



Crime Victim Compensation and Support Authority

State Compensation to Children who Witness Violence in Close Relationships

- Law and Practice in Sweden

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Overall objective:

Act in the interest and needs of Crime
Victims

Three national responsibilities

- Criminal Injuries Compensation
- The Crime Victim Fund
- Centre of Competence



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Three different ways for crime victims to receive compensation

- Damages paid by the offender
- Insurance compensation
- Criminal injuries compensation



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Children Witnessing Violence - Prevalence

- 10 % of children have experience of violence in their home, 5 % often
- About 200 000 children in Sweden have experience of violence in close relationships



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Children as witnesses or victims of mental assault?

- Mental assault is not prosecuted in Sweden
- The official inquiry SOU 2001:72 "Child Abuse" did not change this:
 - Children witnessing violence were deserted by the criminal law
 - but could be a basis for a more severe penalty for the crime: "if a child is thereby deprived of his or her security", from July 2003



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The witnessing child shall be looked upon as a victim of crime:

- 1) in the social welfare system, and
- 2) is given the right to a special form of criminal injuries compensation from the state

Governmental Bill (2005/06:166) “Children who have witnessed violence”



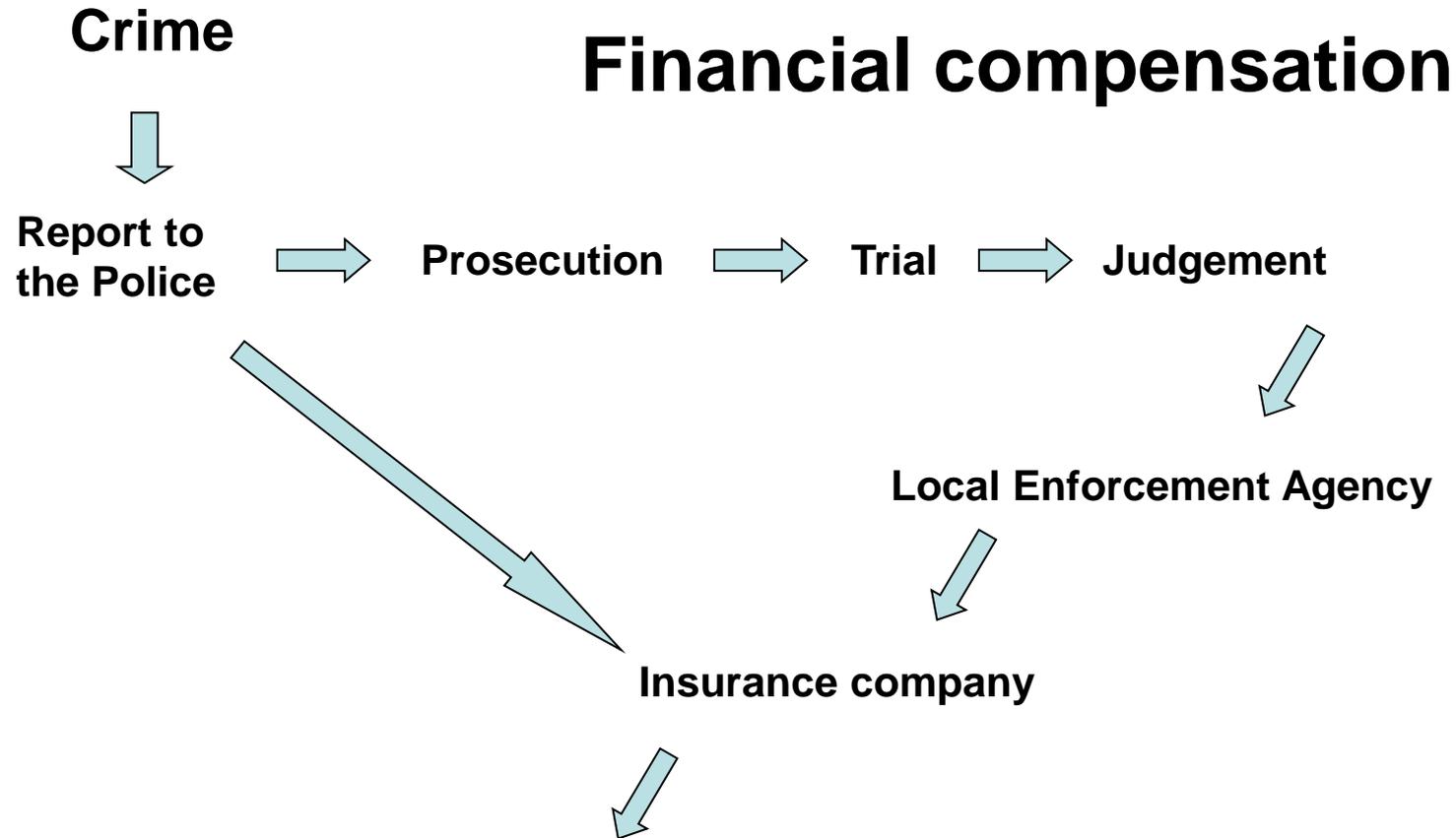
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Criminal injuries Compensation Act 4 a § since 2006

- State compensation can be awarded to children who has witnessed crimes that can be assumed to harm the child's confidence and trust in a person with whom he or she has a close relationship.
- The government has a responsibility to compensate children who have witnessed criminal acts towards persons close to them, even though the child cannot claim damages from the offender.



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Prerequisites

- **Judgement** – convicting the perpetrator for the witnessed crime
- **Child** → below the age of 18 yrs at the time of the crime
- **Witnessed** → seen or heard the crime
- **Close relationships** → biological parents, foster parents, grandparents etc.



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- **Which crimes?**
 - Any physical and sexual violence, unlawful threats, wrecking the apartment or house in front of the child
- **Assessment**
 - The injury, mortification and danger that the crime typically can be assumed to inflict on children
- **Amount?**
 - The severity of the crime witnessed



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EXAMPLES

- 5 000 SEK** Physical abuse, one occasion
- 10 000 SEK** Physical abuse and unlawful threats, several occasions
- 15 000 SEK** Physical assault with deadly weapon
- 20 000 SEK** Severe physical violence and threats with deadly weapons on numerous occasions during two years
- 25 000 SEK** Sexual assaults during five years
- 40 000 SEK** Severe physical and sexual violence during several years



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Practical challenges

- Evidence of the original crime
- Evidence of the child witnessing the crime

The child is often neglected by police and prosecutor

- Joint custody

Both custodians have to sign the application for compensation

- E-learning tool for police officers and prosecutors



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Year	Applications	Decision	Appoved applications	Average compensation
2012	253	238	68 % (162)	7 200 SEK
2011	239	234	69 % (162)	8 600 SEK
2010	223	222	53 % (118)	7 700 SEK
2009	235	266	59 % (157)	7 800 SEK
2008	275	269	49 % (132)	7 100 SEK
2007	235	187	43 % (80)	6 700 SEK ⁴



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More information:

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