



Victim Support
Europe



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SAFE JUSTICE FOR VICTIMS OF CRIME

DISCUSSION PAPER

CHALLENGING HOW WE PERCEIVE SUCCESS IN JUSTICE:

Moving towards an integrated, victim-sensitive system

READ THE FULL REPORT ONLINE



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FEBRUARY 2023

AFTER 40 YEARS, A CHANGE IN APPROACH IS NEEDED

Nearly forty years ago, the UN Basic Principles of Justice for Victims of Crime and Abuse of Power was the first international instrument to truly address victims' rights. In response, we have **progressively adopted a body of rights and obligations seeking to ensure victims of crime are properly treated in our justice systems.**

The improvements for victims are clear, yet limitations to rights and failures to implement remain extensive. There is a **fundamental problem in our approach that prevents widespread, consistent and meaningful progress for victims.**

THE CHALLENGES THAT VICTIMS FACE

Victims face extensive challenges when seeking justice. Recognising that progress has been achieved as well as numerous good practices, the types of problems faced by victims are summarised below:

- Existing laws do not properly ensure that victims are recognised, treated with respect, protected from further harm, supported throughout the proceedings and are able to easily access compensation. Either the **laws are not in place or numerous limitations and exceptions exist.**
- This means victims are fearful or discouraged from reporting crimes, they are poorly treated within proceedings - ranging from disrespect and bias to situations where their physical safety is at risk. They are also poorly informed, and not sufficiently helped to participate and to be heard.
- Besides gaps and limitations in laws, **rights are poorly implemented in practice** driven by short term, ad hoc, localised measures which are not strategic, systemic or sufficiently co-ordinated or funded.
- Clear **parameters, protocols, tools, guidelines, infrastructure, co-ordination and training** are deficient in various ways. This results in treatment of victims and their access to justice being affected by a lack of knowledge and understanding, attitudes, beliefs, and biases.
- **Remedies to address violations of victims' rights are limited or non-existent.** In simple terms, there is little or no consequence to the breach of victims' rights.

SAFE JUSTICE: A 21ST CENTURY NECESSITY

After forty years of the same statements, of rights that are not implemented, of rights that cannot be exercised, of victims being marginalised, a change in approach is required. The commitments made by governments and international organisations must become a reality for victims.

The Safe Justice paper aims to kick-start this change. At its heart is the realisation that **the treatment and safety of victims must be a clearly stated objective of Justice** – a measurement of its success – equal in importance to other principles of justice, including the right to a fair trial.

Safe Justice starts from the position that strategies, laws, rights, policies and practices for victims in criminal justice should be designed to **address the harm to victims and meet their needs.** In doing this, it must be **victim sensitive** – following core principles of **recognition, respectful treatment, empowerment, well-being & safety.**

Those actions may then be **adjusted to be balanced with other principles of justice**, such as fair trial rights, impartiality, due process, non-discrimination, equality of arms, **as well as feasibility.**

This is an **integrated, victim-sensitive approach to justice.**

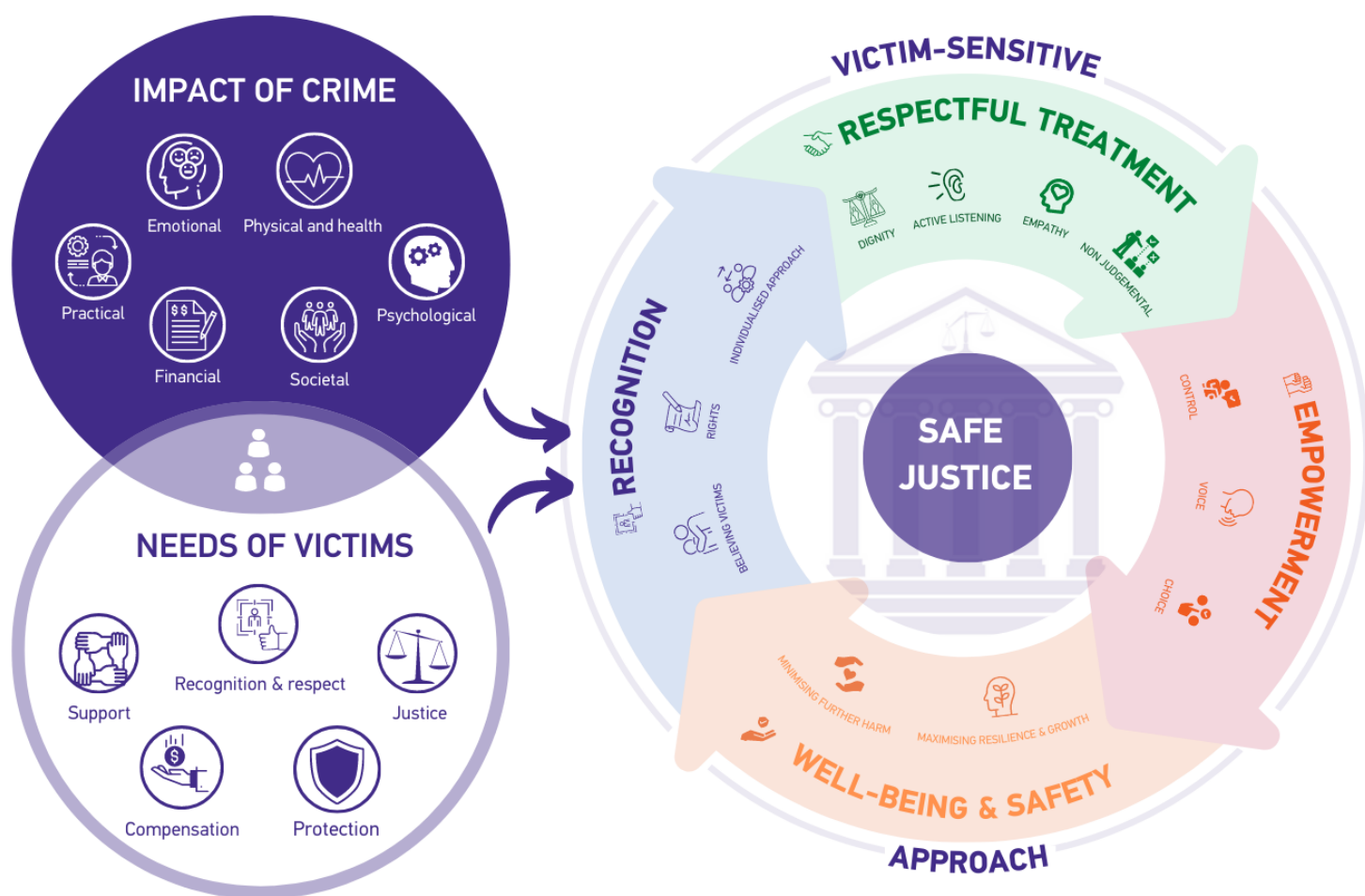
HOW TO IMPLEMENT SAFE JUSTICE



Definition of Safe Justice:

Safe Justice is a ‘holistic, systematic, needs-driven, rights-based, victim-sensitive approach to justice which includes in its objectives upholding of victim’s rights and the protection of the physical, psychological, and emotional safety of the victim, thus benefitting the justice system as a whole and supporting the creation of a fairer, safer society.’

Achieving Safe Justice requires an **integrated response, connected to a comprehensive framework of victim support and communication** at the national level. It requires action by international and European institutions, by States, and by services and actors within justice systems: updating legislation, reviewing the functionality of national justice systems, addressing bias and inappropriate attitudes.



Help victims to:

- report crime
- be informed
- have meaningful participation
- be safe
- achieve restoration



RECOMMENDATIONS TO ACHIEVE SAFE JUSTICE



HELPING VICTIMS TO REPORT CRIME

- Diversify ways to submit a report
- Professional accompaniment when reporting
- Protect victim's personal data
- Training on empathy and trauma-informed approaches
- Public awareness-raising on reporting crime



HELPING VICTIMS TO BE INFORMED

- Shift from information rights to communication frameworks
- Standards for information provision: accessible, accurate, easy to understand, timely & repeated, actionable, adapted to individual needs, available in various formats
- Increased infrastructure, e.g. case management systems
- Two-tier translation and interpretation system: qualified interpreters & linguistic assistance



ENABLING MEANINGFUL PARTICIPATION OF VICTIMS

- Professional accompaniment for support and legal needs throughout proceedings
- Increased access to lawyers, free of charge, to fully enjoy rights
- Enhanced right to be heard and to provide evidence, e.g. victim impact statement as a minimum
- Court-based support services and specialist victim units in justice and law enforcement agencies
- Innovative practices to facilitate participation, e.g. facility dogs
- Coordination and referral between services



HELPING VICTIMS TO BE SAFE

- Enhanced assessments of specific protection needs: holistic, trauma-informed, timely & repeated, consistent
- Protection of victim's privacy: safety by design, victim files, self-regulation of media
- Improved access to protection measures: availability, decision-making, operation
- Innovative practices to reduce fear and trauma, e.g. digital tools



HELPING VICTIMS ACHIEVE RESTORATION

- Reimbursement of expenses: common list for minimal coverage
- Co-ordination of state and offender compensation in single framework
- Decisions on offender compensation in criminal proceedings by default
- Enforcement of offender compensation decisions by State
- Availability of high-quality restorative justice services
- Effective remedies, legal and other, for victims' rights violations

This discussion paper was developed by Victim Support Europe (VSE). Victim Support Europe is the largest umbrella organisation advocating for the rights of all victims of all crimes in the European Union. VSE represents 70 national member organisations providing support and information services to more than 2 million people affected by crime every year in 34 countries.