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DIRECTORATE GENERAL JUSTICE



RIGHT TO INFORMATION

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“one of the most potent needs that many victims have is for information about the crime and what will happen next in their lives. Their lives have typically been thrown into chaos and they feel out of control. A way to regain control is to know what has happened and what will happen – when, where and how”

in United Nations Handbook on Justice for Victims



INTERNATIONAL LEGAL FRAMEWORKS



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- UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)**
- Council of Europe Recommendation on the Position of the Victim in the Framework of Criminal Law and Procedure (1985)**
- EU Framework Decision on the Standing of Victims in Criminal Proceedings (2001)**
- Council of Europe Recommendation on Assistance to Crime Victims (2006)**
- EU Directive establishing minimum standards on the rights, support and protection of victims of crime (2012)**

RESEARCH FINDINGS



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- few victims are knowledgeable of the workings of the criminal justice system
- most victims do not know what possibilities are open to them, where they can receive assistance and what is expected from them
- lack of information as a prime source of dissatisfaction with the criminal justice proceedings



IMPLEMENTATION OF THE FRAMEWORK DECISION

2004 evaluation report



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❑ Member States were following two different paths:

✓ specific authority responsible for providing information

× information delivered through booklets, leaflets, websites, etc.

❑ most Member States didn't have information available in several languages

❑ only Finland had fully transposed the right to receive information concerning the release of the author and the right not to receive information

“(...) one can only regret the partial and sometimes non mandatory transposal measures (...)”



VICTIMS IN EUROPE REPORT (2009)



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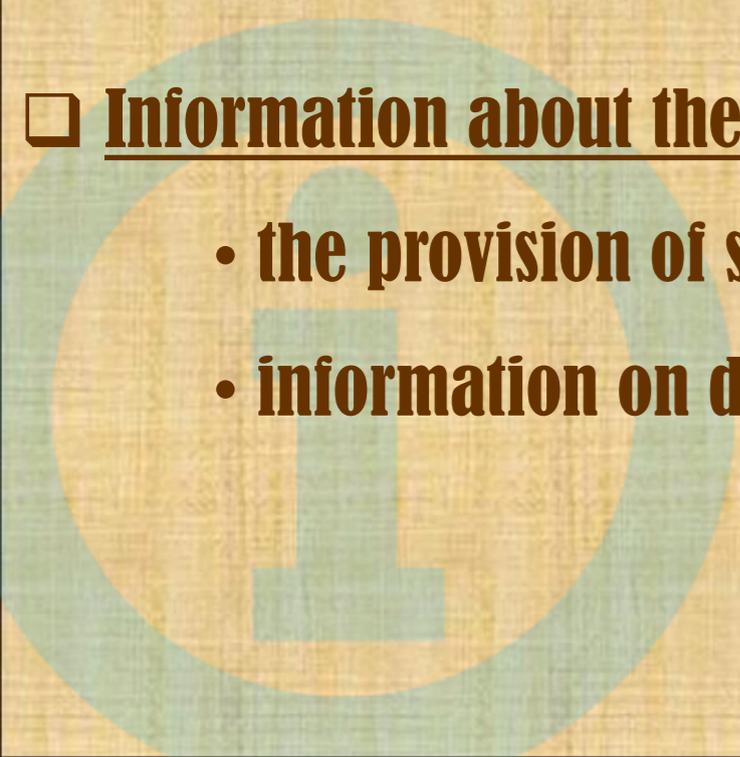
- most Member States had legal provisions imposing to a specific authority the duty to inform victims and establishing what information shall be provided
- in most jurisdictions the victim is informed of the progress of the case
- victims have an easy access to information concerning topics like type of services/organisations available for support, where and how they can report an offence, legal advice and legal aid
- victims still don't have an easy access to information on their role in the criminal proceedings, compensation, protection and the outcome of the report
- non-governmental organisations are more proactive than the State in the production of info materials
- information does not reach victims on time

New issues on which victims shall be informed:

- conditions to access interpretation and translation
- available procedures for making complaints in case of violation of rights
- contact details for communications about their case
- available restorative justice services
- conditions for reimbursement of expenses

Information about the case:

- the provision of some information depends on the victim's role in the proceedings
- information on decisions shall include the reasons for those decisions



some key ideas on info delivery



- the State shall be responsible for providing information in a proactive way
- information shall be delivered in a language and manner that the victim can understand
- information shall be provided as soon as possible
- victims shall be kept up-to-date with what actions are taken in the case
- victims of unreported crime shall have access to the necessary information
- if the victim doesn't wish to receive information, his/her desire shall be respected
- in their first contact with the criminal justice system, victims shall be informed of any available compensation scheme



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THANK YOU

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