Victims' Rights, Human Rights and Criminal Justice

Reconceiving the Role of Third Parties

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VICTIMS' RIGHTS, HUMAN RIGHTS AND CRIMINAL JUSTICE

In recent times, the idea of 'victims' rights' has come to feature prominently in political, criminological and legal discourse, as well as being subject to regular media comment. The concept nevertheless remains inherently elusive, and there is still considerable ambiguity as to the origin and substance of such rights. This monograph deconstructs the nature and scope of the rights of victims of crime against the backdrop of an emerging international consensus on how victims ought to be treated and the role they ought to play. The essence of such rights is ascertained not only by surveying the plethora of international standards which deal specifically with crime victims, but also by considering the potential cross-applicability of standards relating to victims of abuse of power, with whom they have much in common. In this book Jonathan Doak considers the parameters of a number of key rights which international standards suggest victims ought to be entitled to. He then proceeds to ask whether victims are able to rely upon such rights within a domestic criminal justice system characterised by structures, processes and values which are inherently exclusionary, adversarial and punitive in nature.

PREFACE

This is an intriguing time to write any form of commentary on victims. Rarely a day goes by without reference in the media to the notion of 'human rights' generally or the 'rights' of victims of crime in particular. This book aims to unite these discourses, by considering the prospects for realising victims' rights within a human rights framework.

Since the ascendancy of human rights in the aftermath of the Second World War, the discipline has been primarily concerned with the protection of victims from the abuse of power by the State. For various reasons, victims of non-state crime or 'ordinary' crime victims have tended to be viewed outside this framework. Since their rights have been violated by individual actors, rather than agents of the State, it is assumed that the domestic criminal law will adequately protect them, as opposed to any scheme of international law. That situation has recently undergone a profound transformation. The public / private divide which once characterised both human rights law and the nature of the criminal justice system has become blurred. Increasingly, it has been recognized that 'ordinary' victims of crime have much in common with victims of abuse of power. Both sets of victims have suffered as a result of their rights being violated, and both merit some form of recognition and redress.

Against this backdrop, this book argues for a unified theory of victims' rights. Acknowledging the normative correlation between victims of state and victims of non-state crime, the study draws from both international human rights and domestic criminal justice discourses. It argues that the very concept of 'victims' rights' rings hollow unless we reconceptualise these rights as being human rights, fully protected and directly applicable within both domestic and international legal orders.

The book aims to accomplish two objectives. First, it seeks to survey the current scope of international standards, drawing from norms that relate to both 'types' of victim. Whilst it is fully acknowledged that these norms amount to neither a fully definable nor fully desirable set of standards, they do give us some indication of international consensus as to what constitutes best practice.

Secondly, the book considers the extent to which such rights might be realistically mainstreamed within the English criminal justice system. While successive governments have embarked on a number of efforts to boost the position of victims in the criminal justice system, the compatibility of the structures and their underlying theoretical foundations with the human rights paradigm is very much open to question. The emphasis placed on oral evidence at court, the broad latitude of the parties to question victims, the bipartisan nature of criminal justice, the

manner in which cases are constructed, and the narrow conceptions that are commonly held about remedies and reparation suggest that we may need to radically rethink our criminal justice system if victims' rights, as human rights, are to be taken seriously.

This book begins with a chapter charting the ascendancy of the victim from history into contemporary criminal justice policy. It examines the way we think about victims, their rights, and how criminal justice generally has changed over the centuries. It also unpacks some of the awkward ideological questions that are typically posed by those who are sceptical of the place of victims' rights within contemporary law and policy. The importance of human rights and the need for a broader, international perspective when engaging in such debates is also explained.

The four subsequent chapters are centred around four broad 'rights' which have come to feature as salient themes in both human rights and traditional victimology. These are the right to protection; the right to participation; the right to justice; and the right to reparation. Each chapter discusses the origin, scope and individual components of a particular 'right', drawing on norms in human rights law and, in places, international humanitarian law and international criminal justice. I attempt to identify pronounced controversies and points of both consensus and divergence, with a view to determining what constitutes 'best practice.' Each chapter also considers the extent to which such rights are currently present, or might be realisable, within the English criminal justice system. The argument advanced is not that these four 'rights' are necessarily 'rights' within any legal sense. Rather, they are four substantive areas which have been subject to considerable debate and either have emerged, or seem to be emerging, as new human rights for victims of state or non-state crime. I should also add that the discussion is not intended to constitute a comprehensive statement of the rights of victims in current international discourse. Such a task would, quite simply, be impossible since no absolute international consensus is present, and no doubt the four areas I have selected will be questioned by some readers. I have chosen them for two main reasons. First, because they touch on those aspects of criminal justice that seem to matter most for victims; and secondly, because they pose some of the most difficult questions regarding how they might be effectively realised within the parameters of an adversarial system of justice.

In conclusion, my final chapter summarises the nature of the four emergent rights discussed in the book. It is argued that the adversarial paradigm represents a poor vehicle for their delivery, both actual and potential. The primary reason for this is that it locates the interests of the victim in a position that is subservient to that of the State. As such, the bipartisan adversarial system is structurally flawed, and is inherently incapable of safeguarding the rights of third parties. In order for such rights to be fully effective, we need to radically rethink the way in which we conceive the structures and values at the heart of the criminal justice system.

With this is mind, the chapter advocates a shift towards two alternative approaches, restorative justice and the inquisitorial method, as fairer and a more

holistic means of delivering justice. While neither of these approaches may represent a wholesale panacea for the problems facing victims, it is argued that they are structurally and conceptually better placed to accommodate and provide better protection for victims in the criminal justice system.

Admittedly, this work may raise more questions than it answers. Many of the 'rights' discussed herein are still in emerging form, and as such even some of the questions raised may themselves require redefinition or clarification in years to come. It is hoped, however, that the book will make a positive contribution to contemporary debates by casting a human rights perspective upon the role of the victim within criminal justice.

The first three chapters of the book are drawn in part from my doctoral thesis, and I wish to thank Professor Sean Doran and Professor John Jackson for their conscientious supervision and direction during my time as a research student at Queen's University Belfast. Advice and / or comments have also been gratefully received from Professor Christine Bell of the University of Ulster, Dr Claire McGourlay of the University of Sheffield and Dr Lorna Fox of the University of Durham. Thanks also to my father, Connor, for helping with proof-reading and to Erica Grinberg and Liz Moffat for their valuable research assistance. I also extend my sincere gratitude to Richard Hart and his team who have offered outstanding support, advice and flexibility throughout the project.

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The Evolution of Victims' Rights

IN RECENT YEARS, the phenomenon of 'victims' rights' has been catapulted to the forefront of policymaking on both domestic and international platforms. While the criminal justice system has traditionally been conceptualised as a mechanism for the state to resolve its grievances against suspects, defendants and offenders, it is now broadly accepted that justice cannot be administered effectively without due recognition of the rights and interests of other parties affected by the criminal action. This shift has affected the extent to which their interests are represented in the formulation of criminal justice policy, in that an increasing number of initiatives are undertaken in the name of victims, seeking to bolster their position within the system. These developments raise a number of key questions and fundamental issues concerning the structural and ideological basis of our criminal justice system, not least as to whether the very concept of 'victims' rights' is inherently compatible with a system that is ideologically constructed as a bipartisan contest between the State and the accused.

The phrase 'victims' rights' has now entered into widespread usage among politicians, academics and the media. Unfortunately, the terminology tends to be deployed in an imprecise manner, and is often resorted to as a form of emotive polemic. Consequently, discussions around the idea of 'victims' rights' frequently produce more heat than light, and rarely succeed in eliciting the precise scope or legal nature of such 'rights' or the extent to which construction of such rights can be realised within the normative and structural framework of the existing criminal justice system. This book aims to shed some light upon the meaning of victims' rights and their place within the criminal justice system, taking into account international and human rights perspectives. While the subsequent chapters take the form of thematic discussions that attempt to trace the scope and content of a number of selected rights, this introductory chapter aims to clarify how the concept of victims' rights might be interpreted, and what it should mean in practice, for victims to be able to exercise rights within the legal order. As a starting point, it may be useful to provide a brief overview of the interaction of historical, sociological and political factors that have positioned the victim at the forefront of contemporary criminal justice debates. The following is not intended to constitute an exhaustive analysis of the historical position of the victim, nor a detailed account of the victim's ascendancy in criminal justice policy. That task has been admirably

accomplished elsewhere.[1] Nevertheless, before outlining the theoretical framework that underpins the study, it may be worth setting the scene in order to contextualise the deeper formalistic questions about the role of the victim.

I. The Victim through History

The origins of the modern day criminal law as a form of public law designed to regulate and punish offending behaviour has its origins in the early law of tort. In the absence of a central state authority, the victim / offender conflict was historically conceptualised as a private matter outside the State's immediate interests. For its part, the early State tended to concentrate on the eradication of blood feud, and the provision of a legal framework for victims to pursue compensation for injuries through the courts.[2] This legal framework was essentially a system of private law designed to facilitate the resolution of a private dispute, and bore little resemblance to the modern day criminal law, where the State itself undertakes the responsibility for punishing offenders for their wrongdoing. This philosophy underpinned the legal system of Anglo-Saxon England. Under localised dispute resolution systems, most offences were emendable: offenders could redeem themselves through the payment of compensation, known as a *bot* or *wergild*.[3] These were early forms of damages, payable by the accused to the injured party or his family group, and were calculated on the nature and extent of the wrong.[4] Where crimes were intentional, a *wite*, or public fine, was also payable to the king or feudal lord.

This system underwent a seismic shift during the Middle Ages. Under the reign of Henry II (1154–1189), a process of centralisation was instigated which culminated in the Assize of Clarendon of 1166. This ordinance clearly delineated a number of serious offences as crimes (as opposed to torts) which would fall under the king's jurisdiction. Although the move did not abolish any private rights of action, it nonetheless marked the beginning of an era when the State gradually usurped the role of the victim. Various reasons have been suggested for this shift from local to centralised law and for the emergence of a distinction between criminal and civil liability. As Ashworth suggests, the transition probably owed:

[1] Regarding the historical position of the victim, see Schafer (1968); Young (2001), Seipp (1996); Klermann (2000); Kirchengast (2006). In relation to the ascendancy of the victim in the modern criminal justice policy, see Walklate (2001); Dignan (2005), 42–93; Goodey (2005), 121–51; Spalek (2006).

[2] Young (2001), 6; Baker (2002), 500.

[3] This essentially constituted a private prosecution—see Pollock and Maitland (1898) II, 451. Some serious offences, such as arson and treason, were *botless*, which meant that they were irredeemable, and only punishable by death or mutilation.

[4] Whereas the *wergild* was payable to the family group in cases of serious injury or death; the *bot* was a generic compensation payment usually reserved for less serious injuries.

> less to doctrinal legal distinctions than to the usefulness of criminal jurisdiction as a source of funds for the Crown . . . and to the social significance of the administration of criminal justice as a mark of royal authority.[5]

As society became larger and more complex, the development of the criminal law became a useful tool for the State to regulate the behaviour of its citizens in order to promote peace and the security of the nation.[6] However, it has also been suggested that the shift was not a conscious process, but came about over time as a result of the interaction of a number of factors, including the dilution of the ties of kinship, jurisdictional squabbles between the church and the king, and social inequities.[7]

The 'Pleas of the Crown', created by Henry II, changed the nature of the early criminal law, moving it from the sphere of private law into a form of public law enforceable by the state. Certain offences were now conceptualised in law as wrongs committed against the king, rather than private parties. Royal justices were commissioned to visit the counties and inquire into alleged criminal offences, and prosecutions were then brought as 'indictments of felony.'[8] Victims were, however, still able to take a private action against their offenders, through the 'appeal of felony', which was essentially a form of private prosecution. Although instigated by the victim, the penalties were usually death or a fine payable to the king.[9] As such, victims who brought a successful appeal had to be content with the incorporeal satisfaction that some form of justice had been done. Although appeals of felony continued to be brought until the early nineteenth century, their heyday was the late twelfth and early thirteenth centuries. Schafer describes the Middle Ages era as 'the golden age of the victim',[10] in so far as the system was based on the principle of restitution to the party who had suffered a loss. Yet, his analysis appears somewhat optimistic given that the burden and expense of prosecution and proof lay squarely on the victim's shoulders, and by the end of the thirteenth century, relatively few criminals were prosecuted by appeal. The decline of the appeals system can be attributed to a number of factors, including: changes in the judicial attitude towards private settlements; the archaic nature of the law; the emergence of 'presentment', which meant that crimes could be prosecuted even where the victim did not appeal; and the introduction of writs of trespass, which allowed victims to pursue civil damages in tort from the middle of the thirteenth century.[11] In many instances, victims could therefore choose whether to pursue a criminal or a tortious action, depending on whether they were motivated primarily by vengeance or compensation.[12] Royal officers could also prosecute

[5] Ashworth (1986), 90.
[6] Van Ness (1996), 66.
[7] Young (2001), 6.
[8] Ashworth (1986), 90.
[9] Klerman (2000), 9.
[10] Schafer (1968), 7.
[11] Baker (2002), 60.
[12] Seipp (1996), 84.

criminal offences using the 'indictment of felony' or 'indictment of trespass' where the victim chose not to do so, but normally only chose to do so if the offence was considered important enough to affect the interests of the king.[13]

During the fourteenth and fifteenth centuries, the appeals system was gradually supplanted by indictment.[14] As society became increasingly complex, the State's interest in regulating behaviour and punishing offenders rapidly increased, and the power to prosecute was shifted from the victim to the State.[15] From the late seventeenth century, the State began to take a more proactive role in encouraging victims to bring actions against offenders through a system of 'rewards and immunities' for those who prosecuted felons.[16] The main avenue for pursuing such an action was through 'laying an information.' This procedure could be used by a victim or by any other common informer.[17] Nonetheless, commencing criminal proceedings in this way was an expensive and slow process, and in the vast majority of cases, the offence was unlikely to be pursued.[18] This situation was eased in the eighteenth century by the formation of local associations for the prosecution of felons, which:

> aspired to promote the enforcement of the criminal law by spreading the costs of investigation and prosecution among the membership.[19]

Essentially, citizens would pay a subscription which would go towards the expenses of a criminal investigation and prosecution should one of the members fall victim to an offence.[20] In summary then, by the beginning of the eighteenth century the State had come to assume the role that the victim once had in the prosecution of crime, and the interests of the victim were relegated to a subservient position to those of the State.

Shifting Ideologies: The Political State

Ideologies concerning the role of the state within criminal justice matters underwent a further period of change during the eighteenth century. Political thought during the Enlightenment inflated the role of the state to that of the benevolent

[13] *Ibid*, 60.

[14] Baker (2002), 504–5. The appeals system was finally abolished in 1819.

[15] Some legal historians have concluded that that one of the main reasons for the proliferation of the criminal law during this period was economic, with judicial fines making up one-eighth of the entire revenue received by the king (Young, (2001)). Schafer (1968) asserts that this amounted to little more than power play in which the State enriched itself at the expense of victims, citing the 'violent greed of feudal barons and medieval ecclesiastical powers' as major factors in the usurpation of the rights of the injured party (at 12).

[16] Bentley (1998), 7.

[17] Baker (2002), 506.

[18] Some victims were able to engage a 'thief taker.' Thief takers were private individuals who lived off rewards from courts and victims for bringing offenders to justice (Langbein, (2003), 152–3).

[19] Langbein (2003), 132.

[20] *Ibid*, 133.

protector of the public.[21] As a result, the government began to intervene much more readily to attempt to put in place an effective criminal justice system that was capable of protecting the public good. Incentives were devised to encourage actions against perpetrators, including the opportunity to recover costs.[22] Other private parties (ie, non-victims) were also able to instigate cases as informers, with the prospects of fines being split with the king.[23] Although such actions were now brought in the name of the king, the criminal justice system remained heavily dependent on the role of victims to report crime and testify against offenders.

Policy at this time was heavily influenced by the Italian jurist, Beccaria,[24] who believed that the role of the criminal justice system was to serve the interests of society as a whole, as opposed to providing redress for victims on an individualistic basis. Thus where the interests of the public good conflicted with those of the victim, this was viewed by utilitarians such as Beccaria as being largely irrelevant, since the individual victim's interests were subservient to those of the nation state.[25] The punishment of the attack on the supreme power of the nation state far outweighed the provision of redress to individual victims.

This shifting perception of the role of the state was reflected in a sea change which occurred in the prosecution of criminal offences during the nineteenth century. The Metropolitan Police Act of 1829 had created a new police force that rapidly became the main prosecutor for public order and vagrancy offences, and, over the course of the nineteenth century, increasingly usurped the role of the victim as a private prosecutor. Although England still lacked a system of public prosecutions, in the latter half of the nineteenth century the police and local magistrates began undertaking an increasingly proactive role in overseeing prosecutions.[26] Consequently, victims became more dependent on the police to track down the suspect and gather evidence. As a result, the victim's prosecutorial function was gradually subsumed, thereby transforming his role from a 'policeman, prosecutor and punishment beneficiary to that of informant and witness only.'[27]

Just as the prosecution system underwent a major change, so too did the nature of the criminal trial. Historically, the accused was not permitted access to counsel, but during the eighteenth century, this prohibition was relaxed somewhat.[28]

[21] Yaroshefsky (1989), 135–40.

[22] Cardenas (1986), 360.

[23] *Ibid.*

[24] McDonald (1976), 655. Beccaria saw society based around the social contract, and called for a radical rethink of the principles underlying the system. He particularly urged that crimes should be redefined in accordance with the degree of harm caused to society, and not according to the offensiveness of the act to God. Since society was based on the social contract, the offence should be viewed as one against society at large rather than the victim, and punishments should be made proportionate to the crime, and should be strictly prescribed by law.

[25] Rock (1990), 87, who also observes that Bentham asserted that it was the duty of the State to protect the victimised citizen.

[26] Although the Prosecution of Offenders Act 1879 created the new office of the Director of Public Prosecutions, there was neither a statutory definition of functions nor even a public prosecutions system to direct. A century later, the CPS was eventually established under the Prosecution of Offences Act 1985.

[27] McDonald (1976), 656.

[28] Bentley (1998), 71.

According to the strict letter of the law, the prohibition against defence counsel in felony trials remained in effect, but by the mid-1730s the bench had begun to allow such representation although their actual role was tightly controlled[29] and they had few rights to intervene in the trial.[30] However, the rights of defence counsel received a major boost with the enactment of the Prisoner's Counsel Act of 1836, which not only recognised the right of a defendant in a felony case to counsel in law, but allowed counsel to address the jury directly.[31] The full implications of this reform did not become evident for some time, but through introducing a new actor onto the courtroom stage, the door was left ajar for trials to become a fora for bipartisanship and adversarial argument.

As counsel came to exercise an increasingly important role in the trial, the role of the judge as an active participant declined. Until the early nineteenth century, judges themselves were responsible for conducting most of the questioning.[32] Indeed, King adds that they were 'often highly proactive examiners who pointedly questioned witnesses and directed the hectic flow of evidence', and he also points out that it was not unusual for the judge to be seen as a counsel for the prisoner.[33] By the middle of the nineteenth century however, the majority of prosecutions were conducted by barristers, although they were usually instructed by the police rather than victims directly.[34]

The involvement of counsel in the courtroom precipitated a major change in the conduct of the criminal hearing. From the middle of the eighteenth century to the mid-nineteenth century, a complex network of evidential rules had developed; counsel had greatly honed and refined their skills as seasoned advocates, and judges exercised a much more passive role in the trial.[35] The adversarial nature of the trial had been well established by the middle of the nineteenth century, although the shift was unintentional and was largely brought about in a piecemeal and uncoordinated fashion. As May contends, the adversarialisation of the trial process 'was the result not of any deliberate intent on the part either of the State or the legal profession to refashion the felony trial as a professional contest; it was instead rooted in particular historical circumstances, prominent among which were commercial expansion and rising fears about crime.'[36]

[29] Bentley (1998), 71.

[30] *Ibid.*

[31] Cairns (1998), 3.

[32] Bentley (1998), 71. It was not until the latter part of the nineteenth century that prosecuting counsel appeared regularly in criminal cases. It was not unknown, however, for prosecutors to appear in earlier times. Langbein (2003) cites several instances in the early eighteenth century where the king directed the Attorney General to commission lawyers to prosecute on a number of occasions at his expense (at 120–1). He also notes that, on occasions, victims who had the resources could also make use of their solicitors to draw up papers and examine witnesses (at 123–7).

[33] Cairns (1998), 46; King (2000), 223–4.

[34] King (2000), 223.

[35] *Ibid,* 225.

[36] May (2003), 2. See also Langbein (2003), who contends that lawyerisation 'was a response to the failure to develop a reliable and effective system of pretrial criminal investigation . . . the failure to understand that criminal investigation should be a public good' (at 333).

Whatever the reasons behind the changes to the nature of the criminal justice and the criminal trial that occurred over the centuries, there has been a clear historical pattern whereby the victim has been gradually excluded from both the investigation and trial stages of the criminal process. Centuries of centralisation led to the emergence of a public criminal law administered by the State, and later by lawyers. As a result, the contemporary criminal justice system is normatively and structurally built around a contest between the State and the accused, which inherently excludes the rights and interests of the victim.[37] This historical pattern explains why victims do not have any conceptual role to play in the modern criminal justice system other than to act as witnesses to the facts. The modern day structure of the legal system is reflective of its historical origins, which have traditionally separated the functions, sanctions and philosophies of the criminal and the civil law. Ashworth describes the purpose of the criminal law as 'to penalise those forms of wrongdoing which . . . touch public rather than merely private interests.'[38] In his view, the proper approach in determining the role of the victim within the criminal justice system is on the basis of this distinction between criminal and civil proceedings, and the rights and the interests of the victim should be pursued under the civil, as opposed to the criminal law.[39] The criminal law and its penal sanctions are thus widely conceptualised as being geared to protecting the public interest in denouncing and punishing unacceptable behaviour, and not furthering the private interests of individual parties.

II. The Rebirth of the Victim

Towards the end of the nineteenth century, and during the early years of the twentieth century, widespread concern for society's most vulnerable members seemed to impact upon public consciousness. In addition to an array of legislation designed to safeguard the position of women and children,[40] many statutes made specific provision for compensating criminal injury or loss.[41] However, it was not

[37] See, however, Kirchengast (2006), who argues that the legacy of the victim's early common law role has continued to shape the criminal justice system over the centuries. Whilst most contemporary literature recognises that, on a normative basis, prosecution and sentencing are functions of the State, Kirchengast's genealogical analysis illustrates how the historical role of the victim continued to influence the development of prosecutorial and punitive powers over the centuries.

[38] Ashworth (1992), as cited by Cavadino and Dignan (1996).

[39] See, eg Ashworth (1998).

[40] See, eg (1853) 16 & 17 Vic, c30; Poor Law Amendment Act 1889; Infant Life Protection Acts 1872–1897; Matrimonial Clauses Act 1878; the Prevention of Cruelty and Protection of Children Act 1889.

[41] Eg, Lord Campbell's Act of 1846 recognised the right of a victim's family to claim compensation in the case of wrongful death. The Malicious Injuries to Property Act 1861 allowed the owner of damaged property to obtain recompense of up to £5. The Riot Damages Act 1886 provided for compensation to victims of riots, and the Police (Property) Act 1897 gave the courts power to order return of stolen property to its true owners, and also the power to order compensation up to the value of £10 for

until the latter part of the twentieth century that the interests of the victim really began to impact upon the shape of criminal justice reform in any meaningful way. Growing awareness of victimisation emerged in the years following the Second World War. The post-war era was marked by a 'shifting understanding of accountability and citizenship',[42] which was evidenced in the creation of the welfare state and the emergence of civil society.

Although criminal justice policy was not a widely contested political issue during this time, it was within this climate of emerging social rights that a loose association of groups and individuals became involved in campaigning for victim-specific issues. Margery Fry is widely credited for her campaigning during the 1950s for victim compensation, which was instrumental in the creation of the Criminal Injuries Compensation Scheme in 1964.[43] In the decades that followed, the feminist movement played a key role in highlighting aspects of hidden victimisation, including domestic violence and rape. Erin Pizzey established the first Women's Aid shelter in Chiswick in 1971, and local rape crisis centres were established during the latter years of the 1970s.[44] In addition, the children's rights movement also contributed to the growing awareness of other aspects of hidden victimisation. Publicity surrounding child sex abuse emerged on a number of occasions, with various studies revealing that it was a lot more prevalent than had been thought.[45] High profile cases often centred on the abuse of children in the care of social services, or where social services had failed to intervene including Cleveland (1987), Orkney (1991), South Wales (1996) and Tyneside (1996). Throughout the 1980s and 1990s, a growing number of specific interest groups emerged, including organisations campaigning for the registration of sex offenders, incest survivor groups, relatives of murdered and missing children, relatives of victims of drunk driving, and those concerned with combating racism, homophobia and discrimination generally. While such groups were generally unconnected and pursued their own specific agendas, the net effect of their efforts was to highlight the plight of weaker and more vulnerable members of society on many different levels under contemporary legal and political frameworks.[46]

a variety of minor property related offences. S 4 of the Protection of Animals Act 1911 enabled the court to order compensation where animal cruelty led to damage to an animal or to any person or property, and s 14(1) of the Criminal Justice Administration Act 1914 provided that compensation could be ordered for malicious damage to property.

[42] Walklate (2001), 204.

[43] See discussion below at p 12, and Ch 5 below, pp 227–30.

[44] There has been no attempt to unify the numerous rape crisis centres which operate throughout the UK: they all remain independent organisations, with no uniform standards, thus making funding difficult to come by (Williams (1996), 48).

[45] See, eg Nash and West, (1985); Glaser and Frosh (1988) Horne et al (1991). A sample survey conducted for MORI by Baker and Duncan (1984) revealed that 8% of males and 12% of females remembered being involved in a sexual incident with an adult before they themselves had turned 16.

[46] Mawby and Walklate (1994) cite the sinking of the *Herald of Free Enterprise* (1987), the Clapham rail crash (1988), the King's Cross fire (1989), the Hillsborough football stadium disaster (1989) and the sinking of the *Marchioness* (1989) as examples of specific human tragedies towards the end of the 1980s that also increased public awareness of victims (at 85).