Making compensation available for crime victims

Various means of redress discussed at crime symposium

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SHOULD there be more ways to help victims of crime go from being helpless to being empowered in seeking redress, or even monetary compensation?

Issues on this theme were debated at the first Symposium On Support for Victims of Crime in the Asian Region, which started yesterday.

One contentious topic was whether victims should have the option of private prosecution in the criminal court — through engaging one’s own lawyer — should the police, upon investigation, choose not to prosecute the case.

Professor Michael Hor of the National University of Singapore’s (NUS) Faculty of Law, who presented a paper yesterday, said the civil courts are the ideal place to resolve private disputes when the criminal process is no longer an option.

But NUS Associate Professor Chan Wing Cheong felt that victims of domestic violence should have some avenue of redress in the criminal courts.

“Should the police choose not to prosecute, is there something victims can do to appeal against the decision?” asked Assoc Prof Chan, the principal organiser of the symposium. He also argued that pursuing a civil suit could become a burden on the victim.

In response, Prof Hor said the solution was still to reform the civil process so that it is less complex, daunting and expensive for victims.

“Why is it so difficult to sue the accused? The civil process can definitely be reformed. It shouldn’t be this way,” he said.

Also discussed was the idea of state-funded compensation for victims of violent crime.

Some experts argued that the current justice system was pre-occupied with punishing the perpetrators, and neglects the legal and social needs of victims.

Canadian criminologist Irvin Waller said the State could take steps to reduce crime, but as it cannot totally eliminated, the State has a duty to compensate people who become victims. He cited Japan, France and the United Kingdom as examples.

Prof Hor, however, felt the Singapore Government would be hesitant in implementing such a State-funded scheme.

“It doesn’t want to be seen as moving into a welfarist kind of state. But, on the other hand, as Singapore becomes a more mature and gracious society, the pressure for it to use some of its affluent to compensate victims of crime — as with other disadvantaged groups — is going to grow.

“I hope the Government will move a little in that direction to give at least the very clear and severe cases some sort of compensation,” he said.

Reforming the civil process could also make available more options for victims. If evidence in the criminal court could be made automatically admissible in the civil court, for example, this would make it easier for a victim of crime to get compensation.

And if the Government were to provide legal aid for victims to pursue a civil claim for a criminal offence, then the task of filing a civil suit would be less burdensome.

But there are obstacles in the way of such reform. Prof Hor again noted that “the official response” was likely to be that “it’s not economically productive because of the costs incurred”.

He added: “The thinking now is that the money is better spent elsewhere.

“There’s definitely a big wall here, because officials will tell you that if you start providing state funding for this, it will be followed by state funding for healthcare, and so on. It’s a slippery slope.”

It means reforms would have be presented differently.

“It won’t help to keep calling it ‘victims’ rights,’ said Prof Hor. “Presenting it in the context of how all this can benefit the people and the state will help it go further.”