

## Strengthening the rights of victims' of crime



“PRO.VI – Protecting Victims Rights” is a project co-financed by the European Commission (JUST/JACC/AG/2017/802047) that aims to improve the provision of victim support services for victims of crime and assure the protection of their rights. In Pro.Vi, we aim to complement European efforts in promoting an efficient protection system for victims and suggest strategies for further development of victims' rights policy and practice. The project involves partner organisations in five European countries: Italy, Portugal, Germany, Romania, and Spain (see box for more information). The partners are research organizations, universities and NGOs with interdisciplinary expertise in victim protection measures and extensive experience in conducting transnational projects. Each partner cooperates with a Ministerial entity or other stakeholder active in the field in their respective country as an associate partner in order to ensure effective networking measures and maximum policy impact for victim protection.

Pro.Vi seeks to strengthen the capacity of victim protection systems in partner countries by increasing the capacity and raising awareness of restorative justice and justice system practitioners. Furthermore we want to enhance crime victims' understanding of and access to their rights. To achieve this, criminal justice practitioners (judges, prosecutors, lawyers, police officers, and others), victim support services and people who have experienced crime as victims are involved in the various stages of the project, empirical research, network development, and capacity building.



The first transnational steering group and advisory board meeting took place in Rome, Italy

### Partners

- Psychoanalytic Institute for Social Research (IPRS), Coordinator (Italy) [www.iprs.it](http://www.iprs.it)
- Christliches Jugenddorfwerk Deutschlands e.V. (CJD Nord) (Germany) [www.cjd-nord.de](http://www.cjd-nord.de)
- Universidade Católica Portuguesa (Portugal) [www.ucp.pt](http://www.ucp.pt)
- West University of Timisoara (Romania) [www.uvt.ro/](http://www.uvt.ro/)
- Asociacion Consensus (Spain) [www.aconsensus.wordpress.com/](http://www.aconsensus.wordpress.com/)

### Associate partners

- Ministry of Justice, Department of Juvenile Justice and Probation Services (Italy) [www.giustizia.it/giustizia/it/mg\\_12\\_4.page](http://www.giustizia.it/giustizia/it/mg_12_4.page)
- Pro Prietenia Arad Foundation, Romania [www.proprietenia.ro/en/](http://www.proprietenia.ro/en/)
- High Commission for Citizenship and Gender Equality (CIG) (Portugal) [www.cig.gov.pt](http://www.cig.gov.pt)
- Univesidad de Santiago de Compostela, Forensic Psychology Institute (Spain) [www.imaids.usc.es/grupoficha.asp?idpersoatipogrupo=75926&i=en&s=-126-191-196-235](http://www.imaids.usc.es/grupoficha.asp?idpersoatipogrupo=75926&i=en&s=-126-191-196-235)
- Ministry of Justice, European Affairs, Consumer Protection and Equality of Schleswig-Holstein (Germany) [www.schleswig-holstein.de/EN/StateGovernment/II/ii\\_node.html](http://www.schleswig-holstein.de/EN/StateGovernment/II/ii_node.html)

Pro.Vi will support the development of national victim protection systems through mutually reinforcing national and transnational activities. This entails the assessment of the capacity of each national justice system; multi-agency networking in national advisory boards; capacity building of

practitioners of the criminal justice systems, and on-going exchange both on national and transnational level.

Pro.Vi runs from October 2018 to March 2020.

## Spot on the associate partners – “Why do you participate in Pro.Vi?”

### **Ministry of Justice, Department of Juvenile Justice and Probation Services - Italy**

The Department of Juvenile Justice and Probation Services, Ministry of Justice, Italy oversees all matters regarding juvenile offenders, adults within juvenile facilities, and adult offenders on probation or serving other community sentences. It is also responsible for assuring the protection of child victims of violence and sexual abuse in accordance with Law 1/10/2012 which ratified the Lanzarote Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse. The Department is also involved in the interinstitutional working group for victim assistance services established by the Ministry of Justice on November 29th, 2018.

*“The Pro.Vi project represents an opportunity to reflect on the justice system’s role in relation to victims of crime. The exchange of experiences makes it possible to identify new places in which to intervene and, above all, to reflect on how to maximize the intrinsic potential of the Italian system with a special focus on the juvenile justice system.”*

### **High Commission for Citizenship and Gender Equality (CIG) - Portugal**

The High Commission for Citizenship and Gender Equality (CIG) is the national response responsible for the promotion and defense of the principle of equality between women and men and seeks to respond to the profound social and political changes of society in terms of citizenship and gender equality. This commission aims to ensure the implementation of public policies in the field of citizenship, the promotion and defense of gender equality and the fight against domestic and gender-based violence and trafficking in human beings, with the coordination of the respective instruments - the National Plans.

*“The reasons that led the CIG - Commission for Citizenship and Equality to participate in the Pro.Vi project were, without a doubt, the opportunity to share knowledge and expertise at the Europe-*

*an level. Being the national body responsible for the implementation of public policies in the field of citizenship, the promotion of equality between women and men, the prevention and combating of domestic violence and gender-based violence and trafficking in human beings, this partnership is an opportunity to improve victim protection services. It is also a great opportunity to identify the gaps and the needs of working with the victims, and working together we can exchange and support mutually, in order to make constant improvements in our daily job. The work that the Pro.Vi partners share in the different working groups will allow the production of results (reports, publications, declarations, tool-kits ...) where the most recent findings are detailed and addressed to relevant stakeholders who can benefit from this up-to-date knowledge.”*

### **Pro Prietenia Arad Foundation - Romania**

Pro Prietenia Arad foundation has been a present entity in the area of social services since 2001. It is actively promoting: projects to prevent human trafficking, violence against women, juvenile delinquency and drug use; projects that underscore the self-development of young people; the rehabilitation of victims and juvenile delinquents as well as the development of the national justice system. The aim is to lead to the development and consolidation of Romanian civil society, democracy and progress by valuing and showcasing the potential and resources Romania attains, all the while being rooted in the values of the Romanian and the European spirit and culture.

*“Pro Prietenia Arad Foundation has been supporting victims of human trafficking and domestic violence for several years. During our direct contact with victims of these severe crimes and, indirectly, with the justice system, we have identified a series of both legislative and practical gaps. These either act as barriers in exercising victims’ rights, or they raise a series of obstacles that make the path of a victim through the Romanian justice system really chal-*



The second transnational steering group and advisory board meeting took place in Porto at the Universidade Católica Portuguesa in May 2019 involving partners, associate partners and national victims' rights experts

*lenging. We believe that a truthful transposition of the provisions of the Directive 2012/29/EU, known as 'the Victims Directive' has the capacity to pull together theoretical ideals with practical realities. We believe that Pro.Vi has the potential to bring the two realities closer together, thus we have decided to support its implementation on national level with all the capacities we can dispose of for this cause."*

#### **Diputación Provincial de A Coruña - Spain**

The Diputación Provincial of A Coruña – the provincial deputation of Coruña – is formed by a plenary council, the deliberative body, and an executive committee formed by the president and part of the deputies. Its main functions are guaranteeing compliance with the solidarity and balance principles among the municipalities they are comprised of, ensuring the provision of municipal services while being involved in the coordination of local government with the Autonomous Communities and the State.

#### **Univesidad de Santiago de Compostela, Forensic Psychology Institute - Spain**

The Forensic Psychology Institute is part of the Department for Sociology and Political Science at the University of Santiago de Compostela. Their research fields include evaluation and intervention in forensic psychology, criminal psychology, legal decision making, management and conflict resolution such as mediation, psychology in family courts, victimology and therapeutic and restorative justice, amongst others.

*"We have supported the project because we work with victims of all types of crimes, but especially with cases of domestic and gender violence, as well as sexual abuse and aggression. We are really concerned about the victims, who cannot always prove their case and are totally helpless."*

#### **Ministry of Justice, European Affairs, Consumer Protection and Equality of Schleswig-Holstein - Germany**

The Ministry of Justice, European Affairs, Consumer Protection and Equality of Schleswig-Holstein is responsible for resourcing courts, the public prosecutor's offices, prisons and social justice services with personnel and equipment. Current projects include the advancement of mediation and other methods of alternative dispute resolution, strengthening the protection of victims, offender-victim mediation and juvenile delinquency diversion. In addition to working extensively on juvenile delinquency, the aim is to further accelerate justice procedures for young offenders.

*„The state government of Schleswig-Holstein is pursuing the objective of developing and extending its international cooperation. In addition, the state government does not want to leave crime victims alone but wants to offer concrete support services. Both of these objectives have led to participation in the PRO.VI. project. The Ministry of Justice looks forward to learning from a transnational exchange and to further developing the field of victim protection and psychosocial assistance in Schleswig-Holstein. At the same time, the Ministry hopes that the contributions made by Schleswig-Holstein will also be beneficial for the field of victim support in partner countries.“*

# Inside the interviews – The EU Victims’ Rights Directive in practice

The victims’ rights perspective which was first passed in 2012 as EU Directive 2012/29/EU lays down a set of binding rights for victims and sets clear obligations on member states to ensure these rights in practice. The aim is that all victims of crime and their family members are recognised, informed, heard, protected, and supported in individually tailored approaches based on their individual needs. Article 25 of the Directive states that the training and capacity building of practitioners, who have contact with victims of crime, is one of the most pressing issues.

Victims need to be informed at every stage of the criminal procedure, particularly in relation to their rights of which they should be informed upon seeking a legal response or support and assistance in response to the crime. This implies that lawyers, police, members of the judiciary, medical and psychological staff, and victim support organisation

staff need to be fully aware of all rights established by the Directive and capable of providing adequate information. The Directive seeks to move the victim and victim protection into the centre of criminal proceedings – including for example the right of the victim to participate in the proceeding. In practice, this requires a shift of perspective from a defendant based process to a process that considers victims as important actors and holders of rights, which (also) need to be protected in the process. In qualitative interviews with criminal justice practitioners, prosecutors, lawyers, police officers, social workers, victim support organization practitioners, and victims themselves the Pro.Vi project explores the experiences of victims and practitioners in the criminal justice system, how victims’ rights are implemented and which gaps can be identified. While the research process is still on-going, below we provide a small preview and insight to the interviews with different agents involved in the criminal proceedings.

## Central victims’ rights implemented by the Directive.

*“There is a general problem of services for victims in Germany. The existing ones are strongly influenced by the feminist movement, so it is all addressing women. Actually that’s quite preposterous. Many say we don’t want it any other way, we focus on women, maybe children as well, but not men.”*  
(Jurist and criminologist, expert of criminal and restorative justice, Germany)

*“I only had news...there is a huge time lapse gap. Last summer I contacted Department of Investigation and Prosecution in order to understand the state of the process, because I really felt the need to understand how the system works, and I contacted them, and they told me that the file was on the desk for analysis (...), I only had news in February or March this year, 1 year and 3 or 4 months later.”*  
(Victim of aggression, Portugal).

*“I felt like I had committed murder ... thanks to mediation I was able to talk to my mum and to [the offender]. I was able to forgive him and to forgive myself.”*  
(Victim, participated in victim-offender-mediation, Italy)

*“My daughter was a victim of murder in another city. Her ex-partner killed her. ... I wanted to see her body and the Judge ordered the necessary procedures. When I left the morgue, they offered me water and told me to sit down. [...] The attention was good, but I felt a little lost, not knowing what to do. I was in the city for six more days but they did not offer me a lawyer or psychological support.”* (Mother of murder victim, Spain)

*“It is a great problem that judges are not mandated to be trained! Judges and prosecutors often lack the sensitivity and fail to adjust their language when facing a traumatized victim unfamiliar with the system“* (Victim support professional, women’s emergency hotline, Germany)

*“Besides the individual option of the victim – except for the cases of domestic violence, in which the victims are informed about their rights – in other crimes victims have little knowledge about their rights and so do the judges, because they rely on civil compensation. And they do not take into account other types of rights and compensations that the victims may have.”* (Police Officer, Portugal)

*“I have rights, I am sure I have a lot of rights, but in order to exercise them I need to have a good lawyer, which I cannot afford...and this is approximately where my rights end ... before being able to even exercise them.”*  
(Victim of human trafficking, Romania)

