



THE EUROPEAN ORGANISATION OF
PRISONS AND CORRECTIONAL SERVICES

CJP Victims expert meeting

11-12th March 2015

Barcelona, Spain

The three partners of the Criminal Justice Platform (EuroPris, CEP, EFRJ) organized on 11 and 12 March an expert meeting on the implementation of the EU Victims Directive in the Centre for Legal Studies in Barcelona. Experts from the field of Restorative Justice, Probation and Prison from 6 countries and representatives of the European Commission discussed the issues they were facing in the implementation and presented steps and tools that supported this process. The Directive covers practical, emotional and legal aspects in the protection of and support to Victims of crime. Most challenging is the fact that a cultural shift needs to be accomplished by all the actors in the criminal justice chain who are dealing directly or indirectly with victims.

Below are the informal notes of the meeting – next months the official meeting summary and later a detailed report will be published in the EuroPris newsletter and on the website.

Presentation Anneke van Hoek, Restorative Justice Netherlands & Helgard van Huellen, Weisser Ring Germany

Access to Restorative Justice (RJ) is included in Article 12 of the Directive. Member States do not have an obligation to offer RJ, but if they do, they have to comply with this Article. Safe and competent RJ providers are essential. It always has to be safe, in the interest of the victim and only to be initiated on a voluntary basis. A country has to facilitate access to RJ, but there is no clear obligation in the Directive to provide RJ Services.

An individual assessment has to take place to identify the specific protection needs of the victim. Assessment tools are not standardized – each jurisdiction is developing their own approach to assessment. Assessment is one of the most critical parts of the Directive – how extensively does it need to be done? And it should not be used to keep the victim away from the mediation process. Cooperation between RJ and Victims Support Services would be advisable.

A legal basis for Restorative Justice was for the first time developed in the Netherlands in 2015. In preparation for this all criminal justice organizations were asked to develop a vision on RJ by the end of 2014. Restorative Justice Netherlands developed a RJ maturity grid to enable the organizations to define at what stage their organization is in the integration of RJ into their organization.

SWOT

Evaluating the impact of the Directive it can be said that due to more attention to the rights and needs of victims has brought RJ higher on the agenda. There is a threat that the interest of the victim becomes subordinated to the needs of the Criminal Justice system and that victims become instrumentalized. A patriarchic attitude of Criminal Justice professionals could hamper the free choice of victims. A balance of attention for victims and offenders is needed. It is a positive development that RJ is now part of the criminal justice policy. As weaknesses are considered that some RJ providers are favored, that there is no access for all and that not all victims are timely informed. Also, some victims feel forced due to their obedience to authority. And there is not enough budget invested into RJ training.



Presentation Jim O'Neill, Scottish Prison Service & Nikica Hamar-Vidmar, Croatian Ministry of Justice

Scotland

Scotland developed a Victim Notification scheme. Victims are only included in the victim notification scheme (NFS) for longer sentenced offenders. Victims receive information about prisoner's release (conditional release and full sentence) and information on release from custody.

The Prison Service noticed an increasing demand for RJ, but they are currently not providing victim-offender mediation.

From an operational perspective the Directive is considered as very challenging.

SWOT

The strength of the Directive is that it brings consistency across member states, a template for victims support services to support the journey of the victim through the justice system. The template should show where actors can engage in the journey of the victim through the justice system and to stay with the victim after the point of prosecution. A weakness is that the Directive could have been stronger on enforcing support beyond the end of the sentence. After the offender is leaving the prison the victims support stops – but the support has actually to be there as long as the victims needs it.

The Scottish Prison Service is looking on how they can specifically deal with children that are victims of crime.



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Croatia:

The central victims support centre informs victims directly about the release date of the offender. In case of child victims the information is provided through the parents. RJ is only provided for minors and young adult perpetrators of criminal offences. It appears to be very difficult to involve all criminal justice actors in being interested to work with the central victims office on issues related to the Directive.

SWOT

It is a strength that a Centralised victims support office was established in the Ministry of Justice. This centralization makes it easier for cooperation and exchange of information between different organizations that are involved in the process of victims protection and support. A weakness is the fact that the wish of the victim with regard to wanting or not wanting to receive information is not taken into consideration when they are informed about the release date. A gap is the absence of national referral systems and of a victims database that could be shared among all counterparts. They have the plan to provide notification about release in the future only upon request of the victim.

Advise

It is advisable to evaluate if the provision of information to victims actually makes victims better. A question is also who should work with the victim through the whole cycle – one organization or different ones? In Croatia the support to victims is centralized and that is experienced as positive. It needs to be considered who the most competent authority is for the provision of information. Provide notification to victims upon their request. Consider victims support in cross border cases. How can the journey of victims be simplified to make them active participants rather than just passengers?

Presentation Cisca de Ridder, Probation Service Netherlands & Andrea Matouskova, Czech Probation & Mediation Service

Netherlands

It is a challenge to change the culture of an offender oriented organization and to enlarge their victim awareness. And it is a challenge for the probation service to build up a network with new partners, such as victims support organizations.

The Netherlands have experience in working with so-called ‘ambassadors’ who have the responsibility to organize local expert groups of knowledge in victims’ rights, to support probation teams, to share information and experiences and to improve cooperation with local partners.

Plans for 2015 are to develop e-learning modules on victims awareness in probation. Further, to conclude an agreement for cooperation and sharing information with Victim Support Netherlands and to organize joint workshops of the Probation Service and Victims Support Netherlands.



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Czech Republic

In the Czech Republic the Probation and Mediation Service was established 15 years ago. The Service works with the offender and the victim through the whole investigation, trial and sentencing phase. The Service also provides information for the victims and sends them to specialized treatment organizations when there is a need for that.

The Service also advises the judge on victims issues as they create a safety plan for victims. Since 2013 it is also possible that persons who consider themselves a victim can approach the organization for information about victims' rights. They developed a handbook on how to incorporate Restorative Justice in Probation work. This is available in Czech and English.

The Service cooperates closely with the police, courts, state prosecutors, prisons and ngo's. Also, they established multi-functional teams on the local level that can provide support to victims after the probation period ends. In their cooperation with prisons they invite victims to participate at the parole hearings of offenders.

The concept, structure and culture of the Service are very good but the problem is that there is not sufficient staff to deal with every crime as would be necessary.

General observations

Most of the countries around the table feel that the legislation will more or less be in place by the end of 2015. What are lacking behind are awareness, training, culture, inter-agency cooperation and resources. It would be advisable that the EU develops a system for the statistical measurement of the implementation that makes the status between the MS comparable.

Special attention was given to gender based violence and the special requirements and position of women as victims of crime.

As part of a group exercises a scheme was developed indicating the actions required for the next year and the envisaged achievements after three years. Both, actions and achievements, were grouped and appeared to be possible to put under six main headers. These were:

- sufficient resources;
- training capacity
- access and awareness
- multi-agency cooperation
- monitoring compliance
- legal framework
- cultural change.

Further it was elaborated that all of these actions should be guided by a national policy plan, a strategy and political support.

Based on these outcomes advices to the European Commission for supporting the implementation of the Directive were formulated. These were:



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- stimulate political will through the EU Parliament
- provide funding for training
- support cooperation with European network organizations in the field
- set up a European network for the whole criminal justice chain
- facilitate exchange of expertise and practical tools
- communication and campaigning to keep the victims issue on the national agenda's; amongst others through the organization of conferences
- cross border cases need attention with regard to multi agency cooperation
- develop standards, definitions and indicators to monitor compliance with the Directive

Last but not least specific advices were developed for the three sectors – prison, probation and Restorative Justice. For prison services the following points were considered essential for the implementation of the Directive:

- encourage the use of RJ in prisons: provide resources, training and RJ consultants
- train different levels of prison staff on the Victims Directive to increase the awareness about their role and the relevance of their actions for victims
- cooperate with Victims Support organization: for example is using their expertise for training of prison staff and to build confidence for the importance to jointly work on Restorative Justice
- understand the needs of victims: provide them with information and formulate this in an understandable language
- support multi-agency cooperation to ease the victims journey through the justice system