

Dear fellow victim support organisations, colleagues, friends,

Thanks for the invitation.

The Portuguese Association for Victim Support strongly welcomes the European Commission's initiative to set the rights of victims as a priority.

It is thus with great content that we, APAV, received the new Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime.

In fact, the realization of such a pressing necessity by the European institutions arises from in-depth studies of the impact of the now replaced 2001 Framework Decision. We are proud to say that we promoted one of the most important and thorough of these studies.

This study exposed how, in spite of its undeniable importance, the Framework Decision proved to be of difficult practical implementation. Such a conclusion did not come as a surprise to the practitioners in the field. Even though there are various reasons and causes for such a weak implementation in great part of the Member States, we can affirm with confidence that the lack of obligations within the legal text was the most damaging of them all.

The new Directive indeed attempts to tackle the shortcomings of its predecessor. Stronger and more concrete obligations are now established. In spite of the weakening of the Directive's wording throughout the negotiations process, the text of the new legal document

is solid. It is potentially the greatest step forward we have so far seen towards a better recognition of the statute of victims. The text not only foresees stronger protection for the rights of victims, but also enhances the attention paid to victims' needs.

We can highlight some areas of particular need for change and tentative positive boost given by the new Directive: concept of victims, information, protection and training.

Of the utmost importance is the enlargement of the concept of victim to not solely a person who suffered injuries directly to him or herself, but also the close relatives of a person that died as a consequence of a crime. The Directive provides for a definition of who are the relatives of the victim. It includes any person living in a committed intimate relationship, regardless of marital status, guaranteeing, for instance, the recognition of same-sex partners as family members. In this matter, only the question of first responders remains unanswered, or better yet, even totally excluded from the Directive's definition of victim. These individuals remain in a vulnerable situation in several Member States, such as our own, Portugal. In fact, only a handful of Member States recognize them as victims in their national legal definitions.

In terms of the right to information, we applaud the Directive's initiative to include other dimensions (aside from nationality and age) to be taken into account when informing a victim: disabilities, literacy level, intellectual and emotional capacities and maturity. A mechanism to assess the victims' need for translation and interpretation might also prove of great importance to guarantee victims' full understanding of the proceedings, especially in a context of financial restraint. However, the quality of the interpretation, utterly needed to effectively exercise one's rights, is no longer subject of complaint, contrary to the initial proposal. This is a major step back for such a comprehensive approach to the right to information.

Reinforcing protection to crime victims was one of the most important changes of this Directive.

The new mechanism to assess victims' protection needs, the individual assessment, potentially responds to many of the demands victim support has made for decades: considering the victims' perspective and taking into account personal needs and not just a set category academically established with no connection to the reality of a particular victim.

Victim support organisations can and should have a role to play in the implementation of this right. We should contribute to the design and the application of such a mechanism, as assessing victims' needs is our daily practice and expertise.

Another important aspect of protection, to highlight just one more, is linked with cooperation of services and international cooperation. It is not only relevant to praise the concerns within this Directive regarding coordination of services to ensure that victims have real access to exercise their rights in a national context. Ensuring transnational protection is also essential.

In fact, this Directive cannot be considered as a separate document. It shall instead be regarded as the most general, the minimum standards, of a set of legally binding and non-binding diplomas that address the question of how to better ensure respect and fulfillment of victims' rights. Therefore, it is important to bear in mind the Regulation for mutual recognition of protection measures within civil matters that is part of the so-called "victims' package", as well as the European Protection Order (for criminal matters).

These legal documents establish mechanisms to guarantee victims' protection beyond a country's borders, and in so far address many of the major concerns of transnational victims. However complex and difficult it is to implement such systems, they shall not be disregarded. Member States are still struggling to understand how to interpret such norms, but progress ought to be achieved. For this principle of finding ways to integrate other Member States'

decisions on protection measures for crime victims into one's (sometimes very) different justice system is outstanding.

In relation to training, although there are significant improvements with this Directive, we fear that much of the needed work will remain neglected. Compulsory specialized training of police officers and court staff is most welcomed, but the lobby action that allowed for lawyers, prosecutors and judges to have this training on an optional basis might jeopardise victims' rights.

Finally, as far as we, victim support associations, are concerned, we are happy with the wording of the new Directive on conception of victim support services it entails and the standards it establishes. Nonetheless, we consider absolutely vital that victim support organisations remain independent from governmental/State influence and consider this important not only from an organizational standpoint, but more so from a victim defense perspective. Our independence allows us to have an unbiased approach to our mission and bring about change to State services. Our independent view is a necessary condition for our action to go beyond the scope of a political agenda.

This being said, we are very enthusiastic about this Directive, but simultaneously cautious and waiting for the outcomes of its implementation. Namely, in my own country.

We will continue the efforts we have always made to bring the victims' perspective to its rightful stand: the center of the criminal justice system.

Europe is launching victims' rights and needs in its priorities, in an attempt to improve national systems and strengthen European wide cooperation. It is therefore building mechanisms to guarantee that every victim is recognised and treated fair and adequately, regardless of the Member State of her/his residence and of where the crime took place.

The extent to which the Directive will fulfill its potential, remains to be seen. The current dire economic situation in many Member States restricts the extent to which additional financial resources will be available, which in turn may negatively influence the implementation of the Directive's articles. It is therefore crucial that we all remain vigilant and attentive to potential shortcomings and lacunas.

This Directive gives us the opportunity of shifting a paradigm of exclusion and mere welfarism to crime victims by one of guarantee of equal rights and mutual respect. Victims have now the chance to no longer be second best in any political agenda and finally be seen as equally central to the criminal justice system. And if the recognition of the rights of victims is crucial for the victims themselves, it is time for States to accept that that same recognition is also vital for their fight against crime. The treatment victims of crime receive, as well as the way their rights are acknowledged, impacts primarily on the victims as individuals and on their relatives, but on a second moment also on the whole society and on economy. It is therefore a relevant element in the process of building social peace and on crime prevention, and we, victim support organisations, have the chance to play a central role in this evolutionary step.

Thanks for listening. Obrigado.