VICTIMS RIGHTS IN PRISON AND PROBATION

Co-ordinating responses

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About Victim Support Europe (VSE)

- Umbrella network for national victim support organisations in Europe
- 66 Members from 32 countries
- Members: approx 3000 staff, 20000 volunteers, assist 2 million+ victims each year
- Promotes, advocates for and facilitates establishment and development of victims rights and services in Europe
- Helps victim support organisations to develop capacities, learn from each other, share best practice and cooperate.
Role of Probation/Prison re Victims

Need to understand two aspects:

1) Legal obligations on prison and probation arising from victims rights

2) How come into contact with victims?
   - Victims of prisoners
   - Victims in prison
   - Family of victims

POINTS OF ENGAGEMENT

- How influence and engage with prisoners?
- Who are your partners?
Action for victims

Needs driven

Rights based
Needs of Victims/ Benefit of Action

Benefits of action for victims
- Recover from crime and avoid further victimisation
- Avoid long term psychological issues
- Help to accept, move on, start new life

Benefits of action to society
- Reduced health care costs and loss of economic activity
- More stable and better functioning society
- More effective, efficient justice system that people trust
## EU legislation on victims of crime

<table>
<thead>
<tr>
<th>Type of Law</th>
<th>Title</th>
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<tbody>
<tr>
<td>Directive 2004/80/EC</td>
<td>relating to compensation to crime victims</td>
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<tr>
<td>Council Framework Decision 2008/913/JHA</td>
<td>on combating certain forms and expressions of racism and xenophobia by means of criminal law</td>
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<tr>
<td>Directive 2011/99/EU</td>
<td>on the European protection order</td>
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<tr>
<td>Directive 2011/36/EU</td>
<td>on preventing and combating trafficking in human beings and protecting its victims</td>
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<tr>
<td>Directive 2011/92/EU</td>
<td>on combating the sexual abuse and sexual exploitation of children and child pornography</td>
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<tr>
<td>Directive 2012/29/EU</td>
<td>establishing minimum standards on the rights, support and protection of victims of crime</td>
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<tr>
<td>Regulation (EU) No 606/2013</td>
<td>on mutual recognition of protection measures in civil matters</td>
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<tr>
<td>Directive (EU) 2017/541</td>
<td>on combating terrorism</td>
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<tr>
<td>Directive (EU) 2019/712</td>
<td>On combating fraud and counterfeiting of non-cash means of payment</td>
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EU Victims Directive - Overview

Information and Support
- Information
- Support
- Making a complaint
- Interpretation and translation

Participation in criminal proceedings
- Right to be heard
- Decision to not prosecute
- Restorative justice
- Legal aid
- Reimbursement
- Return of property
- Compensation in criminal proceedings
- Foreign victims – assistance and reporting in home country

Protection and victims with specific needs
- General right to protection
- Avoidance of contact
- Protection in investigations
- Privacy
- Individual assessment
- Vulnerable victims and special protection measures

Other Provisions
- Training
- Co-operation and co-ordination
Victims Rights - prison and probation

- Identification/recognition
- Right to be heard/participate
- Rights: prison/probation
- Referral to support services/RJ
- Communication
- Protection
- Secondary victimisation and empathy

- Release – comms with victim
- Appeals and further proceedings
- Contacts by offender with victim – wanted/unwanted
- Compensation
Key elements to co-ordination?

Fundamental challenge: Success should not be random luck

- victims are not the primary concern of prison and probation

- How organise your service to:
  - be sufficiently knowledgeable on victims issues
  - be able to engage with those who work with victims and benefit from their expertise and help them benefit from yours
  - Identify action in individual cases
How achieve change for victims?

STRATEGIC AND CO-ORDINATED
National strategy, co-ordinating body, funding, know victims

1) Leadership
Vision
Messaging
Commitment
Organisation change
Strategy

2) Structural
Rules and Procedures
Infrastructure
Multi-agency/co-ord mechanisms

3) Personal
Commitment
Training
Empathy – understand/know
Communications
Communication/Information (A3-7)
<table>
<thead>
<tr>
<th>Requirements of the Directive</th>
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<td>Help victims to understand and be understood</td>
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<tr>
<td>Interpretation and translation</td>
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<td>Provision of information on rights and services to victims – 1st contact</td>
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<tr>
<td>Provision on information on the criminal proceedings, release offender</td>
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<td>Information on impact of crime, reactions to crime and crime prevention</td>
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<td>Awareness raising of rights amongst general population</td>
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How look from prison/probation perspective?

• what information is provided by others and in what form?
  How co-ordinate – same info? Same approach?
  Core principles – simple, timing, repeat but not overwhelm

• What structures in place – to share info on victims, for victim about case etc. case management systems, victims file

• How identify vulnerable victims and share information to appropriate bodies?
  Why needed and how relevant to info provision? – release of offender, comms about release, ensure safety of victim, efficiency and effectiveness of system
Thank you!

Victim Support Europe

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