might abuse different

members of the family. If the perpetrator is abusing their own child, that child would not get compensation. If they perpetrated the abuse against a nephew, the nephew would get the compensation if he was not living with the perpetrator. It was completely scandalous that it was there.

**An Cathaoirleach:** It is utterly unacceptable.

**Deputy Tom Brabazon:** I thank all the witnesses for coming in. In particular, I pay tribute to Ms Maxwell and Ms McGuinness for their moving testimonies. It must have been very difficult for them both.

My comments on the non-payment of what I would describe as general damages in the criminal compensation scheme are directed at Dr. O'Driscoll. If somebody injured in a road traffic accident is awarded compensation, they will also get special damages and general damages for their pain and suffering. The special damages - not always but mostly - would be a smaller amount in proportion to the general damages.

The scheme under discussion does not account for an injured person in a similar way and seems to be very miserable in its construct. In some road traffic cases, there can be concurrent criminal and civil strands. The original scheme seems to be such a miserable construct. It is nearly a secret. It has been kept secret.

I am aware that the Garda attaches a leaflet to a victim's letter in the context of the Criminal Injuries Compensation Tribunal. Constituents have complained about delays and have said the Garda was not getting back to them or telling them what was happening in cases in which they were the victims.

A three-month window is really narrow. Again, it points to the miserable outlook of whoever constructed the scheme in the first instance. With regard to the absence of general damages, what would Dr. O'Driscoll's feelings be? How would things look in a changed, properly constructed victim compensation scheme?

**Dr. Liam O'Driscoll:** I will speak to the Law Reform Commission's recommendations and refer to what I really welcome. If you go to the draft Bill in the Law Reform Commission's report, you will see that section 15 sets out a detailed list of factors that the statutory body will have to take into consideration when deciding on general damages. That is all very good stuff but my issue, which Ms Maxwell also mentioned, relates to the commission's proposal of four bands: minor, moderate, serious and severe. Every victim applying for general damages would presumably fall within one of those. My point, having regard to the Court of Justice, is that we need a little more detail on the bands – not necessarily the personal injury guidelines in the civil process but something in between what is proposed and what is in those guidelines. We need more detail covering circumstances where, for example, the statutory body says a person's injuries are moderate although they are just on the cusp of being serious. There needs to be more detail in this regard so more account can be taken of suffering in individual cases. There is really good material in the commission's report, including the list of factors, but I would go a little further on the detail. That would help with pain and suffering.

**Deputy Tom Brabazon:** Some speakers mentioned restorative justice. What is the vision for restorative justice in the context of what we have been discussing today?

**Ms Niamh McGuinness:** I mentioned restorative justice in relation to intervention and breaking the cycle. It could be facilitated in certain circumstances.

When what happened happened, I genuinely looked around and asked where to go. I wondered where the building was but there was none. The point about having such a place has been made over and over. Restorative justice could happen in it. Perpetrators of crime would be given the opportunity to work on their offending behaviour as an intervention. Sometimes victims, but only if they opt in or are interested, can benefit from entering into a restorative justice meeting or mediation. It is done over a long period. I do not know how much the Deputy knows about it. People have said they have gained a lot of healing and resolve. They may be able to let go of anger or ask certain questions. It can be beneficial to victims. I have not done it myself, but I have read a lot about it and am aware that it works for other areas of crime, not just violent crime. I just do not see why it would not be part of the service we all seem to be describing today.

**Deputy Tom Brabazon:** I thank the witnesses.

**Senator Garret Kelleher:** I thank all the witnesses for their contributions and submissions, particularly Ms Maxwell and Ms McGuinness. It cannot have been easy for either of them. I can only hope that we will be in a position to improve things based on everything we have heard today and the meeting thus far.

It is often said that the true measure of a society's humanity is how it treats its most vulnerable. There is no doubt but that we are falling short in this regard. A recurring theme in the submissions and opening statements was the importance of the victims commissioner role. Ms Lewandowska, or perhaps Ms Puckhaber, mentioned that there is no overarching role in relation to the co-ordination of supports. I would like to learn a little more about this.

Drs. Marder and O'Driscoll touched on international comparisons. Dr. Marder mentioned the Netherlands, Sweden and Northern Ireland, and Dr. O'Driscoll made specific reference to Northern Ireland. What can we learn from the success of the victims commissioner role in England and Wales and other examples internationally to ensure that if this is the road we choose to go down, our commissioner will be as effective as possible? It seems to be the route suggested time and again at this meeting. Could I have some examples of best practice internationally?

**Dr. Ian D. Marder:** There are two major issues. One is the full resourcing of universal and specialist supports and the other is the accountability mechanisms to ensure State bodies realise the rights of victims of crime. A victims commissioner would primarily relate to the latter. It would be about ensuring that the police, courts and other bodies realised all the rights set out under legislation, where those State bodies are responsible for the rights of victims of crime. The role may also involve strategy and taking a co-ordinated approach to the victim support sector.

There is also the slightly different issue of the resourcing of universal supports for all victims of crime. There is a major resource question here. Just the other day, €4.3 million was announced for the resourcing of the various organisations. Before the committee today are representatives of most or many of the major national victim support organisations. I do not know about other organisations but ours has something like seven full-time staff. Resources

of a much higher order of magnitude are needed to provide universal support for all victims of crime.

**Senator Garret Kelleher:** Ms Lewandowska finished her statement with a positive outlook, notwithstanding that she highlighted a number of flaws in the current system. She said we can look forward to building a more humane response system, with more compassion and support for victims. Does she want to elaborate a little on that?

**Ms Kamila Lewandowska:** A more humane system would be a bridge between outcomes and services. There are State agency services in place but they do not talk to one another enough. The provision of information is very inconsistent and responsibility is spread across many agencies. When something happens, victims do not know where to go, who to complain to or what the complaint mechanisms are. The quality of service also varies from city to city. Outside major cities, there is very little service provision. There is nobody to account for the general experiences of victims and push for better co-ordination. Co-ordination is a major issue. There are good services but there are many gaps and there is duplication. A victims commissioner could address this and represent victims at policy level.

We have a victims charter. That is an important document but there is a difference between what is on paper and what is done in practice.

We feel it is essential that there be someone to oversee that.

**Senator Garret Kelleher:** I thank Ms Lewandowska. On the Crime Victims Helpline, does Ms Puckhaber feel from a public awareness and promotional point of view that they receive sufficient resourcing so that enough people are aware of the service they provide?

**Ms Michele Puckhaber:** One of the hardest things about running the Crime Victims Helpline is that awareness piece. Nobody expects to become a victim of crime, and when it happens, it can be difficult to know where to turn. Raising awareness of Crime Victims Helpline services is a very important piece. We are a small organisation in that we have three full-time staff, but we got our third full-time staff member just this month. We have been operating with two full-time staff members, a part-time staff member and volunteers. We are trying to raise awareness of things that are impacting victims of crime as well as trying to raise awareness of the services available. Currently, the Crime Victims Helpline information is provided with the letters that go out from the Garda victim service offices as well as when a garda provides their calling card. Our information is on the back of those cards. That is an important step in that it is to be hoped the information about the Crime Victims Helpline is reaching the people who need it at the moment they need it. Again, it is about trying to raise general awareness so that when somebody becomes a victim of crime, they know the Crime Victims Helpline exists.

**Senator Lynn Ruane:** Some things come up in the context of us having a more national conversation about victimisation in general and what drives responses, such as the fact that it is the criminal injuries board, which makes me wonder about the language of these things, rather than moving it towards victim assistance. It is €35,000. When you look at what victims need and if you are looking at interrupting victimisation, you are looking at a lot of the work we did in the lead-up to the violence intervention work, where a lot of the families spoke about the impact of being a victim of crime, even if they also had perpetrators of crime within the same household, and they are often not mutually exclusive groups, and that the impact on their lives would be forever. This idea that there is compensation and there is not then victim

assistance, that move towards healing, interruption or something else, makes it feel like there is a disconnect in all the things from an ethos or philosophical understanding of what something is meant to achieve. Victim rights are very different from victim assistance, victim rights being historically about the criminal justice system, but then victim assistance means something that is much more evolving. In relation to both the criminal compensation piece but also in terms of what we need to interrupt or heal or in terms of violence intervention or having that long-term piece, why do we not have a victim's needs analysis as it relates to different people's situations? If I am a mother with six children, what am I going to do with €35,000? My husband is maybe after losing his life. It has no value from a healing perspective in a long-term way. I do not know what the answer to that is. I think I am more posing a question about where we need to go with the conversation of understanding victim assistance and victim rights, how they are different and what we mean by compensation. Is it compensation or are we looking to actually assist somebody not only in what has been taken but also in how they move forward and navigate the rest of their lives?

**Dr. Liam O'Driscoll:** I agree with everything the Senator has said. Obviously, money and compensation will never return the victim to the same position they were in. However, research demonstrates that it has a restorative impact. They get acknowledgement of the suffering. If the victim does not receive that acknowledgement, the criminal-----

**Senator Lynn Ruane:** So the compensation is more about acknowledgement than about assisting.

**Dr. Liam O'Driscoll:** Lots of victims report that compensation provides acknowledgement, so we should not lose sight of that, even though I agree with the broad nature of the Senator's remarks.

**Senator Lynn Ruane:** It is more about what is in addition to that.

**Dr. Liam O'Driscoll:** Yes.

**Senator Lynn Ruane:** I am not saying to take away the compensation. I am more saying that it is inadequate.

**Deputy Mark Ward:** There is a theme of a lack of awareness among the public about supports for victims of crime. There also seems to be a lack of information provided to victims and survivors of crime about what supports and services are out there. I was not even aware of the compensation scheme, and I am a public representative. That needs to be put out into the public so people understand what is there to support and help them. The idea of an opt-out structure works in my head. I work logically and practically, and that works in my head. Ms Murphy mentioned that, and Ms Bradshaw mentioned an automatic referral pathway. Will they expand on both of those and how they would work? That would be helpful.

**Ms Sara Murphy:** We only deal with victims at court, so it is court-based support. We do not see people who never get a charge brought against somebody. When people come to court at the start when a charge is brought and a court date given, we are suggesting they would automatically be told about the service and may be offered a pre-trial visit. That is what we do. We offer people a pre-trial visit and meet them before their court date. We show them round an empty courtroom, explain the process, who is who in the courtroom, where everybody sits and where they sit when giving evidence. If they are the family of somebody who is

deceased and not giving evidence, we will still do all of that. We go through where they would like to sit in the courtroom and reserve seating for them because it is open court. That type of thing is one of the services we offer. At that stage they can decide if they would like this service at the trial or if they are happy without it. I think it should be opt-in for the initial pre-trial visit where they have to organise that, and then if they do not want that, it is fine. The support is offered; it is not forced upon people. That is one element of what we do.

**Deputy Mark Ward:** I was more thinking of the opt-out for everything and people having an automatic right. Ms Murphy mentioned a single entity. People would be automatically provided with support, and if they do want it, they do not want it.

**Ms Sara Murphy:** Yes, exactly.

**Deputy Mark Ward:** I think that way would work.

**Ms Sara Murphy:** And if there was a general victims' support service. As I said, we are at the court. Anyone who is a victim of crime should be sent to the Crime Victims Helpline or whoever to give them the information of the different support services relevant to the type of crime.

**Deputy Pádraig O'Sullivan:** Ms Maxwell commented in her statement that she welcomes the introduction of a general compensation scheme and that it is a positive development but that she has concerns about the transparency of how awards may be given. She asked if it was going to align with the personal injuries guidelines or what metrics would be used. What would she like to see being used? Would she like a bespoke awards scheme? Is it something that could be reflected back to personal injuries board or how does she see it going forward?

**Ms Ruth Maxwell:** I really do not know. Dr. O'Driscoll was discussing it. If you are perhaps on the crossover to the next band of the personal injuries guidelines, how do you bring that in with regard to the whole compensation scheme as a rough guide, so to speak? I really do not know. Maybe Dr. O'Driscoll can answer that because I do not know how it would be compiled.

**Dr. Liam O'Driscoll:** The Court of Justice is vague. It says that State compensation has to take regard of the civil process but it does not have to equal what compensation a victim would be awarded in that process. If we can expand the bands within the commission's draft Bill and go for section 15, which will outline the list of markers the statutory body will take account of, that will go a long way to improving the general compensation payments. It is about giving more detail and more options to place victims on different bands when it comes to compensation.

There may be more guidance needed on this from the European Court of Justice in the future. I would imagine there will be more judicial reviews, which is not ideal from the victim's point of view because it will delay things even further. It is complicated. I hope I have clarified this in terms of the extra detail that is needed.

**Deputy Pádraig O'Sullivan:** It is difficult for us or even for people involved in the legal process to quantify the true pain and suffering being inflicted on people. I am interested in the thoughts of the witnesses.

**Ms Ruth Maxwell:** As matters stand, it is not compensation. It is loss of earnings, medical expenses and out-of-pocket expenses. There is no compensation.

**An Cathaoirleach:** That is a good point on which to finish. I thank all of the members for their engagement. I also thank all of our guests. There is nothing harder to imagine than the loss of a child. For this to happen in violent circumstances is every parent's worst nightmare. The fact that Ms McGuinness has turned this into something so constructive and positive through her engagement and ongoing work is something the committee wants to acknowledge. I thank all of our guests and organisations for the work they have been doing over a long number of years in supporting victims and survivors at various stages of the process.

Ms Maxwell told her own story, which was just horrifying. Many victims have had similar experiences, but very few have had the wherewithal to ensure they were not only able to tell of their experiences but also force action. The Law Reform Commission's report is largely down to Ms Maxwell's efforts and her work. We will compile a report on behalf of the committee that will take into account all of the submissions today and all of the written submissions in terms of recommendations.

I propose that the committee write to the Minister on the back of this meeting asking for urgent implementation of the Law Reform Commission's report on the criminal injuries board. This cannot be kept in abeyance. If this is agreed, we will send that letter off. Is that agreed? Agreed. Is it also agreed that we will put all of the opening statements on the committee's website? Agreed. I propose that we go into private session to consider a number of housekeeping matters. Is that agreed? Agreed.

The joint committee went into private session at 4.52 p.m. and adjourned at 5.40 p.m. until 3 p.m. on Tuesday, 12 May 2026.