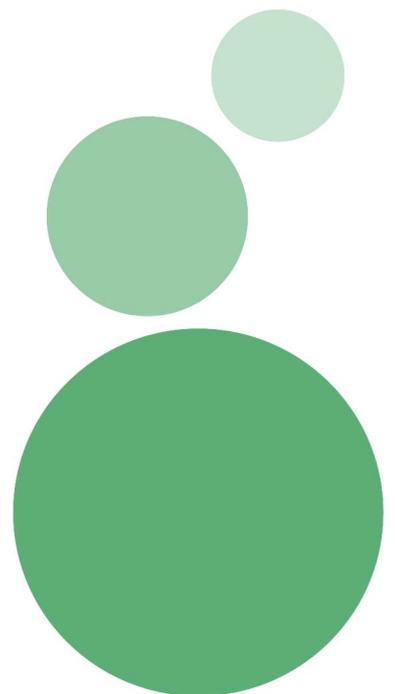




DIRECTORATE GENERAL JUSTICE

Analysis of Public Consultation Responses:
Taking Action on Rights, Support and
Protection of Victims of Crime and Violence



Disclaimer

In keeping with our values of integrity and excellence, Matrix has taken reasonable professional care in the preparation of this report. Although Matrix has made reasonable efforts to obtain information from a broad spectrum of sources, we cannot guarantee absolute accuracy or completeness of information/data submitted, nor do we accept responsibility for recommendations that may have been omitted due to particular or exceptional conditions and circumstances.

Confidentiality

This report has been prepared for the client within the terms of our contract, and contains information which is proprietary to Matrix and confidential to our relationship. This may not be disclosed to third parties without prior agreement.

Except where permitted under the provisions of confidentiality above, this document may not be reproduced, retained or stored beyond the period of validity, or transmitted in whole, or in part, without Matrix Insight's prior, written permission.

© Matrix Insight Ltd, 2009

Any enquiries about this report should be directed to enquiries@matrixknowledge.com

Contents

1.0	Introduction	4
2.0	Respondent Characteristics	5
3.0	Response Characteristics	7
4.0	Key Findings	9
4.1	Recognition	9
4.2	Protection	11
4.3	Support	14
4.4	Access to Justice	15
4.5	Compensation and Restoration	16
5.0	Conclusion	18

1.0 Introduction

In 2011, the European Commission intends to adopt a package of measures to improve the rights and support available to victims of crime across Europe. To inform the Commission's work in this area, a public consultation 'Taking Action on the Rights, Support and Protection of Victims of Crime and Violence' was launched giving stakeholders the opportunity to present their views on existing difficulties and suggestions for concrete actions that could be developed at EU level. The consultation was launched by DG Justice on 15 July 2010 and closed on 30 September 2010.¹ This report summarises and analyses the responses to the public consultation. All replies received until 8 October 2010 are included in the analysis.

The consultation questionnaire is structured around the five victims' needs areas: Recognition, Protection, Support, Access to Justice and Compensation and Restoration. The questionnaire contains 17 questions in total, including 5 general questions and 12 questions dealing specifically with the aforementioned needs areas. The questionnaire was made available in three languages (English, German, and French). Replies were accepted in all official EU languages. Responses were submitted in English, German, French, Spanish, Finnish, Romanian and Slovenian. Non-English responses were translated into English by the Matrix Insight team.

In total **77 responses were submitted** and are included in this analysis. The main objective of the analysis is to highlight what issues have been raised, and the number and types of stakeholders raising each of the key issue. Where applicable, the data is broken down by country and/or stakeholder group. The analysis of the responses focuses on the following aspects:

- Detailed information is provided on respondent characteristics and broken down by country and stakeholder group (Section 2).
- Detailed information is provided on the characteristics of the replies, accounting for the frequency of replies by question and needs area. Replies are furthermore broken down by country and stakeholder group (Section 3).
- A detailed discussion is provided, outlining the main arguments put forward in favour and against the relevant policy options that are currently under consideration by the European Commission (Section 4).

A conclusion is offered in Section 5. A separate excel spreadsheet accompanying this report compiles all replies, broken down by individual questions and sub-questions. 'Key tags' for individual replies by issue area are also provided.

¹ See here for the invitation to the public consultation:
http://ec.europa.eu/justice/news/consulting_public/news_consulting_0053_en.htm

2.0 Respondent Characteristics

In total 77 submissions were made in response to the public consultation. The table below illustrates the break-down of responses by country. Replies received from countries outside of the European Union or from international organisations (e.g. UNICEF) are grouped together under 'International'. Replies received from pan-European organisations are listed under 'European'. Responses that did not indicate a country of origin are categorised as 'unknown'. Replies were received from 18 EU Member States (EU12/EU15 split equals 7/11). By far the most responses were submitted by the UK, followed by Belgium and Spain.

Table 1: Responses by Country

Responses by Country	
Austria	3
Belgium	9
Bulgaria	1
Czech Republic	1
Finland	3
France	1
Germany	6
Hungary	1
Ireland	2
Italy	1
Lithuania	1
Malta	1
Portugal	3
Romania	2
Slovenia	1
Spain	8
The Netherlands	3
UK	16
European	6
International	3
Unknown	3

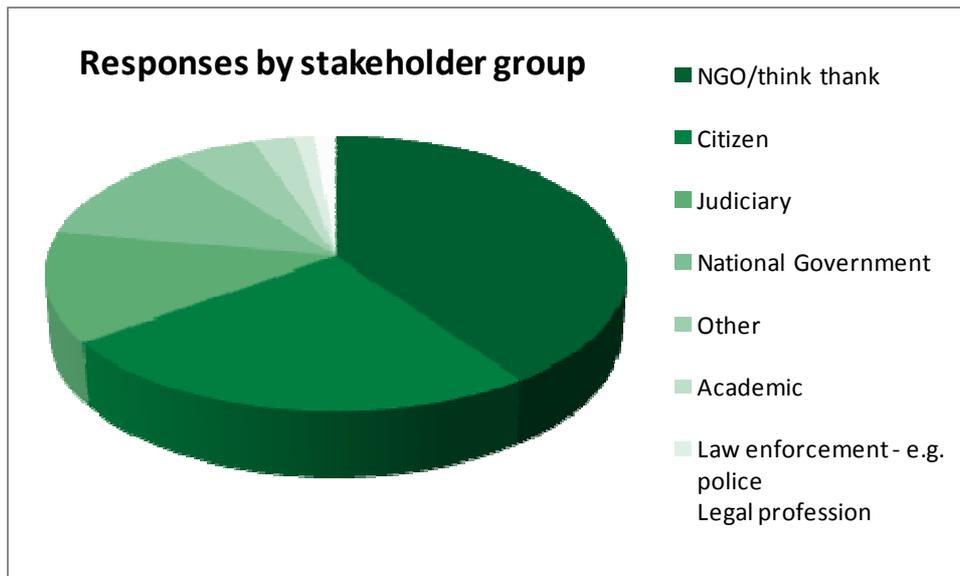
Source: Consultation Responses and Matrix Calculations

The figure below illustrates the break-down of responses by stakeholder group. Replies are categorised according to the following stakeholder groups: NGO/think tank, Citizen, Judiciary, National Government, Other, Academic, Law Enforcement (e.g. police), Legal Profession, Medical Profession). The 'Other' category contains responses from non-NGO civilian run

Analysis of Public Consultation Responses:
Taking Action on Rights, Support and Protection of Victims of Crime and Violence

groups and an MEP. NGOs/think tanks (including victim support organisations), citizens and the judiciary provided more than 75% of the responses. Only six responses were submitted by national governments. No responses were provided by members of the medical profession.

Figure 1: Responses by Stakeholder Group

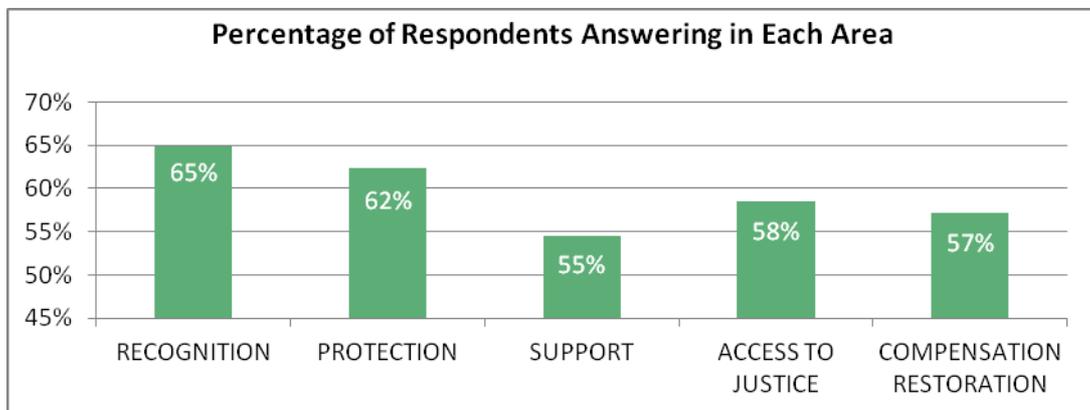


Source: Consultation Responses and Matrix Calculations

3.0 Response Characteristics

The consultation questionnaire is divided into two parts. Part I presents five general questions and Part II narrows in on the five needs areas. With regard to Part II, the percentage of respondents answering questions varies by needs area. As is illustrated in the figure below, questions on 'recognition' and 'protection' were particularly popular with 65% and 62% of respondents providing answers respectively. Relatively fewer respondents were concerned with questions on 'support' where only 55% of all respondents provided input.

Figure 2: Percentage of Respondents Answering in Each Area



Source: Consultation Responses and Matrix Calculations

A break-down by stakeholder group reveals that compensation and restoration is particular a point of concern for citizens. Approximately twice as many citizen replies address questions on compensation and restoration compared to any of the other issues. In contrast, national governments as well as members of the judiciary are more concerned with questions that have implications for a country's judicial system. The attention of respondents from NGO/think tanks (including victims support organisations) is equally divided among all needs areas.

Analysis of Public Consultation Responses:
Taking Action on Rights, Support and Protection of Victims of Crime and Violence

Table 2: Frequency of replies by needs area – cross tabulate responses by country/stakeholder group

Responses by stakeholder group		Responses by stakeholder group / area				
		RECOGNITION	PROTECTION	SUPPORT	ACCESS TO JUSTICE	COMPENSATION RESTORATION
NGO/think thank	31	32%	29%	29%	29%	26%
Citizen	19	16%	16%	16%	11%	32%
Judiciary	10	100%	100%	70%	90%	70%
National Government	9	56%	56%	56%	56%	44%
Other	4	25%	25%	25%	25%	75%
Academic	2	100%	100%	100%	100%	50%
Law enforcement - e.g. police	1	0%	0%	0%	0%	0%
Legal profession	1	100%	100%	0%	100%	100%
Medical profession	0	n/a	n/a	n/a	n/a	n/a

Source: Consultation Responses and Matrix Calculations

4.0 Key Findings

This section provides a detailed analysis of the consultation responses. Since the vast majority of questions are open-ended (and even polar questions leave room for open-ended responses), the submissions are predictably broad. It is therefore not possible to quantify the answers without distorting the information provided. Instead, a qualitative analysis of the answers has been carried out, whereby the main arguments are summarised for each individual question, with the relevant respondents identified in the footnotes. For brevity's sake, respondents are listed by their identification number. A corresponding list may be found in the Appendix.

4.1 Recognition

38 respondents (49%) replied to **Question 6(a)**: *'Do you think victims related training should be compulsory for practioners?'*

Approximately 80% of the respondents would welcome additional training for practitioners. 19 of the 37 respondents are in favour of making training compulsory, and the importance of compulsory training for practioners dealing with female victims and children has been emphasised repeatedly². On the other hand, six respondents believe that making training compulsory is not warranted. Among those, the perception is that existing documentation (e.g. Victims Charter, Guide to the Criminal Justice System) provides sufficient guidance for practitioners.³ Moreover, concerns were raised that obligatory training would be too restrictive and could potentially interfere with the independence of the judiciary.⁴

33 respondents (43%) replied to **Question 6(b)**: *'How do you think the quality of training programmes can be improved?'*

Suggestions on how to improve the quality of training programmes have been made with reference to three aspects. First and foremost, the value of combining theoretical knowledge with practical experience of victims has been emphasised.⁵ To this end, cooperation with academic institutions and sharing best practices are perceived as useful instruments.^{6,7} Secondly, it was suggested that training should be introduced when first obtaining one's professional qualification⁸ and should be provided on a continuous basis thereafter.⁹ The possibility of specialised training by victim type¹⁰ and needs areas¹¹ was highlighted. Thirdly, the importance of adequate financial resource allocation was raised.¹²

² (Response #2, #19, #22, #28)

³ (Response #18)

⁴ (Response #11)

⁵ (Response # 2, #3, #6, #20, #23, #25, #29, #57, #60)

⁶ (Response #10, #11, #12)

⁷ See an US study: "Practical Implication of Current Domestic Violence Research: For Law Enforcement, Prosecutors and Judges" U.S. Department of Justice; June 09 <http://www.ncjrs.gov/pdffiles1/nij/225722.pdf>

⁸ (Response #5, #26, #37, #43)

⁹ (Response # 3, #36, #66)

¹⁰ (Response #17, #19, #26, #36, #37, #43, #65)

¹¹ (Response #14, #39, #41, #36)

¹² (Response #36, #8)

36 respondents (47%) replied to **Question 7**: ‘How should it be ensured that the individual needs of victims are properly assessed?’

First and foremost, it was suggested that multidisciplinary teams should carry out victims’ needs assessment and that they should involve all relevant agencies (e.g. VSO, police, judiciary).¹³ The point was made that victims should be interviewed at the earliest opportunity following the crime¹⁴, with follow-up discussions used to identify changing needs over time.¹⁵ The need for individualised assessment, as outlined in Article 2 of the Framework Decision was stressed.¹⁶ Although a number of respondents highlighted the usefulness of questionnaires and checklists¹⁷, others emphasised the importance of adopting a more qualitative approach that would put the victim at the centre, by listening to the victim and observing his/her behaviour.¹⁸ Some Victim Support organisations across Europe have developed Assessment Frameworks to assess the needs of each individual victim they work with, to ensure their service meets the need of the individual. These should be shared with or similar programmes developed by criminal justice agencies.¹⁹

32 respondents (42%) replied to **Question 8(a)**: ‘How do you think vulnerable victims should be identified?’

A variety of different views were taken on the identification of vulnerable victims. While the point was made that children and disabled people should automatically be categorised as vulnerable²⁰, the risks of identifying vulnerable victims outside of that scope were also addressed. Firstly, as the vulnerability of a victim is to a large part determined individually, making potentially all victims vulnerable²¹, it would be difficult to come up with a limited number of meaningful categories across the board.²² Secondly, creating potentially numerous additional sub-categories would further complicate the already complex criminal justice systems.²³ Thirdly, shifting focus to vulnerable victims bears the risk of diverting attention away from the needs of non-vulnerable victims.²⁴ Nevertheless, the point was made that a definition of ‘vulnerable victim’ is needed (e.g. age, disability or circumstance of crime²⁵) and should be applied universally.²⁶

The vulnerability of a victim should be assessed by using the expert knowledge of a multidisciplinary team²⁷ at the earliest opportunity following the crime.²⁸ For instance, the

¹³ (Response #5, #6, #13, #17, #20, #25, #39, #57)

¹⁴ (Response #15, #23, #22)

¹⁵ (Response #11, #30, #65, #66, #69)

¹⁶ (Response #11, #17, #23, #26, #37, #43, #53)

¹⁷ (Response #20, #25, #55, #68)

¹⁸ (Response #03, #11, #23, #41)

¹⁹ (Response #26)

²⁰ (Response #3, #6, #39)

²¹ (Response #3)

²² (Response # 8, #26, #37, #43)

²³ (Response #3, #10, #11)

²⁴ (Response #67)

²⁵ (Response #3, #6, #39, #67).

²⁶ (Response #5, #20),

²⁷ (Response #15, #17, #19, #23, #24, #33)

²⁸ (Response #66, #68).

identification of vulnerable child victims can only take place through close cooperation with those professionals in constant contact with children. However, there are systematic gaps in taking advantage of those professionals. To illustrate with an example, while a kindergarten teacher in Germany is bound by law to report a suspected crime, school teachers and trainers are not. It would hence be useful to employ school nurses and school psychologists across the country.²⁹

27 respondents (35%) replied to **Questions 8(b)**: *‘What special measures should be available to vulnerable victims?’*

A number of different measures are perceived as important, almost all of which pertain to the victim’s participation in criminal proceedings. In addition to offering vulnerable victims legal and psychological assistance³⁰ this includes providing information and explanations on procedural decisions³¹ and making the information accessible in an easily understood language³².

Measures with regards to providing evidence are deemed as particularly important. The use of specially trained professionals³³ and video links³⁴ as well as the victim’s right to be accompanied by a trusted person³⁵ is considered important. While repeat questioning should be avoided³⁶, the point was made that a general restriction on the number of questionings not viable with reference to the fair trial principle. Since the initial questioning of the victim is usually used as basis for the indictment, it is not possible to restrict the court used for the proceedings from asking clarifying questions to the victim again.^{37 38}

4.2 Protection

31 respondents (40%) replied to **Questions 9(a)**: *‘Do you think measures are needed to protect a victim’s privacy and if so how?’*

All 31 respondents reiterate the victim’s right to privacy, particularly where it concerns sensitive information about the individual’s life³⁹ and in cases of sexual abuse and domestic violence⁴⁰. Measures to protect victims’ privacy should furthermore extend beyond the end of the criminal proceedings.⁴¹

The relationship with the media is of particular concern and the point was made that States should, where appropriate, with full respect for freedom of expression, encourage the media

²⁹ (Response #54)

³⁰ (Response #22, #24, #13, #16, #23, #51)

³¹ (Response #18, #20)

³² (Response #5, #10, #51)

³³ (Response #13, #16, #66)

³⁴ (Response # 18, #36, #3, #22, #11, #13)

³⁵ (Response #39, #17, #13)

³⁶ (Response #5, #65, #36, #19, #24, #70)

³⁷ (Response #55)

³⁸ The current draft Directive on Combating Child Sexual Exploitation (Document 8155/10 COM(10)94) contains a useful list of such measures in investigations, in Article 19(3) and 19(4).

³⁹ (Response #22)

⁴⁰ (Response #36, #2, #53)

⁴¹ (Response#23)

and journalists to adopt self-regulatory measures to ensure the protection of private and family life of victims.⁴² For example, Bulgarian Media is required to exercise prudence in the disclosure of the victims' identity, refrain from glorifying or unnecessarily sensational reporting of crime, violence and cruelty, and cautioned not to provide media as a platform to those who promote, incite or use violence.⁴³ Nevertheless, the effectiveness of media codes of conducts has been called into question.⁴⁴ As a minimum, information on the progress of the investigation or file should be communicated to the victim before being sent to media.⁴⁵

A central theme is the balance between victims' rights and defendants' rights is perceived as important. Accordingly, a point was made that there should be a uniform general obligation that requires the rights of the victim to privacy and confidentiality to be balanced by the judge against the rights of the defendant and the state.⁴⁶ Measures are already in place in some countries (e.g. Germany, Lithuania) and are perceived as sufficient.⁴⁷

25 respondents (32%) replied to **Question 9(b):** *'What protection measures should be available?'*

The two measures mentioned with regards to the protection of victims' privacy are (a) keeping proceedings confidential when permitting⁴⁸ and (b) removing any personal data (e.g. contact details, images) from case files, and not distributing them without prior consent.⁴⁹ Moreover, protection orders should be available for victims who experience threatening, alarming or distressing behaviour that does not yet constitute a crime or in the aftermath of a high profile crime.⁵⁰

Voluntary yet enforceable codes of conduct on disclosure of private information are suggested as one possibility.⁵¹ For example, ethical codes for lawyers should cover the types of questions which should not be asked of vulnerable victims, while leaving it up to the judge to make the final decision.⁵² Other measures available to the court should be the power to impose reporting restrictions to prevent the media identifying the victim (e.g. for child) and proportionate measures such as restricting public access to the court room for parts of the trial.⁵³

Opinions on legislation on separation of offender and victim in court are divided. While some respondents believe that legislation is necessary⁵⁴, others argue that legislation (or other regulations) on separation of the offender and victim in court and police station is not necessary,

⁴² (Response #6, #63)

⁴³ (Response #19)

⁴⁴ Response #20)

⁴⁵ (Response #66)

⁴⁶ (Response #20)

⁴⁷ (Response #16, #55)

⁴⁸ (Response #10, #42, #15, #25, #39, #8, #17, #65)

⁴⁹ (Response #10, #13, #20, #22, #23, #36, #26, #37, #43, #51, #11)

⁵⁰ (Response #16, #18)

⁵¹ Response #10, #17, #19, #20, #25, #26, #37, #42, #43)

⁵² (Response #20)

⁵³ (Response #11)

⁵⁴ (Response #36)

as this is the responsibility of the police and the courts. The assumption is that they are capable to fulfil their obvious duties.⁵⁵

35 respondents (45%) replied to **Question 10(a)**: *How do you think victims should be protected from offenders/potential offenders in relation to intimidation/further harm?*

Most of the measures listed under this question pertain to court proceedings. To this end, victims and defendants are to be kept apart by providing separate facilities⁵⁶, enabling victims to give evidence remotely through video link or having read their testimony in their absence.⁵⁷ Alternatively, victims could give testimony at court while the defendant is not present.⁵⁸ Nevertheless, the point was made that a separation of victim and defendant often fails in the court's duty to clarify the facts and that an EU wide regulation in this regard would only be sensible if core areas of the taking evidence are harmonised.⁵⁹

Other measures considered important include protective bail⁶⁰ and restraining orders⁶¹, providing secure housing and witness protection programmes⁶². Finally, early police arrival at the crime scene as well as frequent police patrols around offender homes not in custody were mentioned as well⁶³.

24 respondents (31%) replied to **Question 10(b)**: *As regards to protection orders, what do you think is the most feasible and effective option to achieve EU wide protection?*

Opinions as regards the feasibility and effectiveness of the European Protection Order (EPO) are divided. However, a point strongly conveyed is that an effective system of EU wide protection orders is necessary given the extent of free movement of EU citizens and their frequent change of location.

The variety of approaches used across the EU means that an EU-wide protection measure cannot be a simple mutual recognition instrument⁶⁴, and cooperation between authorities of different countries and harmonization of applicable measures is necessary.⁶⁵ To this end, the proposed EPO is perceived as workable model provided that it can be made to work without disproportionate complexity under the control of the judiciaries of the EU.⁶⁶ The argument is that a procedure like the EPO should be short and simple - the main obstacle for victims with the EPO would be that the procedure contains two steps (EPO and transformation in national legislation) with a lot of procedural rights (translation, appeal, oral procedure). This procedure might take more time than starting a new procedure in another Member State.⁶⁷

⁵⁵ (Response #15)

⁵⁶ (Response #1, #16, #19, #23, #20, #26, #37, #43, #10, #25, #8, #2, #53, #54, #69, #11)

⁵⁷ (Response #16, #23, #22, #14, #5, #20, #8, #11)

⁵⁸ (Response #22, #20)

⁵⁹ (Response #56)

⁶⁰ (Response #13, #18, #55)

⁶¹ (Response #3)

⁶² (Response #6, #18, #2)

⁶³ (Response # 68, #66)

⁶⁴ (Response #11)

⁶⁵ (Response #19, #25)

⁶⁶ (Response #20, #22, #17)

⁶⁷ (Response #10)

It was suggested that the European Protection Order could work in conjunction with practical assistance. These include setting out the facts and details of the protection order in one Member State, so that another Member State (the state to which a vulnerable person is moving) has the information needed to enable them to make a decision as to whether suitable protection can be accommodated within their system. However, it was also stated that the legal base of current draft of the EPO is too wide and that it can only properly cover criminal protection measures.⁶⁸

On the other hand, the view is that the EU wide recognition of protection orders is probably not necessary.⁶⁹ The German Bundesrat has already rejected the possibility for an EU-wide protection order (26 March 2010 (BR-Drs. 43/10)).⁷⁰ There is much that can be done without legislation and suggestions are for the Commission to consider working with some of the more practical tools at the EU's disposal, such as the e-justice portal. Moreover, the Commission could translate and promote information specifically about protection measures available in Member States.⁷¹

Support does exist for enforcing protection orders given in one Member State in another State to which the victim have moved. This would be in line with the EU's aim of mutual recognition and providing equal protection to all people who fall victim to crime in Europe.⁷² Pursuant to Council Regulation (EC) No 44/2001 of 22 December 2000, decisions must be recognised in the Member States and may be enforced there.⁷³

Another central theme that has emerged is that protection orders should be recorded on an EU wide database of information (e.g. on offenders) and shared between security service via Europol or a similar organisation.⁷⁴ In this way, EU citizens who travel to other EU member states would be afforded cross-border protection against the potential threats from an offender or his associates.

4.3 Support

37 respondents (48%) replied to **Question 11: How do you think victim support organisations can be assisted to provide effective services to victims?**

The most widely recognised instrument is the provision of enough resources for staff and professional training and in particular financial assistance.⁷⁵ Moreover, the official recognition of the work of these organisations by national governments is perceived as crucial.⁷⁶ One way of

⁶⁸ (Response #11)

⁶⁹ (Response #56)

⁷⁰ (Response #55)

⁷¹ (Response #11)

⁷² (Response #26, #37, #43)

⁷³ (Response #8)

⁷⁴ (Response # 20, #24, #2, #18, #22).

⁷⁵ (Response #06, #08, #10, #15, #17, #18, #19, #22, #23, #25, #26, #28, #30, #34, #37, #43, #52, #53, #55, #66, #67, #68, #69, #72)

⁷⁶ (Response #03, #06, #25, #70)

doing so would be though commissioning these organisations to deliver services and support to victims.⁷⁷

42 respondents (55%) replied to **Question 12:** *What services do you think they should provide?*

There is broad support for the following services: specialised medical care, psychological support either directly or through a help-line available 24/7, legal and financial assistance, provision of secure housing, provision of information, practical support such as escort to the court and court assistance, provision of mediation and restoration services.

32 respondents (42%) replied to **Question 13(a):** *Do you think foreign and/or domestic victims should be provided immediate basic assistance? Who should provide such assistance?*

Respondents unanimously agree that – depending on the crime – some type of immediate assistance should be provided to victims. For minor crimes, access to phone and internet was seen as useful. For more serious crime transitional accommodation as well as food vouchers were perceived as useful assistance. Providing this type of support is seen as primarily the role of consular authorities followed by Social Services and VSOs.

The point was made that with regards to foreign victims, a distinction should be made between tourists and temporary residents as the latter might need less assistance (depending on the crime). In all cases, the issue of language should be taken into account either by translation of informative documents or the provision of a social interpretation.⁷⁸

4.4 Access to Justice

31 respondents (40%) replied to question **14(a):** *How should we ensure that victims fully understand their rights and the information they are given?*

There is universal agreement that translation and interpretation are crucial to ensure victims fully understand their rights through availability of translation and interpretation. Additionally the importance of implementing proper quality control regarding the provision of interpretation has been raised, where service provided to victims should be no less than that provided to the defendant.⁷⁹

20 respondents (26%) replied to **Question 14(b):** *What other ways exist to ensure victims fully understand their rights?*

Most respondents agree on the importance of **easily accessible** written information to be available for victims,⁸⁰ which is targeted to victims according to their characteristics such as age,

⁷⁷ (Response #11)

⁷⁸ (Response #09)

⁷⁹ (Response #20)

⁸⁰ (Response #06, #10, #18, #20, #26, #34, #36, #37, #43)

nationality and education.⁸¹ Examples of means through which victims should access such information are: advertising campaigns, leaflets, consultation events,⁸² internet,⁸³ and service providers like police and hospitals.⁸⁴

38 respondents (49%) replied to **Question 15**: *Should victims have a right to provide information before key decision are made, such as decisions to stop an investigation or prosecution, and to seek the review of such decisions afterwards?*

There is some agreement that victims should have the right to express their opinion with full knowledge of the consequences,⁸⁵ as well as the right to appeal against the court decision.⁸⁶

4.5 Compensation and Restoration

37 respondents (48%) replied to **Question 16**: *How do you think victims should be assisted when making compensation claims and when seeking to enforce compensation orders?*

A number of different approaches to help victims making/enforcing compensation schemes were favoured by the respondents, including State operated compensation scheme,⁸⁷ advance state payments for victims with high debts⁸⁸, free legal assistance and access to a victims fund or a flat-rate financial help for victims^{89,90}. Generally speaking, the availability of clear and simple information and forms, which would need to be translated into EU languages to assist both national and foreign victims, is seen as crucial.⁹¹ The point was made that providing victims with a point of contact to ask for advice in throughout the procedure could be helpful.⁹²

30 respondents (39%) replied to **Question 16(a)**: *Should restorative justice be available to all victims?*

There is universal agreement that Restorative Justice (RJ) should be available but only about half of respondents agree with the statement unconditionally.⁹³ Most respondents set some stipulation on the provision of RJ. In addition to regulation the practice of RJ⁹⁴ and using only qualified personnel⁹⁵, RJ should be applied only to appropriate cases only⁹⁶, neither offenders⁹⁷ nor victims should be compelled to participate in the RJ process.⁹⁸

⁸¹ (Response #17)

⁸² (Response #06, #26, #37, #43)

⁸³ (Response #34)

⁸⁴ (Response #06, #34)

⁸⁵ (Response #11, #17, #25, 37, #43, #44, #49, #53, #56, #60, #64, #65)

⁸⁶ (Response #17, #22, #29, #30, #36, #43, #44, #45, #49, #54, #55, #60, #62, #64, #69)

⁸⁷ (Response # 18, #11, #10, #17, #15, #33, #57, #42, #26, #24, #22, #20, #54, #63, #37, #43)

⁸⁸ (Response # 15, # 22, # 24)

⁸⁹ (Response # 6, #50)

⁹⁰ (Response #11, #15, # 20, # 60)

⁹¹ (Response # 30, #34, # 57, #13, #25, #70, #60, #7)

⁹² (Response # 18, #6)

⁹³ (Respondents # 03, # 06, # 09, #15, #17, #20, #22, #23, #26, #42, # 52, # 61, # 63, #64, #66, #67)

⁹⁴ (Respondents #22)

⁹⁵ (Respondents #20)

⁹⁶ (Respondents #3, #06, # 31, #35, #43, #46, #51, #54, #59, #64, #65)

⁹⁷ (Respondents #09, #10, #15, #26, #39, #63, #66)

⁹⁸ (Respondents # 09, #15, # 25, # 26, #66, #39, #63, #65, #67)

19 respondents (25%) replied to **Question 17 (b)**: *Should minimum standards be applied to organisations providing such service?*

There is universal agreement that minimum standards should be applied to RJ, including: practice standards related to a variety of types of service provision for child victims in different situations; standards that guarantee adequate children's rights, and access to coherent service delivery with minimum changes of mediators during the process and standards for qualifications of mediators between justice systems and children in different situations.⁹⁹

⁹⁹ (Respondent 13)

5.0 Conclusion

The data emerging from a topic this complex and a public consultation this broad is predictably multifaceted. Nevertheless, the analysis carried out in this paper reveals a number of overarching trends and patterns:

- **Universal agreement among respondents exists on the following points:**
 - Victims' right to privacy must be protected;
 - All victims should be provided with some type of immediate assistance;
 - Translation and interpretation are crucial to ensure that victims fully understand their rights and the information they are given; and
 - Minimum standards should apply to Restorative Justice proceedings.
- **Victim Support Organisations are indispensable for providing effective services to victims.** To continue doing so, they need financial assistance. To further increase their profile, the importance of their work must be recognised by national governments, which could also be involved in raising awareness of these organisation.
- **Cooperation and best practice sharing between all organisations involved** with victims (e.g. police, judiciary, VSOs) within a Member State and across the EU is crucial across a large number of issues, including victims' needs assessment, implementing EU-wide protection measures, improving the quality of practioners' training.
- **A central them is the balance between victims' rights and defendant's rights during criminal proceedings.** While restrictions on repeated questions is desirable from the victim's perspective, general restrictions on the number of questionings is not viable with reference to the fair trial principle. Although the victim has an undeniably right to privacy, this right must be balanced against the right of the defendant and the State. While separation between victim and defendant at court seems sensible, it often fails in the face of the court's duty to clarify the facts.

Analysis of Public Consultation Responses:
Taking Action on Rights, Support and Protection of Victims of Crime and Violence

Appendix

Entry ID	Name of Respondent			
01	A G Cowie MA(Hons) MBA. Chief Superintendent, Chair, ACPOS Victims & Witnesses Portfolio Group	UK (Scotland)	Association of Chief Police Officers in Scotland Victims & Witnesses Portfolio Group	Law enforcement - e.g. police
02	Alianza de Solidaridad Extremeña	Spain	Alianza de Solidaridad Extremeña	NGO/think thank
03	Margarida Medina Martins (Member of the Board)	Portugal	Associação de Mulheres Contra a Violência (AMCV) Association of Women Against Violence	NGO/think thank
04	John Allman	UK	Beulah Baruch Ministries	Other
05	Laia Herrera i Guardiola	Spain (Catalan)	Catalan Women's Institute (Institut Català de les Dones)	NGO/think thank
06	Mgr. Markéta Vitoušová	Czech Republic	Czech victim support - Bily kruh bezpeci	NGO/think thank
07	The Restorative Justice Council (formerly Restorative Justice Consortium)	UK	The Restorative Justice Council (formerly Restorative Justice Consortium)	NGO/think thank
08	GERMAN FEDERAL MINISTRY OF JUSTICE	Germany	GERMAN FEDERAL MINISTRY OF JUSTICE	National Government
09	Victims and Witnesses for England and Wales	England and Wales	Victims and Witnesses for England and Wales	NGO/think thank
10	Mr. H.M.J. Ezendam Senior beleidsmedewerker	The Netherlands	Ministerie van Justitie - Dutch Ministry of Justice	National Government
11	Ministry of Justice for England and Wales	England and Wales	Ministry of Justice for England and Wales	National Government
12	ENCJ - Spain	Spain	European Network of Councils for the Judiciary (ENCJ)	Judiciary
13	ENCJ - Scotland	Scotland	European Network of Councils for the Judiciary (ENCJ)	Judiciary
14	ENCJ - Italy	Italy	European Network of Councils for the Judiciary (ENCJ)	Judiciary
15	ENCJ - The Netherlands	The Netherlands	European Network of Councils for the Judiciary (ENCJ)	Judiciary
16	ENCJ - Lituania	Lituania	European Network of Councils for the Judiciary (ENCJ)	Judiciary
17	ENCJ - Romania	Romania	European Network of Councils for the Judiciary (ENCJ)	Judiciary
18	ENCJ - Ireland	Ireland	European Network of Councils for the Judiciary (ENCJ)	Judiciary
19	ENCJ - Bulgaria	Bulgaria	European Network of Councils for the Judiciary (ENCJ)	Judiciary

Analysis of Public Consultation Responses:
Taking Action on Rights, Support and Protection of Victims of Crime and Violence

20	ENCJ - Joint response from expert group	Expert group with judges from England and Wales, Spain, Italy, Denmark, Romania and Bulgaria	ENCJ	Judiciary
21	Caoimhe Sheridan - Editorial and Policy Assistant	International	ENAR- European Network Against Racism	NGO/think thank
22	Ms Kirsi Pulkkinen Legal Adviser Ministry of Justice	Finland	Finish Ministry of Justice	National Government
23	CENTRAL OFFICE OF JUSTICE VICTIM SUPPORT SERVICE	Hungary	CENTRAL OFFICE OF JUSTICE VICTIM SUPPORT SERVICE	NGO/think thank
24	David Fernández Barba Gabinet Tècnic Direcció de Serveis	Spain	Security Programme against Gender Violence (Government of Catalonia, Spain)	National Government
25	Brigitte Chaudhry President FEVR	Belgium, France, Greece, Ireland, Italy, Luxembourg, Netherlands, Poland, Portugal Romania, Slovenia, Spain, the United Kingdom.	FEVR - European Federation of Road Traffic Victims	NGO/think thank
26	Victim Support Europe	International	Victim Support Europe	NGO/think thank
27	Regional Representative for Europe of the United Nations High Commissioner for Human Rights, the Director of the Bureau for Europe of UNHCR, the Director of the UNICEF Brussels Office, Relations with the EU Institutions, the Head of the UNODC Liaison Office with the EU Institutions, the Director of the International Labour Organisation (ILO) Office for the European Union and the Benelux countries, and the Officer in Charge of the UNIFEM Brussels Office	international	Various	NGO/think thank
28	Margaret Wachenfeld Senior Policy Adviser,	International	UNICEF	NGO/think thank
29	European Women's Lobby Centre on Violence against Women	International	European Women's Lobby Centre on Violence against Women	NGO/think thank
30	Amy Aeron-Thomas	Britain	Road Peace	NGO/think thank
31	Dr Claire Corbett	Britain	N/A	Citizen
32	Diana Dodds	Ireland	MEP	Other
33	Dr David Gadd, Senior Lecturer in	UK	Keele University	Academic

Analysis of Public Consultation Responses:
Taking Action on Rights, Support and Protection of Victims of Crime and Violence

	Criminology, Deputy Interim Research Director for Social Science Research Institutes Keele University			
34	Eric Davies	UK	N/A	Citizen
35	Ferial Hamid	Portugal	N/A	Citizen
36	Save the Children	International	Save the Children	NGO/think thank
37	Portuguese Association for Victim Support	Portugal	Portuguese Association for Victim Support	NGO/think thank
38	Kathleen O'Hara	US / England	consultant for the Federal Office for Victims of Crime in the US / Victim Support England	Citizen
39	(Dr) Martin Wright	UK	N/A	Academic
40	Sylvia Robbins Huntley	Malta	N/A	Citizen
41	Ann	UK	N/A	Citizen
42	Robert Shaw	UK	N/A	Citizen
43	Slachtofferhulp Nederland	The Netherlands	Slachtofferhulp Nederland	NGO/think thank
44	Unknown	Finland	N/A	Citizen
45	Jan Klemenčič	Slovenia	N/A	Citizen
46	Worlwide Campaign Against Tourture	International	Worlwide Campaign Against Tourture	Other
47	Alison Wills	Unknown	N/A	Citizen
48	Jake Maverick	UK	N/A	Citizen
49	Kevin Hennessey	UK	N/A	Citizen
50	Wirtschaftskammer Oesterreich	Austria	Wirtschaftskammer Oesterreich	National Government
51	Austrian Bar Association	Austria	Austrian Bar Association	Legal Profession
52	Austrian Federal Ministry of Justice	Austria	Austrian Federal Ministry of Justice	National Government
53	Frauenhauskoordinierung	Germany	Frauenhauskoordinierung	NGO/think thank
54	Deutsche Kinderhilfe	Germany	Deutsche Kinderhilfe	NGO/think thank
55	Hesse Ministry of Justice, Integration and Europe	Germany	Hesse Ministry of Justice, Integration and Europe	National Government
56	German Association of Judges - Deutscher Richterbund	Germany	German Association of Judges - Deutscher Richterbund	Judiciary
57	Hilfsorganisation für Angehörige von Mord,Tötungs,Suizid und Vermisstenfällen	Germany	Hilfsorganisation für Angehörige von Mord,Tötungs,Suizid und Vermisstenfällen	NGO/think thank
58	Raymond Bell	Finland	N/A	Citizen
59	Unknown	Unknown	N/A	Citizen
60	Julen Fernández Conte	Spain	CGAE	NGO/think thank
61	Camila de Epalza Azqueta	Spain	Delegation of the Basque Country	National Government
62	Txema URKIJO	Spain	Víctimas del Terrorismo	NGO/think thank
63	Fundación Miguel Angel Blanco	Spain	Fundación Miguel Angel Blanco	NGO/think thank
64	Unknown	Unknown	N/A	Citizen
65	Consultation eur SASJ Arlon	Belgium	SASJ	NGO/think thank

Analysis of Public Consultation Responses:
Taking Action on Rights, Support and Protection of Victims of Crime and Violence

66	Consultation eur SASJ Dinant	Belgium	SASJ	NGO/think thank
67	Consultation eur SASJ Huy	Belgium	SASJ - Aide et Reclassement	NGO/think thank
68	Consultation eur SASJ Liège II	Belgium	SASJ	NGO/think thank
69	Consultation eur SASJ Marche	Belgium	SASJ	NGO/think thank
70	Consultation eur SASJ Neufchâteau	Belgium	SASJ	NGO/think thank
71	Consultation eur SASJ Nivelles	Belgium	SASJ	NGO/think thank
72	Consultation eur SASJ Verviers	Belgium	SASJ	NGO/think thank
73	Luminita Ratiu	Romania	N/A	Citizen
74	Arthur Lepp	Canada	N/A	Citizen
75	Unknown	China	Chinese Victims Of Directed Energy And Neurological Weapons	Other
76	Jacques Duhayon	Belgium	N/A	Citizen
77	Xavier Brosse	France	N/A	Citizen