



Confederation of European Probation

The Victim's Directive – A Challenge for Probation?



Confederation of European Probation

- Established in 1981 by ten countries
- Today: 59 member organizations in 34 countries and 38 jurisdictions
- **Goals:**
 - To **unite** probation organizations and individual professionals all over Europe, sharing the same principles
 - To **professionalize** the sector of probation in Europe
 - To **raise the profile** of European probation
 - To **promote social inclusion** of offenders through community sanctions and measures such as probation, community service, mediation and conciliation.



Core Work

- Traditional probation services focus is on work with offenders.
- All provide community sanctions
- Many provide:
 - Advice to courts on sentencing
 - Increasing focus on risk / public protection
 - Resettlement of prisoners
- Significant shift in recent years towards work with victims .



European Probation Rules – Victim Work

- Council of Europe 2010.
- Guidance on ‘Work with Victims’ and ‘Restorative Justice’ for probation agencies – takes account of range of probation responsibilities in relation to:
 - Providing services to victims of crime
 - Liaising with victim support services
 - Contact with victims and/or seek their views
 - Restorative justice processes
- ‘Even where probation agencies do not work directly with victims , interventions shall respect the rights and needs of victims and shall aim at increasing offenders’ awareness of the harm done to victims’ (96).



Range of Probation work with victims (1)

- **No direct involvement in delivering services to victims.**
Liaise with victim support / victim awareness through supervision:
 - Finland, Luxembourg, Serbia, Switzerland
- **Implementing obligations the offender has towards the victim** (e.g. avoiding contact, repairing damages, compensating the victim)
 - Austria, France, Hungary, Italy, Lithuania, Malta, UK (England & Wales, & Scotland)



Range of Probation work with victims(2)

- **Provision of information** to victims about offender's sentence & release plans / available sources of support – e.g. Croatia, Estonia, Latvia
 - Specialist victim liaison service run by probation in England & Wales, N Ireland
- **Assessment of harm to victim**
 - Most countries include victim's point of view in reports
 - Some prepare Victim Impact Statements, e.g. Ireland, Malta
- **Trial support to victims**, e.g. Catalonia, Hungary



Range of Probation work with victims (3)

- **Restorative justice** practices - most commonly used:
 - Victim-offender mediation – direct meeting between offender and victim with 3rd party facilitating
 - Can be pre-trial or post-trial
 - Family group conferencing – family, friends, community members also participate in meeting
- Large number of probation services have involvement in mediation – including Austria, Belgium, Catalonia, Czech Republic, Germany, Ireland, Italy, Moldova, N Ireland, Slovakia, Slovenia



Range of probation involvement (4)

- Built into design
- Austria – NEUSTART – mission is to provide services for offenders and victims
- Czech Probation and Mediation Service has a legal duty to ‘help redress the effects of crime on the victim and on other victims affected by crime’ and to ‘contribute to the protection of rights of the victims of crime’ by mediating agreement between offender & victim.



Findings

- With longer established probation services – more difficult to move from offender oriented service to more victim oriented.
- Important to ensure initiatives integrated
- With new services (e.g. E Europe) more scope to build into design (e.g. Czech Probation and Mediation Service) or where whole service is re-commissioned (e.g. Austria)
- Major issue with resources



Victims Directive

- Victims Directive – minimum standards
- Most effective provision for victims – where well designed national strategy which has balanced approach to victims rights and rights of defendant / convicted offender
 - What will be provided?
 - Legal status?
 - Who will provide it?
 - How will it be resourced?
- Within all of this – probation generally a small player



Victims Directive – How can Probation help?

- However Probation's ability to engage with the offender, knowledge of the system / processes – means that probation can:
- ensure that victim perspective is taken into account through court reports
- provide information
- Help to ensure protection of victim complied with
- Prepare offender for VOM
- Deliver VOM



Victims Directive - Challenges

- Largest challenge is at a national level – coherent integrated strategy which resourced
- Challenge for probation is to develop a more balanced approach – which both offender oriented and victim oriented.
- Probation needs to understand relevance of Victims Directive and be proactive
- National strategies need to consider potential benefits of probation role



How can CEP promote this agenda?

- Implementation of Victims Directive
 - high priority for CEP
 - Role – raising profile of potential probation contribution – both with national authorities & with probation services
- Collaboration with EuroPris & EFRJ – will agree a joint approach
 - Key issue – training in principles of victim-oriented work and RJ
- Important – dovetail with VSE manifesto.



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