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**The relevance today of Recommendation N° R (87) 21
on assistance to victims and prevention of victimisation**

by

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1. Introduction

1.1 The historical context

Recommendation N° R (87) 21 on Assistance to Victims and the Prevention of Victimization was adopted on 17 September 1987 at an early stage in the development of international policies for victims of crime. The recommendation contains 19 guidelines for Member States of the Council of Europe on how best to arrange assistance for victims of criminal offences and to assist in preventing further victimisation. It covers a range of recommendations including the use of victimisation surveys, the identification of, promotion, and development of victim services, the use of social and medical services in support of victims and the prevention of crime through social and other preventative measures.

1.2 Victim policies and initiatives prior to Recommendation N° R (87) 21

Prior to the adoption of Recommendation N° R (87) 21, the Council of Europe had adopted a series of important policies which are of relevance to victims. In 1983, Recommendation N° R (83) 7 on the participation of the public in crime policy had been adopted. That same year, recognising the importance of compensating the victim, the European Convention on the compensation of victims of violent crime was signed in Strasbourg. Two years later, Recommendation N° R (85) 4 on violence in the family was published and later that year, Recommendation N° R (85) 11 on the position of the victim in the framework of criminal law and procedure was adopted. This recommendation contained important and far-reaching guidelines for the police, the prosecution service and the courts concerning their treatment of victims of crime.

During this period, international efforts were increasing to improve the position of victims of crime in criminal law and procedure worldwide. On 29 November 1985, just a few months following the adoption of Recommendation N° R (85) 11, the United Nations adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. Like Recommendation N° R (85) 11, the UN Declaration sought to ensure that the criminal justice systems in member nations should safeguard the rights and interests of all parties concerned, particularly the victim.

1.3 Victim policies and initiatives since the adoption of Recommendation N° R (87) 21

Since the adoption of Recommendation N° R (87) 21, much has improved in the way of victim services within the European Union and victims of crime are far better served now than they were in 1987. In 1990, the European Forum for Victims Services¹ was established to promote the development of effective services for victims of crime throughout Europe. Now comprising 18 national victim service organisations from 15 different states, the Forum also set out to promote the rights of victims of crime in Europe in their involvement with the criminal justice process and with other agencies, and to campaign for fair and equal compensation for all victims of crime throughout Europe, regardless of the nationality of the victim concerned. The Forum has produced publications setting out the various rights to which victims of crime are entitled, and has influenced the thinking of EU institutions on this issue.

In July 1999, the European Commission published a communication, *Crime Victims in the European Union: reflexions on standards and action*,² which set out a discussion framework on establishing an area of freedom, security and justice, ahead of the meeting of ministers in Tampere in October 1999. The communication focused on the special problems of people who become victims of crime in a Member States other than their own and suggested a number of issues which needed to be considered, including: assistance to victims, victim's access to and standing in their own process, compensation and information, language and training.

Following this Communication, the European Council of Ministers concluded in Tampere in 1999, that minimum standards should be drawn up for the protection of the victims of crime, in particular on crime victims' access to justice and on their rights to compensation from the offender, and legal costs. They also called for the setting up of national programmes to finance measures, public and non governmental, for assistance to and the protection of victims.

¹ The Registered Office of the European Forum for Victim Services is based at Cranmer House, 39 Brixton Road, London SW9 6DZ, United Kingdom.

² Commission of the European Communities. *Crime victims in the European Union: reflexions on standards and action*. Brussels: European Commission, 1999 COM (1999) 349 final.

In March 2001, the European Union issued the *Framework decision on the standing of victims in criminal proceedings*³. This confirmed and extended the earlier provisions to ensure that help and support would be available to people who became victims of crime while visiting an EU country other than their own. The aim of the decision was to bring national laws closer together to provide minimum standards for the protection of victims (and their families), especially in relation to: access to justice; rights to compensation in criminal proceedings; the right to give and receive information; the right to protection; to understand and be understood; to have allowance made for the disadvantages of living in a different member state from the one in which the crime was committed.

Between 2001 and 2002, as part of the EU Phare Horizontal Project "Reinforcement of the Rule of Law", a detailed analysis was conducted of services and policies for victims of crime within the ten Eastern European states who were seeking accession to the European Union. The study considered the states' present and likely future compliance with the provisions of the 2001 European *Framework decision on the standing of victims in criminal procedure*.

1.4 Objective

The objective of this paper is to consider the relevance today of Recommendation N° R (87) 21 on assistance to victims and prevention of victimisation. The many developments in policy and services for victims of crime since the adoption of this recommendation have already been referred to. This paper will compare the 1987 guidelines with other international protocols, legislation and victim service initiatives introduced since its adoption. The following publications have been reviewed:

- The publications and work of the European Forum for Victim Services including the *Statement of victims' rights in the process of criminal justice* (European Forum, 1996), *The social rights of victims of crime* (European Forum, 1998) and *Statement of victims' rights to standards of service* (European Forum, 1999)
- Council of Europe Recommendation N° R (91) 11 concerning sexual exploitation, pornography and prostitution of, and trafficking in, children and young adults
- Council of Europe Recommendation N° R (97) 13 concerning the intimidation of witnesses and the rights of the defence
- *Crime Victims in the European Union: reflexions on standards and action* (European Commission, July 1999)
- Presidency conclusions of the European Council of Ministers Meeting, Tampere, October 1999
- The EU Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings
- *Proposal for a Council Directive on compensation to crime victims*, (European Commission, October 2002)
- Preliminary Report and Recommendations on the Workshop in Support of Module Four of the Phare Rule of Law Horizontal Programme, Dublin 2nd – 4th October 2002

The following questions have been considered:

- (i) Have the guidelines been implemented in the law or in the provision of victim services in Member States?
- (ii) How does each guideline compare with other protocols or guidance issued since the adoption of Recommendation N° R (87) 21?
- (iii) In the light of these comparisons, are the guidelines relevant today?
- (iv) What recommendations or amendments should be made?

³ Council of Europe. *Council Framework Decision of 15 March 2001 on the standing of victims of crime in criminal proceedings* (2001/220/JHA) OJ, L82, 22 March 2001.

2. Analysis of Recommendation N° (87) 21

The recommendation deals with two main issues. Guidelines one to eleven outline proposals for the provision of victim assistance and a call to governments to create, develop or extend support towards services to victims. Guidelines twelve to nineteen consist of proposals for the prevention of crime and other measures.

The following is an analysis of each of the guidelines and their relevance today. Concerning the first part of the Recommendation which deals with assistance to victims, the government of each member state is asked to take the following measures:

2.2.1 Ascertain, by victimisation surveys and other types of research, victims' needs and victimisation rates in order to gather the necessary data to assist in the development of victim assistance

Since 1987, several major victim and witness surveys have been undertaken within Council of Europe Member States and elsewhere internationally. Most of these surveys have been undertaken by the governments of member states. Within the wider international context, four International Crime Victimization Surveys⁴ (ICVS) have been conducted in 24 industrialised countries since 1989. The most recent 2000 ICVS included 10 Member States from the Council of Europe.⁵

The Phare Rule of Law study, conducted in the Eastern European accession countries in 2001 - 2002, to assess their compliance with current European victim standards, revealed that despite the recent response by these states to victims and witnesses, very few accession countries had either statistical data in relation to victims or dedicated victim services. At best, the report concluded, such services which did exist were "pilot or exemplary" in nature.⁶ Recognising the need for more data on victims of crime, the Phare Rule of Law project recommended that, "in order to gauge the nature of current practice and monitor progress in future, data should be collected methodically and at regular intervals to measure key aspects of victims' and witnesses experience of the criminal justice system".⁷

There are numerous other types of victim related research which contribute greatly to the assessment of victim services. In England and Wales, for example, the Home Office has undertaken extensive satisfaction surveys relating to victims and witnesses of crime. The witness satisfaction surveys conducted in 2002 demonstrated serious dissatisfaction amongst witnesses in general but a high level of satisfaction with the current Witness Service provisions in the criminal courts in England and Wales.⁸

A major study investigating the implementation of Recommendation N° R (85) 11 of the Council of Europe on the position of the victim in the framework of criminal law and procedure, published in June 2000 noted that in some jurisdictions of the Council of Europe, there are ample victim surveys available whereas others have yet to begin this type of research.⁹ The European Forum for Victim Services has recognised that, if victims of crime are to receive adequate recognition for pain and suffering endured, society must first consider victims' views and take them into account.¹⁰ In order to do this, far more qualitative, as well as quantitative research is required.

⁴ The ICVS began development in 1987 to further international comparative research. The ICVS surveys are considered to be the most far reaching programme of fully standardised sample surveys looking at householders' experience of crime in different countries. There have been four surveys, in 1989, 1992, 1996 and 2000.

⁵ These countries include *Belgium, Denmark, the United Kingdom, Finland, France, the Netherlands, Poland, Portugal, Sweden and Switzerland.*

⁶ Phare Horizontal Programme on Justice and Home Affairs, *Reinforcement of the Rule of Law: Final report on the first part of the project.* European Commission: August 2002. p. 55

⁷ Phare Horizontal Programme on Justice and Home Affairs, *Reinforcement of the Rule of Law: Final report on the first part of the project.* European Commission: August 2002. p. 58

⁸ Home Office Witness Satisfaction Survey (January 2002) and the Home Office Vulnerable Witness Survey (March 2002)

⁹ Brienen, M.E.I., Hoegen, E.H. *Victims of Crime in 22 European Criminal Justice Systems: The Implementation of Recommendation (85) 11 of the Council of Europe on the Position of the Victim in the Framework of Criminal Law and Procedure,* Niemegen, Netherlands: WLP, 2000, p. 45.

¹⁰ European Forum for Victims Services, *The Social Rights of Victims of Crime,* (1998), London, p. 4.

Recommendation:

The guideline remains relevant today but there is a pressing need for more evaluative and comparative research into victims reactions to crime, their needs and the effectiveness of current victim services. There is very little research on the effectiveness of victim related legislation and limited evaluation of the effectiveness of the support provided by non governmental victim services or by statutory agencies in helping victims and witnesses overcome the impact of crime.

It is therefore recommended that a new guideline is required emphasising the use of victimisation surveys and other research to assess the impact of crime on victims and the effectiveness of the various types of victim intervention within the services available. The guideline should also request that Member States of the Council of Europe undertake comparative research, in conjunction with other Council of Europe Member states, both in general victim surveys and in qualitative research on the effectiveness of their victim services, intervention and victim related legislation.

2.2.2 *Raise the consciousness of the public in general and of public services regarding the needs of the victim, for example, by debates, round tables and publicity campaigns, and promote solidarity in the community and, in particular, in the victim's family and social environment;*

Few protocols or guidance since Recommendation N° R (87) 21 have been so explicit about raising public consciousness regarding victims. The most relevant comparison is with the stated aim of the European Forum for Victim Services "to promote the rights of victims of crime in Europe" and for Forum members to publicise their services, "to the general public and in particular to victims.

Member states tend to attract publicity for the issue only when publicising new government initiatives or legislation. This type of publicity is inevitably associated with the political priorities which exist at that time. Publicity regarding the negative effects of crime is also frequently associated with the promotion of crime prevention programmes. This can increase the fear of crime without focussing on the positive steps which can be taken to support the victims.

Without the coordinated assistance and advocacy of a dedicated victim service organisation, it is difficult for Member States to raise public consciousness on this issue or to identify the range of positive actions which can be taken. The establishment of the European Forum for Victim Services in 1990 has been an important step towards raising the public consciousness within Europe about victims of crime. Of notable success has been the implementation of European Victims Day on 22 February each year. Introduced in Sweden and now shared by all members of the European Forum for Victim Services, individual European victim service organisations coordinate week long publicity campaigns around this date to raise the public profile of victims and to promote understanding of the effects of crime.

Recommendation:

The objective of guideline 2.2.2 remains relevant today. However, given that governmental and public ignorance on victims' issues remains high, it is recommended that the guideline be strengthened to encourage governments to use any means possible to prioritise and publicise this issue. Given the current climate of Internet usage, it is recommended that any future guideline should include means of publicising or engaging debate using this medium. Governments should also be encouraged to work in partnership with the non-governmental sector to encourage and support the promotion of their work and objectives.

It is recommended that a new guideline should read "*to raise the consciousness of the public in general and of public services in particular to the needs of victims and to encourage understanding and recognition of the effects of crime to prevent secondary victimisation. This should be achieved through government prioritisation, funding, and publicity campaigns including the use of new media. The role of the non governmental sector in focussing public attention on the status of victims should be recognised and supported.*"

2.2.3 *Identify currently existing public and private services able to provide assistance to victims, their achievements and any deficiencies:*

For countries which are just beginning to consider the provision of victim services it remains necessary to review the availability and effectiveness of existing services. There is a tendency for officials to assume that general social and health services are sufficient to deal with the special needs of victims of crime. Experience in The European Forum for Victim Services and in the Phare programme in Eastern Europe

suggests that this is not the case. Dedicated services are essential before the necessary levels of priority and specialisation can be provided for victims.

As noted in 2.2.1 above, there has been little evaluation of current victim assistance programmes in either statutory or voluntary organisations, which has made it difficult to assess their achievements or failures. However, research **has** indicated the immense value of the establishment and promotion of independent non-governmental victim support agencies. As noted in Brienen and Hoegen, national victim assistance services exist in most Western European states and they are extremely active in advocating victim policy decisions by government. These organisations are consulted before important decisions are taken by government, and in some instances, the organisations themselves initiate the discussion.

There is significant support elsewhere for the establishment of national victim service organisations. Under Article 13 of the 2001 EU Framework decision, each member state is given responsibility for promoting the involvement of victim support systems, either through public services or victim support organisations. The European Forum for Victim Services has long advocated the establishment of effective national victim services for victims of crime in Europe. Indeed, the first condition of membership of the European Forum for Victims Services is for potential members to be “non-governmental organisations providing or co-ordinating services for victims of crime throughout their countries and organisations which are planning to develop such services in countries where none at present exist”. The recent recommendations issued by the Phare Working Group, propose that in all states “strenuous efforts should be made either to aid the development of an existing generalist victims organisation or to create and aid the development of such an organisation where non exists”.¹¹

While the majority of victim service organisations are formed within the voluntary sector, their success depends greatly upon the support of government. The 2001 EU Framework Decision on the standing of victims in criminal proceedings, requests Member States to “promote the involvement of victim support systems responsible for organising the initial reception of victims and for victim support and assistance, thereafter”.¹² Of the recommendations in the Phare Rule of Law Project, Module IV, one crucially asks that in every state, “named senior officials in the relevant ministries and criminal justice agencies be charged with express responsibility for the identification and promotion of policies and programmes for victims and witnesses”.¹³

Recommendation:

It is extremely important that the governments of Member States should promote the establishment of a single national organisation to provide and to coordinate services to victims. It is therefore recommended that this guideline be strengthened by merging it with an amended guideline 2.2.11 - **Support the establishment, if necessary, of national organisations which advance the interests of victims.**

The new guideline should encourage Member States to identify and evaluate any previously existing public or private victim services, to establish a comprehensive national victim service organisation where none currently exists or to support and promote the development an appropriate organisation which has already been established.

¹¹ Phare Horizontal Programme on Justice and Home Affairs, *Reinforcement of the Rule of Law: Final report on the first part of the project*. European Commission: August 2002. p. 57

¹² Council of Europe. *Council Framework Decision of 15 March 2001 on the standing of victims of crime in criminal proceedings* (2001/220/JHA) OJ, L82, 22 March 2001, Article 13.

¹³ Phare Horizontal Programme on Justice and Home Affairs, *Reinforcement of the Rule of Law: Final report on the first part of the project*. European Commission: August 2002. p. 57

2.2.4 Ensure that victims and their families especially those who are most vulnerable, receive in particular:

- **emergency help to meet immediate needs, including protection against retaliation by the offender;**
- **continuing medical, psychological, social and material help;**
- **advice to prevent further victimisation;**
- **information on the victims rights;**
- **assistance during the criminal process, with due respect to the defence;**
- **assistance in obtaining effective reparation of the damage from the offender, payments from insurance companies or any other agency and, when possible, compensation by the state;**

All of the issues listed in this section are basic requirements which are needed equally by all categories of victims of crime. In 1987 it may have seemed appropriate to attempt to prioritise those who appeared to be “most vulnerable” but our knowledge of the effects of victimisation has moved on and it is now recognised that equal access should be provided to all victims so that they can decide for themselves which services they need.

There are many important issues contained within this single Guideline. Each one is worthy of a separate section, each of which should take account of developments in many countries since 1987 and examples of good practice.

For example, the first proposal, to ensure that emergency help to meet the immediate needs of victims, including protection against retaliation by the offender contains two separate issues: a) meeting the immediate needs of victims, which can best be done by promoting victim service organisations and b) protection from retaliation which is best done by the police.

Most of the issues outlined in Guideline 2.2.4 above, are already adequately covered elsewhere. For example, the recommendation to provide “advice to prevent further victimisation” is extremely similar to guideline 2.2.13 “to provide the public and the victims themselves with specific information and advice to prevent victimisation, or any further victimisation”. The call for “continuing medical, psychological, social and material help” will be better incorporated into section 2.2.7 which should be expanded to include a wider range of social rights for victims of crime. Similarly, the guideline to provide “assistance during the criminal process, with due respect to the defence”, is an element of general victim assistance that is advocated in guideline 2.2.5. The final guideline in 2.2.4 above on “assistance in obtaining payments from insurance companies”, is dealt with in greater detail in guideline 2.2.16 on seeking means “to make insurance more effective in relation to the needs of victims”.

The question of **protection** is not addressed in any detail elsewhere in the document. Protection is needed not only against retaliation but also to avoid witness intimidation prior to the trial. In addition, victims of serial crimes such as domestic violence, racist or sexual harassment need protection against repeat victimisation.

Considerable work has been carried out in many states to protect witnesses in cases of terrorism or organised crime. In the UK and elsewhere, there has been extensive consideration of measures to protect both victims and witnesses of other, more common crimes. Projects include the provision of personal alarms with a direct link to the police, CCTV installed in the home, and neighbourhood networking in which neighbours will contact the police if they hear any disturbance. In cases where a prosecution has taken place, special measure can be included in the provision of bail or post sentence parole to prevent an offender returning to the vicinity of the victim’s home or place of work.

A section on protection should also include the protection of privacy particularly in cases of sexual crime and crime against minors. Many states, for example, already have legislation preventing the publication of the names or identifying features of these or, in some cases, other victims. There are also codes of practice for the press and media in some countries aimed at preventing insensitive and intrusive investigation and reporting and requiring that victims are informed and consulted before, for example, filmed footage of their case is used in later documentary or drama presentations. The best examples of these provisions should be considered for inclusion in a revised guideline.

Recommendation:

It is recommended that this guideline should be broken down and that most sections should be assimilated elsewhere within the recommendations.

In addition, it is suggested that a new section should be included to cover the important issues of **victim protection**, drawing upon the protection programmes which have proved to be most effective in individual member states and recommending their extension to other countries. The new section should include provisions aimed at the protection of privacy.

2.2.5 Create, develop or extend support towards:

- **Services designed to provide assistance to victims generally;**
- **Services for special categories of victims such as children, and, when necessary, also victims of particular offences such as rape, domestic violence, organised crime, racist violence;**

The provision of general victim assistance has already been discussed in section 2.2.3. It is suggested that this guideline should follow on immediately from that section and be expanded to include the many different services which are provided or co-ordinated by dedicated victim service organisations. This will provide a strong, consolidated guideline to assist Member States to create comprehensive victim services designed to support all victims of crime in every way necessary, both immediately after the crime and in the longer term. This section should include the range of services which should be available to all victims of crime as well as any specialist provisions for particular categories of victims.

Many existing victim services provide dedicated services and special protocols for vulnerable victims such as children, people with learning disabilities, and victims of rape, sexual assault, racial harassment and domestic violence. However, many countries in Europe still have no national victims' organisation and the services which do exist differ drastically in the level of service offered. The European Forum for Victim Services is planning to develop a database of general and specialist protocols and training programmes which are currently provided by its member organisations in order to make these more accessible to the services which are developing in other countries.

Recommendation:

Having incorporated elements of guidelines 2.2.4, 2.2.7, 2.2.10 and 2.2.11 it is recommended that the guideline should follow directly on from 2.2.3 (establish, develop, or extend support towards a national victim service organisation) and that it should list the different elements which need to be included in the provision of comprehensive services for victims of crime.

Victim services should:

Provide assistance to all victims both immediately and in the long term;

Provide or coordinate o services for special categories of victims such as children, persons with learning and other disabilities and victims of particular offences such as rape, domestic violence, organised crime and racist violence;

provide practical information on social rights and where appropriate, refer on to medical, psychological, social and material services;

increase the contribution of general, medical and social services, for example, by training their personnel to be aware of the effects of crime on victims;

work closely with agencies of the criminal justice system, government agencies and other agencies;

take all possible steps to advance the cause of victims.

2.2.6 Encourage voluntary aid, supported, as necessary, by professional help for training, specific services, administrative and technical support:

The use of the term 'voluntary aid' is unclear and for the purposes of this report, we have assumed it to mean the use of volunteers in providing victim services. The majority of victim services within Europe are supported by dedicated teams of volunteers.¹⁴ The employment and promotion of trained volunteers is a preferred option with many non-governmental organisations and is crucial to the success of victim services, as volunteers are representative of the community which they serve. In most of these organisations, trained professional staff offer training and supervision, administrative, financial, and personal support to the volunteer workforce.

There is little mention of the use of volunteers in other guidance and protocols issued since 1987. However the development of a professional framework for the training, support and supervision of volunteers is crucial for the effectiveness of each organisation. Under Article 14 of the 2001 EU Framework decision, each member state must enable personnel involved with victims, "to receive suitable training with particular reference to the needs of the most vulnerable groups".

Recommendation:

Member States should be encouraged to support the recruitment, employment and management of volunteers, backed by the support of trained professional staff. Governments should ensure that there are sufficient funds to train, manage and support these teams of volunteers and to pay the salaries of the professional staff.

2.2.7 Increase the contribution of general, medical and social services, for example, by training their personnel to be alive to the victim's needs:

The recommendation to provide "continuing medical, psychological, social and material help" from section 2.2.4 will need to be incorporated here and the section should be expanded to include all the social rights of victims of crime. As knowledge has increased about the effects of crime, the extensive social implications of crime on victims has become more apparent. It is our opinion that governments should ensure that all relevant public services should be aware of the social effects of crime on victims and prioritise the services which are needed. A higher priority should be given to victims issues within, for example, the medical services, housing, and social security. Both employers and schools should also be made aware of their responsibilities to provide support to employees and pupils who become victims of crime wherever the crime has occurred.

The role of the medical services in meeting the needs of victims has been considered in several countries. Many victims who do not feel able to report their crime to the police, for example victims of sexual crime, racist or family crime will present themselves to accident and emergency departments of hospitals or to their family doctor. Medical practitioners should be trained to recognise these problems, to respond effectively and to refer patients when appropriate to dedicated victim services. Some organisations, such as Victim Support Ireland, have trained victim support staff in the emergency departments of local hospitals to raise awareness of the issue and to receive referrals on the spot.

Examples of good practice in relation to other services could also be considered for inclusion in a revised guideline.

A useful summary of "The social rights of victims of crime" was published by the European Forum for Victim Services in 1998. It includes recommendations for free access to health care including psychological services, the assurance of home security particularly in cases of crime within the home, recognition of the effects of crime by the victim's employers, specific provisions for social security and other forms of compensation.

¹⁴ Brienen, M.E.I., Hoegen, E.H. (2000) *Victims of Crime in 22 European Criminal Justice Systems: The Implementation of Recommendation (85) 11 of the Council of Europe on the Position of the Victim in the Framework of Criminal Law and Procedure*, Niemegen, Netherlands: WLP, 2000.

Recommendation:

The Council of Europe should consider a wider range of social rights for victims of crime such as those listed in the publication on social rights by the European Forum for Victim Services. The new guideline should cover health and psychological services, housing, social security, education and employment.

Personnel in these services should be trained to recognise the effects of crimes, whether or not they have been reported to the police, to respond in a way which will avoid secondary victimisation, and to make appropriate referrals to victim services. Where necessary, special measures should be introduced to give a higher priority to the effects of crime, for example in re-housing programmes or in the provision of emergency social security provisions.

2.2.8 Inform the public, by adequate means, of assistance services available and facilitate access by victims to these services; facilitate the referral of victims by the police to victim assistance services and also the direct approach to victims by such services to the extent compatible with the protection of the victims' privacy:

The right to information is a primary element of a victim's access to services. In 85% of the Council of Europe Member States studied by the Brienen and Hoegen, the police have an obligation to provide the victim with general information concerning his rights and interests.¹⁵ It is very difficult to assess the extent to which Member States have facilitated access to current victim services. However, as in the case of Victim Support in England and Wales, the wide distribution of Victim Support leaflets in a variety of languages advertising the range of services available in addition to the agreement with the police service for the direct referral of victims has greatly facilitated access by victims in England and Wales to these services. Several victims' organisations in Europe for example in France operate low cost confidential telephone victim help lines for victims who do not wish to report a crime to the police but who nonetheless require support and information.

The European Forum for Victim Services has consistently called upon Member States to provide full information and advice to victims on the range of victim services available in their country. The European Forum for Victim Services has recently been provided with a grant from the EU Grotius programme to set up a Europe-wide web-site with information for victims of crime and a series of leaflets in the different languages of the EU giving information about the availability of both rights and services.

The 2001 EU Framework decision incorporates a detailed article on the right for victims to receive information. Article 4 recommends that Member States ensure that from their very first contact with law enforcement agencies, the victims should be informed of the type of organisations they can turn to for support; the support available; reporting procedures; their protection rights; legal rights; their right to be kept informed throughout the criminal procedure; and their right to be informed when the person prosecuted is released.¹⁶

Recommendation:

The right to information is a critical element of Recommendation N° R (87) 21 and is extremely relevant today, but the guideline needs to be redrafted to incorporate more detail of the types of information which should be made available to victims.

The guideline should also include a specific recommendation requiring the police to inform victims of the availability of victim services and to facilitate their access to those services.

2.2.9 Take steps to prevent victim assistance services from disclosing personal information regarding victims, without their consent, to third parties:

Major victim assistance services maintain strict codes of practice which protect the privacy of the victim at all times and do not allow the referral of victims to other organisations, unless the full consent of the victim is provided in advance, except in exceptional circumstances.

¹⁵ Brienen, M.E.I., Hoegen, E.H. (2000) *Victims of Crime in 22 European Criminal Justice Systems: The Implementation of Recommendation N° (85) 11 of the Council of Europe on the Position of the Victim in the Framework of Criminal Law and Procedure*, Niemegen, Netherlands: WLP, 2000, p. 4.

¹⁶ Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, (2001/220/JHA), Article 4.

The European Forum for Victim Services requires that Forum members are committed to “holding in confidence information given to them or about a victim, and accordingly no member shall disclose to any third party, information received from or relating to a victim unless the victim has consented, or there is a legal requirement to do so, or there is an overriding moral consideration”.¹⁷ The Forum further recommends that there be clear procedures for dealing with such situations and that a public complaints procedure is maintained for dealing with alleged breaches.

Recommendation:

It is suggested that this guideline should make specific reference to adopting the standard required by the European Forum for Victim Services.

Alternatively, the Council of Europe may wish to consider endorsing the whole of the Forum's policy on “Standards of Service for Victim's Services”.

2.2.10 Promote the coordination of:

- **victim assistance services operating on a public and private basis**
- **victim assistance services with agencies of the criminal justice system and other public services.**

As noted by Brienen and Hoegen, great advances in victim services can be made through improved co-operation between the different victim services available.¹⁸ They cite how regional Spanish victim support services were moving towards mutual cooperation through volunteer and staff training. Additionally, in the Flemish speaking part of Belgium and the Netherlands, victim support organisations have pledged allegiance with each other through their shared language.

Co-operation between victim services and agencies of the criminal justice system is critically important for the success of victim assistance. Victim Support in England and Wales shares a memorandum of understanding with all agencies within the criminal justice system. This includes a referral system with the police and a similar system with the Crown Prosecution Service through which witnesses can be informed in advance of a trial of the support provided by the Witness Service run by Victim Support.

The European Forum for Victim Services asks that all Forum members be committed to “providing independent services in close cooperation with other relevant agencies”.¹⁹ The 2001 EU Framework decision, Article 12, requests that Member States support victims' interests in criminal proceedings through the “form of networks directly linked to the judicial system or of links between victim support organisations”. The Phare recommendations further stipulate close cooperation by requesting that, “any service provided by an NGO to a criminal justice agency should be adequately compensated and regulated by an appropriate service level agreement”.²⁰

Recommendation:

It has been recommended that part of this guideline is assimilated into 2.2.5, as coordination between a national victim assistance organisation and criminal justice, governmental and other agencies is critical for the effectiveness of support for the victim.

A further guideline should be included requiring all agencies involved in social provision, healthcare and criminal justice, in the statutory, private and voluntary sectors to work together to ensure a co-ordinated and comprehensive range of services for victims of crime. Government departments responsible for those services should provide leadership through the development of co-ordinated strategies across the whole of government to promote the interests of victims of crime.

¹⁷ European Forum for Victims Services, *Statement of victims' rights in the process of criminal justice*, (1998), London, p. 6 – 7.
¹⁸ Brienen, M.E.I., Hoegen, E.H. (2000) *Victims of Crime in 22 European Criminal Justice Systems: The Implementation of Recommendation N° (85) 11 of the Council of Europe on the Position of the Victim in the Framework of Criminal Law and Procedure*, Niemegen, Netherlands: WLP, 2000, p. 1000.
¹⁹ European Forum for Victims Services, *Statement of victims' rights to standards of service* (1998), London, p. 7.
²⁰ Phare Horizontal Programme on Justice and Home Affairs, *Reinforcement of the Rule of Law: Final report on the first part of the project*. European Commission: August 2002. p. 57

2.2.11 Support the establishment, if necessary, of national organisations which advance the interests of victims;

Recommendation:

This guideline has been incorporated into 2.2.5.

Provisions relating to crime prevention and other measures:

2.2.12 Make every effort to prevent crime, and hence victimisation, both through a policy of social development and through appropriate situational prevention measures;

2.2.13 Provide the public and the victims themselves with specific information and advice to prevent victimisation or any further victimisation, whilst refraining from unduly exacerbating feelings of fear and insecurity;

2.2.14 Develop special policies to ascertain particularly vulnerable groups and prevent their victimisation;

2.2.15 Promote programmes of concerted action between neighbours for the prevention of victimisation and encourage groups with specific victimisation risks to take appropriate prevention measures in collaboration with local agencies and the police;

The four provisions dealing with crime prevention, or crime reduction as it is now more commonly described will be considered together. Guideline **2.2.19 evaluate of the effectiveness of prevention for the population as a whole or for certain social groups** is also considered here.

Enormous developments have taken place in relation to crime reduction since 1987 and there is now extensive literature on the subject throughout Europe and the rest of the western world. Far more is understood now about the causes of crime and there are many and varied programmes aimed at reduction.

Although these very general guidelines drafted in 1987 are still valid, it is unlikely that they would appear in this form in an international protocol prepared in 2003. For example, the prioritisation of public education (2.2.13) and neighbourhood action (2.2.15) focuses on the personal responsibility of the individual citizen to prevent crime, an idea which gained currency in the 1980s. Modern policies would give equal weight for example to the need for better civic design to reduce the possibility of crime and to better police intelligence to enable them to target persistent offenders or to concentrate resources into high crime areas. Programmes aimed at improving opportunities for potential young offenders and for tackling drug abuse would also be included.

A considerable amount of work has already been carried out by the Council of Europe. In 1997, an "Action plan to tackle crime in Europe" was published following a major conference on "Crime and Urban Insecurity" held in Erfurt, Germany. Delegates from 29 European countries agreed a formula, aimed at local and regional government, to help create safer cities. In 2002 "Urban crime prevention – A guide for local authorities" was published. Work has also been carried out on "transfrontier crime" and on organised crime in Europe. An integrated project under the auspices of the Council of Europe is currently underway on the subject of "Responses to violence in everyday life".

Recommendation:

Crime reduction is an issue which affects the whole community, not only those people who have become victims of crime. In view of the large volume of work which has already been carried out on this subject and the work which is still in progress, it is recommended that this topic should be made the subject of a separate document which should incorporate the various recommendations which have been published in recent years by the Council of Europe.

Recommendations should include a full range of strategies aimed at local, regional and national government, the police and those who deal with offenders as well as identifying actions which can be taken by individual citizens and communities. Provisions should be included for rural as well as urban and trans-national crime. Special provisions for specific crimes such as domestic violence, the abuse of children and other vulnerable groups and repeated harassment should also be included.

A new provision regarding repeat victimisation:

There is one aspect of crime reduction which does have immediate relevance for people who have already become victims of crime. Far more is now known about the phenomenon known as repeat victimisation. Research in various countries in Europe has confirmed that once a crime has been committed, the possibility of a similar crime occurring against the same victim, or the same household, increases dramatically. For example, a household which has been burgled is four times²¹ more likely to be burgled again within six weeks of the first crime²¹.

Hans-Joachim Schneider in Germany has reported that 70% of all self-reported crimes have been committed against only 14% of the adult population²². In the case of violent crimes, 45% are committed against 17% of the population.

Some of the reasons for repeat victimisation are related, for example, to the vulnerability of a property or to its proximity to a high crime area. Other reasons relate more directly to the individual victim. These include all crimes of racist, sexual or homophobic harassment, and all forms of violence or abuse within the family.

Whichever type of crime is involved, it is clear that, wherever the possibility of repeat victimisation is indicated, measures to assist victims to avoid further victimisation should be regarded as an essential element of the services which should be made available. A guideline on repeat victimisation should therefore be included within any new recommendation on assistance to victims.

Victim Support in some areas in England and Wales offers special projects to prevent burglary victims being targeted repeatedly. Repeat victims are identified using specialised referral software and assistance is given through the provision of appropriate crime prevention hardware and other advice.

Other groups with specific victimisation risks such as victims of racist and hate crime have been offered special services by Victim Support in conjunction with local government agencies and the police. Special reporting centres have been set up based at doctor's surgeries, council offices and Citizen Advice Bureaus, which enable repeat victims of racist and hate crime to report harassment or intimidation without having to increase their vulnerability by reporting directly to a police station.

Recommendation:

A new guideline should draw attention to the phenomenon of repeat victimisation and the importance of including preventative strategies within the general provisions of services to victims. Examples of good practice in member states should be included and governments should be encouraged to initiate and to support these developments.

2.2.16 Evaluate the extent of insurance cover by public or private insurance schemes as regards the various relevant categories of criminal victimisation and seek ways to make insurance more effective in relation to the needs of victims, if necessary;

Research in the UK (1998 British Crime Survey) has shown that almost one in five UK households did not have home contents insurance. Low income households were the least likely to have insurance; about half of those living in accommodation rented from a public or social landlord were not insured. The survey also shows that those least likely to have insurance are more at risk of burglary. Almost one in ten uninsured households experienced a burglary in 1997 compared to one in twenty insured households.²³

Further research has shown that the most common reason for not being insured is cost – it is relatively more expensive to insure on a low income. Those who rent property in inner cities are also five times more likely to suffer a burglary than owner-occupiers in rural areas, and are also more likely to be burgled more than once. Consequently, those families with the lowest incomes living in high crime neighbourhoods are three to four times less likely to have insurance than high-income households.

²¹ Graham Farrell, Multiple victimisation: Its Extent and Significance in: International Review of Victimology 2 (1992)

²² Schneider, Hans Joachim, Victimological Developments in the World during the Last Three Decades: Proceedings of the Montreal Symposium 2000, World Society of Victimology.

²³ Budd, T. (1999) *Burglary of domestic dwellings: findings from the British Crime Survey*. (Home Office statistical bulletin; 4/99) London Home Office.

A valuable alternative for those who cannot afford conventional insurance cover is a “tenant’s contents insurance scheme”. These schemes, which can be operated by public or social landlords, generally involve the collection of insurance premiums with rent. The landlord is able to negotiate preferential rates with insurance companies and these savings can be passed on to tenants. Tenants receive cover that is affordable, flexible and meets their needs. Landlords are able to demonstrate that they have fulfilled their obligations to promote social inclusion. Research commissioned shows that schemes like this do operate successfully but much more can, and should be done to set up and promote tenants contents insurance.²⁴

Recommendation:

It remains valid for member states to evaluate the extent of insurance cover provided by public or private insurance schemes for the various relevant categories of criminal victimisation. Where it is found to be necessary (and we believe this will be the case in most countries) states should also seek ways to make insurance more accessible for families at greatest risk and for those with limited means. All states should consider encouraging the adoption of tenants’ contents insurance schemes by social and public landlords.

2.2.17 Encourage experiments (whether on a national or local basis) in mediation between the offender and his victim and evaluate the results with particular reference to how far the interests of the victim are served

There have been extensive developments in the practice of mediation since 1987 and the Council of Europe has published a separate recommendation: N° R (99) 19 concerning mediation in penal matters. The reference to “encouraging experiments” is therefore out of date and should be replaced by a requirement that, as a minimum, the recommendations of the Council of Europe should be followed. Victim services, however, continue to have concerns that this and other international protocols do not go far enough in protecting the interests of victims in the process of mediation.

It is recognised that mediation and reparation, if executed well, can be beneficial to victims. However, many victims, may not want to have contact with the offender, whether face-to-face or through an intermediary. Mediation which does not take full account of the interests of the victim can risk causing secondary victimisation.

The European Forum for Victim Services is currently considering adopting its own policies in relation to mediation. It is hoped that a full statement will be adopted in May 2003. Issues which will be considered will be the definition of a victim’s “free consent”, the preparation and support of victims, the training of mediators and the legal status of confidentiality in mediation.

Recommendation:

If the revision of this recommendation is required before the European Forum for Victim Services has published its own policy in relation to mediation, member states in which mediation is being practiced should, as a minimum, be required to comply with the standards set out in the Council of Europe Recommendation N° R (99) 19. Following the publication of the statement by the European Forum we hope that the Council of Europe will consider the statement with a view to adopting some or all of its provisions, in the interests of victims of crime.

2.2.18 Monitor and evaluate through research provisions for victim assistance by public and private services;

It has already been suggested that the provisions of section 2.2.1 should be extended to provide for more research into the rates of victimisation, the needs of victims of crime, the availability of services for victims and the effectiveness of those services in meeting those needs.

2.2.19 Evaluate the effectiveness of programmes aimed at preventing victimisation of the population as a whole or of certain social groups;

This section has been considered together with guidelines 2.2.12 – 2.2.15 in the section on crime prevention.

²⁴ Housing Corporation (2001) *Insurance for all: a good practice guide*. London: the Housing Corporation, 2001.

Conclusion:

In view of the extensive developments which have taken place in Europe and elsewhere since 1987 a new Recommendation should now be drafted guiding the further development of general victim assistance and victim services throughout Europe. The Recommendation should take account of other international protocols relating to this issue and to recent research and good practice guidelines published within Europe.

The equally important issue of crime reduction should become the subject of a separate Recommendation which should incorporate guidelines and recommendations which have been developed under the auspices of the Council of Europe since 1987.