

NSfK Working paper 1/2024

Deserving and undeserving victims of crime: An analysis of applications and awards made by Criminal Injuries Compensation Fund in Iceland

Hildur Fjóra Antonsdóttir

The opinions expressed in this working paper are the author's own and do not reflect the view of the Nordic Research Council for Criminology.

Findings

- The number of applications to the Criminal Injuries Compensation Fund has increased significantly over the years, i.e., from ca. 274 in 2010 to ca. 484 in 2019.
- According to preliminary findings, the ratio of applications due to physical assault reduced significantly between the years, or from 68% in 2010 to 43% in 2019, while applications due to sexual violence have increased from 21% to 33%, and intimate partner violence from 4% to 11%.
- Due to the 'two-year-rule', many applications are incomplete and, therefore, not considered by the CICF. According to preliminary findings, 38% were incomplete in 2010 and 58% in 2019.
- According to preliminary findings, the ratio of incomplete applications is particularly high in cases of sexual violence, i.e., 50% in 2010, and 79% in 2019. This could possibly reflect the relatively low number of convictions, and therefore court ordered compensation, in cases of rape.
- According to preliminary findings, the ratio of accepted applications was 72% for both years and 28% were rejected. Rejections of applications are largely based on legal rules of exclusion.
- According to preliminary findings, the overall ratio of applications submitted by women was 42% in 2010, and 53% in 2019 but the ratio of completed applications was lower. Women's applications are also slightly more often rejected than men's applications. Women received 37% of the total allocated amount for both years.
- Preliminary findings indicate that the ratio for applicants with non-Icelandic names has increased from 13% in 2010, to 25% in 2019. For both years, the CICF acceptance ratio was

higher for applicants with non-Icelandic names (2010: 82%; 2019: 80%) than Icelandic names which was 70% for both years.

- Preliminary findings indicate that in 2019, the ratio of the total amount awarded to applicants with non-Icelandic names was significantly higher (37%) than to applicants with Icelandic names (63%). This can partially be explained by the relatively high compensation amounts to next of kin in homicide cases.
- The study has not been completed due to challenges in accessing data on victim compensation in Iceland.
- In 2022, the Althingi Ombudsman initiated an independent inquiry into the working conditions of the Criminal Injuries Compensation Fund based on mounting evidence indicating a systemic problem in the daily running of the Fund. In 2023, the Ministry of Justice responded to the inquiry and laid out plans to improve the working conditions of the Criminal Injuries Compensation Fund.

Background

State compensation schemes for victims of crime are based on the idea that the state has a duty to protect its citizens from crime, and awards compensation as recognition of a sense of public sympathy and social solidarity with victims. However, state compensation schemes are framed by laws and policies that condition the eligibility of applications. Awards can therefore be lawfully limited or denied which inevitably creates categories of deserving and undeserving victims for compensation. This study aimed to gain a better understanding of the social implications of the Icelandic Criminal Injuries Compensation Fund (CICF) and asks: How are the categories of deserving and undeserving victims constituted in the operations of the CICF? To answer these

questions calls for a review of all case files from the CICF, i.e. ca. 274 cases from 2010 and ca. 484 cases from 2019.¹ The data includes age, gender, citizenship, type of crime, amount sought and awarded, and rational for amounts awarded, declined, reduced.

The research project has been hampered by ongoing challenges in accessing the CICF data. In 2022, the Althingi Ombudsman initiated an independent inquiry into the working practices of the CICF based on mounting evidence indicating a systemic problem with its working conditions (see case no. F129/2023).² The investigation was closed in August 2023 based on satisfactory responses from the Icelandic Ministry of Justice in which plans for future improvements of the working conditions of the CICF have been

laid out, including the introduction of a new case registration system and other electronic solutions. As of September 2024, seemingly 84% of the cases have been accessed, or 216/274 (2010) and 424/484 (2019).

Preliminary Analysis

Of the 216 cases analyzed from 2010, the ratio of types of criminal offences was as follows: physical assault (68%), sexual violence (21%), intimate partner violence (4%), homicide (1%), other types of crimes (6%). Of the 424 cases analyzed from 2019, the ratio of types of criminal offences was as follows: physical assault (43%), sexual violence (33%), intimate partner violence (7%), intimate partner and sexual violence (4%), homicide (4%), traffic accidents (2%), other types of crimes (7%). Based on these preliminary numbers, the ratio of physical assault applications has reduced significantly (- 25%) while applications sexual violence has increased considerably (+ 12%) along with intimate partner violence (+ 7%).

CICF regulations require applicants to submit applications within two years of when the crime took place. Due to this two-year rule, a substantial number of applications are incomplete when they are first submitted and then many are later completed when a final decision is reached within the criminal justice system. While the data does not include information on why applications are not completed it can be assumed that this is usually because the case did not conclude with a guilty verdict and therefore no compensation was ordered by the court. The CICF only

makes decisions for completed applications. According to preliminary findings, in 2010, 38% of applications were incomplete, and, in 2019, 58% were incomplete. The ratio of incomplete applications is particularly high in cases of sexual violence, or 50% in 2010, and 79% in 2019. In comparison, the incomplete applications in cases of physical assault were significantly lower, or 31% in 2010, and 45% in 2019. This could possibly reflect the relatively low number of convictions, and therefore court ordered compensation, in cases of sexual violence, particularly rape.

The CICF only makes decisions on compensation in cases where the application is complete and where the compensation has not already been settled. According to preliminary findings, the acceptance/rejection ratio was the same for both years. In 2010, the CICF made decisions in 125 cases, of which 72% were accepted and 28% rejected. In 2019, the CICF made decisions in 166 cases, of which 72% were accepted and 28% were rejected. Accepted applications are largely applications that include a court ordered compensation, i.e., 68 out of 90 accepted applications in 2010, and 102 out of 120 accepted applications in 2019.

Rejections of applications are largely based on one or more legal rules of exclusion, i.e., the two-year-rule, or claim does not reach the minimum amount, or claim does not fall under the CICF mandate. In 2010, the rejection ratio for physical assault was 31% and 19% for sexual violence. In 2019, however, the rejection ratio for physical assault was 24% and 45% for

sexual violence applications. The high ratio of rejections in cases of sexual violence in 2019 are due to claims not reaching the minimum amount, or in 9 out of 13 applications.³ In a portion of cases, the rejection is based on the assessment of the evidence by the CICF, i.e., three out of 35 rejections in 2010, and 14 out of 46 rejections in 2019.

In 2010, the total amount awarded by the CICF (excluding legal costs and interests) was 59,226,293 ISK of which most was awarded to cases of physical assault (72%) and then to cases of sexual violence (15%), intimate partner violence (7%) and homicide (5%). In 2019, the total amount awarded (excluding legal costs and interests) was 125,981,616 ISK. Half of the amount was awarded to cases of physical assault (50%), and then homicide (23%), sexual violence (13%), intimate partner violence (4%) and sexual violence and intimate partner violence (3%). This reflects an increase in the ratio of applications due to sexual and intimate partner violence.

Gender

Preliminary findings indicate that in 2010, more men (58%) than women (42%) submitted applications to CICF while in 2019, more women (53%) than men (47%) submitted applications. Women more often submit applications due to sexual violence and/or intimate partner violence, while men more often submit applications due to physical violence. This is reflected in the ratio of incomplete applications by gender, i.e., women's applications are more

often incomplete than men's. In 2010, 43% of women's applications were incomplete and 33% of men's. In 2019, 69% of women's applications were incomplete and 49% of men's applications.

In 2010, the CICF made a decision in 125 cases of which 46 were from women, or 37%. In 2019, the CICF made a decision in 166 cases, of which 65 were from women, or 39%. Of completed applications, men's applications are more often accepted than women's applications. In 2010, 67% of applications from women and 75% of applications from men were accepted. In 2019, 69% of applications from women and 74% of applications from men were accepted. For both years, women received substantially less than men of the overall amount awarded, i.e., 37% and men received 63%. This is seemingly largely due to the high number of incomplete applications in cases of sexual violence.

Age Groups

Applicants were divided into ten-year age groups based on how old they were when the crime took place. Largest age groups in 2010: 21-30 years (32%), 11-20 years (30%), 31-40 years (14%), 41-50 years (14%). It should be noted that a more in-depth analysis of each category is sensitive due to the low number of values in each age category. However, of the four largest age groups, the ratio of incomplete applications was highest 43% in the 11-20 years age group. Within this age group the highest rate of incomplete applications was in cases of sexual violence, or 48% (or 11 out of

23 cases).

Largest age groups in 2019 were as follows: 21-30 years (32%), 11-20 years (25%), 31-40 years (19%), 41-50 years (9%). Of the three largest age groups, the ratio of incomplete applications was highest 63% in the 31-40 years age group. Within this group the ratio of incomplete applications was 80% in cases of sexual violence (or 12 out of 15 cases).

Nationality

Information on the nationality of the applicant is seldom included in the data. The data was therefore also coded based on the applicant's name, i.e., if the name was Icelandic, non-Icelandic, or a combination of Icelandic and non-Icelandic names. In 2010, 86% of the names were Icelandic, 13% foreign and 1% mixed. In 2019, 73% were Icelandic, 25% non-Icelandic and 2% mixed. The ratio of non-Icelandic names has, therefore, increased by 12% between years. There is not much difference between the ratio of incomplete applications and applicants' names. In 2010, the ratio for incomplete applications for applicants with Icelandic names was 38% and 32% for non-Icelandic names. In 2019, the ratio for incomplete applications for applicants with Icelandic names was 58% and 59% for non-Icelandic names.

It is notable that the acceptance rate is higher for applicants with non-Icelandic names than Icelandic names for both years. Acceptance rate in 2010 was 82% for non-Icelandic names and 70% for Icelandic names, and in 2019 it

was 80% for non-Icelandic names and 70% for Icelandic names. The ratio of the total amount awarded to applicants with Icelandic names in 2010 was 88% and 12% to applicants with non-Icelandic names. In 2019, the total amount awarded to applicants with Icelandic names was 63% and 37% to applicants with non-Icelandic names. This can partially be explained by relatively high compensation amounts to next of kin in homicide cases.

Preliminary recommendations

- It is recommended that the Criminal Injuries Compensation Fund publishes disaggregated annual statistics on applications and awards made based on gender, age and ethnicity.

Outputs

Presentations at academic conferences:

- Eurocrim 2022 Conference Málaga, Spain "Deserving and Undeserving Victims (of Sexual Violence) According to the Icelandic State Compensation Scheme for Victims of Crime – Some Preliminary Findings"
- NSfK 2023 Research seminar Hämeenlinna, Finland "Deserving and Undeserving Victims of Crime According to the Icelandic State Compensation Scheme – Some Preliminary Findings on Gender"

Blog posts:

- NSfK 2023 website “State Compensation and Gender Equality”

Knowledge gaps and future research needs

There is a need to conduct a Nordic comparative study on victim compensation schemes to gain a better understanding of the similarities and differences between legislative frameworks and how they are implemented. Given the Nordic countries’ commitment to equality and social justice, it is also important to gain a better understanding of the social implications of the way in which these schemes are implemented.

Notes

1. These numbers are from the CICF but have not yet been verified in this study.
2. See case F129/2023 on the website of the Althingi Ombudsman here <https://www.umbodsmadur.is/alit-og-bref/mal/nr/9844/skoda/mal/> (only in Icelandic).
3. In eight of these nine cases, the offence pertained to Art. 209 of the Penal Code: Any person who, through lewd conduct, offends people’s sense of decency or causes a public scandal, shall be imprisoned for up to 4 years, or up to 6 months or fined if the offence is minor.

The author

Hildur Fjóra Antonsdóttir, Assistant Professor, Police Science Programme, School of Humanities and Social Sciences, University of Akureyri.

E-mail:
hildurfa@unak.is

The project

‘Deserving and undeserving victims of crime: An analysis of applications and awards made by Criminal Injuries Compensation Fund in Iceland’ is a personal research grant funded by the Nordic Research Council for Criminology (NSfK).

NSfK

The Nordic Research Council for Criminology serves to promote criminological research in the Nordic region, and provides the governments with assistance in criminological matters and information on Nordic criminology.