

The social rights of victims of crime



EUROPEAN
Victim Services
FORUM

The social rights of victims of crime

Guiding principles

- Democratic societies have an obligation to alleviate the effects of crime, including the adverse consequences that victimisation has on all aspects of life.
- Victims must be supported in a way which shows an understanding of the whole range of their problems.
- All victims of crime have the right to ask for their privacy, their physical safety and their psychological well-being to be protected.

Victims' rights

Victims must have the right to:

- receive recognition by society of the effects of crime
- receive information regarding their rights and the services available
- have access to health care services
- receive financial compensation where the crime results in a loss of income
- have access to appropriate home security measures
- receive support and protection in the workplace
- receive support and protection in educational establishments
- compensation
- have access to free victim support services
- have their privacy protected

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About the European Forum for Victim Services

The European Forum has been set up to:

- promote the development of effective services for victims of crime throughout Europe
- promote fair and equal compensation for all victims of crime throughout Europe, regardless of the nationality of the victim concerned
- promote the rights of victims of crime in Europe in their involvement with the criminal justice process and with other agencies

European Forum publications:

Since the publication of its *Statement of victims' rights in the process of criminal justice* in 1996, the European Forum has moved forward to consider the social rights of victims of crime. In recognising that cases of secondary victimisation are not limited to the criminal justice system alone, the European Forum has produced this statement which illustrates how becoming a victim of crime can affect all aspects of a person's life. The provision of a suitable response from all the social agencies involved can be an essential element in the victim's ability to cope with the various effects of crime.

Statement of principles

- a) Every individual expects his or her privacy, physical safety and psychological well-being to be protected. In particular, society must recognise these fundamental rights in relation to victims of crime, who face difficulties which are not of their own making, but have been imposed on them by others.
- b) Democratic societies have an obligation to protect their citizens. Not only do they have a duty to implement crime prevention measures but, in recognising that it is impossible to prevent all criminal activity, they must accept their responsibility to help alleviate the effects of crime. Taking account of, and trying to improve, the position of victims is more than an expression of family, community and/or national solidarity - it is a part of the social contract.
- c) Research and professional experience shows that secondary victimisation, generated wither by institutions or individuals, is often experienced by victims in the aftermath of crime. Secondary victimisation involves a lack of understanding of the suffering of victims which can leave them feeling both isolated and insecure, loosing faith in the help available from their communities and the professional agencies. The experience of secondary victimisation intensifies the immediate consequences of crime by prolonging or aggravating the victim's trauma; attitudes, behaviour, acts or omissions can leave victims feeling alienated from society as a whole.
- d) Victim support services have found that sanctions against offenders and the payment of compensation, whether by the state or through a special fund, offers only a partial redress for crime victims. Immediate action must also be taken to support the victim in a way which demonstrates and understanding of the whole range of his/her problems. This action should involve those people closest to the victim.
- e) Society must demonstrate its responsibility to victims. If it does not do so the pain and suffering of victims will be prolonged. In the longer term, this will increase the adverse consequences that victimisation has on all aspects of the victim's life. Unsupported victims may, in the hope of protecting themselves, take refuge in self-defence or retaliation.

- f) Victims of crime, their families and those close to them ask, above all, for recognition of their suffering. This recognition should not be limited to intervention in the criminal justice process. Victims, as well as offenders, should be entitled to benefit from effective programmes of social reintegration.
- g) Alongside arrangements to improve the position of the victim in the criminal justice process, the social rights of victims of crime must also be promoted. These rights are essential in facilitating the victim's recovery from the consequences of crime by restoring dignity and protecting their privacy.

Victims' rights

1

Recognition by society

- a) If victims of crime are to receive adequate recognition for the pain and suffering they have endured, society must first consider victims' views and take these into account. Expectations and needs must be defined according to the victim's perception of the injustices they have suffered and the consequences of these injustices. Crime may be experienced as a negation of citizenship; therefore whatever help is offered must facilitate the victim's recognition as an individual and as a member of society.
- b) Victims of crime, and where relevant their immediate family, must not be discriminated against on the basis of age, gender, sexuality, disability, culture, race, religious belief, occupation, political opinion or the nature of his/her complaint.
- c) Every victim must be seen as soon as possible after the crime has been committed. They must be treated with attention, respect and humanity.
- d) The agencies responsible for offering help to victims or investigating their complaints should help victims to contact anyone they would like to have informed about their situation. They should also ensure that emergency help, whether psychological or practical, is provided.

2

Information

- a) Public services and other agencies which come into contact with victims of crime should be able to give victims full information about what their rights are and how to obtain them. Their staff should work in a way which recognises the psychological stresses experienced by victims and their families, as well as assisting them with any practical problems they encounter. To achieve this, they should receive appropriate training, designed in co-operation with victim support services.

- b) The families, children and friends of crime victims should be provided with appropriate information about the common problems and longer term reactions which are associated with becoming a victim of crime. This information should help them to deal appropriately with the victim's trauma and may help to prevent the risk of additional family tensions.
- c) Victim support services should set up national helplines to ensure that appropriate help and support is immediately accessible to victims. These helplines should be based on the models which already exist for victims of child abuse and for violence against women.
- d) Foreign or migrant victims are often separated from their friends and families and may have no immediate support available. Interpreters who understand the cultural consequences of victimisation should be available to help. Information for victims should be available in several languages.
- e) Children may experience difficulties obtaining support, either from their family or from professionals. Specialist services should be made directly accessible to them, and professionals made available to provide individual support for each child.

3

Access to health care services

- a) Victims of serious crime should be provided with free medical care and should not have to advance the costs of treatment.
- b) Health care professionals should receive appropriate training to enable them to identify and treat the effects of crime.
- c) Links should be established between hospitals (especially emergency services)/other health care professionals/social services, and victim support services.

- d) In accordance with the principal of informed consent, health care services should provide victims with the following:
- help from a member of the hospital staff, e.g. psychiatrist, psychologist or social worker, or from a victim support service, during their time at hospital
 - examination by staff who have been trained in the care of victims
 - accurate information about medical investigations, e.g. general, medical-legal and psychiatric, as these are undertaken, and information about the legal consequences of these investigations
 - the right to refuse to undergo an examination having been informed of, and understood, the consequences for their refusal
 - the right to be examined by a male or female health care professional, without having to explain the reasons for this request
 - the right to be accompanied by a person of their choice and the right to refuse the presence of another person, other than the doctor responsible for the examination
 - any documents necessary for legal proceedings
 - the right to be appropriately informed, on request, by a health care professional about their physical and psychological state and about any proposed treatment.

4 Income

- a) The financial problems suffered as a result of a criminal act forms a part of the secondary victimisation experienced by victims and needs to be addressed as part of their rehabilitation.
- b) Victims should be financially compensated in all cases where a crime results in complete or partial loss of earnings.
- c) Victims of domestic violence who have no personal income should be provided with benefits to replace the family income.

5

Home Security

- a) Having somewhere safe to live is essential to every individual's physical and mental well-being. For the victim of crime it is a prerequisite for recovery.
- b) According to the problems they face:
 - victims of physical violence who suffer temporary or permanent incapacity should be entitled to receive appropriate domiciliary services on discharge from hospital, e.g. home nursing, home help, child care
 - after a burglary or an attack in the home, victims should receive protection and reassurance, e.g. replacement of locks, repair of broken windows, installation of security improvements, as a matter of urgency.
 - in cases of domestic violence, the victim should have a prior claim to occupation of the family home. As a minimum, re-housing should be arranged - if necessary, by the provision of temporary accommodation
 - after particularly traumatic victimisation, e.g. murder, arson, all victims should be offered help to make their home secure or, if necessary, offered temporary or permanent re-housing
 - victims of trafficking, sexual exploitation and enforced prostitution should be able to move into specially designed refuge accommodation. Some of these victims may be illegal immigrants. If so, they should be dealt with humanely under the laws of the country concerned and in accordance with their human rights.

6

Employment

- a) Victimisation may affect an individual's working life. Every employer should take account of any victimisation suffered by staff – work-related or otherwise. Accidents or attacks in the workplace make it obligatory for the employer to take action to support victims.
- b) In all cases of victimisation, employing organisations should assess victims' needs quickly, offer special leave and refer individuals to victim support services.

Independent support must be available to offer immediate help, information and psychological support to victims.

Every employer should be fully aware of the effects of crime and should maintain policies to respond to crime, including the provision of victim awareness training for management staff.

- c) Staff and/or customers in certain sectors of employment are exposed to particular risks, e.g. industry, banks, transport and commerce. These organisations should advise their staff of any potential risks and inform them of ways of minimising these risks. They should ensure that there is surveillance of access to their buildings, without unduly alarming the public or intruding on privacy.
- d) In cases where victimisation has been physically or psychologically disabling, employers should be obliged to redeploy staff within the organisation wherever possible.

7

Education

- a) School is one of the main settings for the socialisation of children. A school should provide children with feelings of security and trust, and be a place where their views are listened to. This is particularly important for any child experiencing problems resulting from crime.
- b) Individuals who work in education should be trained to recognise when violence is occurring and be able to refer victims appropriately to specialist services.
- c) Suitable support services for child victims should be available in educational establishments, particularly in cases where crime has occurred within the school, or on the journey to or from school.
- d) Schools should establish specific policies to prevent bullying, including extortion, threats and intimidation, in association with the police and the judicial authorities.
- e) Schools should distribute suitable information for children and young people with the aim of preventing victimisation and for dealing more effectively with its consequences. Schools should work in partnership with victim support services as appropriate.

8

Compensation

- a) Compensation is based on the principle of financial damages payable for temporary or permanent losses or injuries. This calculation does not always take into account the complexity of victims' needs.

Systems of compensation should emphasise the victim's plans for recovery and readjustment. They should help to develop a strategy for the future which assimilates the victim's experience, thereby assisting them to adapt to their new situation.

- b) While financial compensation is often the only redress for victims available within the legal system, money alone can rarely offer a complete solution to the problems and distress caused by crime. Compensation should therefore take account of the social and psychological needs of victims and their families by providing help in dealing with the many administrative and legal procedures which victims have to cope with.

- c) Awards of compensation for criminal injury should be disregarded for the purpose of assessing entitlements for social security.

Emergency grants (not loans) should be available to victims dependent on state benefits to enable them to replace essential household items stolen, damaged or destroyed by a criminal act.

Compensation should not be reduced or denied on the grounds that a victim has in the past been convicted of an unrelated criminal offence.

Reciprocal arrangements should be in place so that compensation may be claimed when travelling abroad.

- d) A policy which really takes account of victimisation needs to consider the question of support, alongside that of compensation. These elements are essential expressions of society's concern for victims and are the only way in which solidarity can be restored after acts of violence.

9

Victim Support Services

- a) A system of free victim support services, staffed by volunteers and professionals, should be considered a basic right for all victims of crime, and, as such, should be supported by the governments of every country in Europe.
- b) Victim support services must be capable of:
 - understanding the common problems faced by victims of crime, e.g. isolation, mental suffering, lack of knowledge of the law
 - informing victims of their rights, e.g. justice systems, procedures for compensation
 - providing psychological, emotional and practical support throughout the investigation and legal proceedings
 - referring victims to specialist services where necessary, e.g. lawyers; social, medical or psychological services; insurance.

10

Protection of privacy

- a) The victim, and his/her family and friends, must be protected from any intrusion into their privacy. This protection is especially important in the immediate aftermath of crime, when all those involved may be in a state of shock.

The publication of inaccurate, imprecise or careless information may make the victim's situation worse, affecting their psychological well-being as well as their physical safety.

Some victims may seek media attention to gain public recognition of their experience. However, victims should be made aware of the potential risks they face when using the media. They run a risk of intrusion into their privacy and of a loss of anonymity. There are potential risks of reprisal to victims whose identities have been revealed. In addition, there is a danger of details being simplified in a way which stereotypes the victim or of a crime being imitated as a result of publicity.

- b) Victims, and their families and friends, must be protected from physical and/or psychological pressure exerted by the media to obtain information or photographs.

The media should not publicise a victim's identity, especially when the victim is dead or seriously injured, before their family or friends have been personally informed by a representative of the the police or other authorities. Some victims or bereaved families may wish to speak to the media. If they do not, the names of victims should not be published in the press or media and details which could be used to identify them should also be withheld.

Journalists should not report details of the violence suffered by victims, even in cases which have been the subject of public discussion, without first checking the facts with the victim him/herself, or at least indicating the source of their information.

Media reports of trials should give a balanced and impartial representation of the arguments, taking care not to give disproportionate emphasis to the statements of any party involved.

In cases where inaccurate information has been released about a crime and its consequences, victims must have a right of correction in relation to any areas which concern them personally.

Magazines and television programmes which intend to cover criminal incidents, even crimes that have been committed some time in the past, should obtain the prior consent of the victim or his/her family.

- c) The private and public institutions which come into contact with victims must ensure that they provide a confidential service and maintain confidential record systems.

Those responsible for public buildings, e.g. police stations and hospitals, must be aware of possible threats to victims' privacy from the media and should ensure that entrances and exits are protected as far as possible.

Access by journalists and photographers to non-public spaces in hospitals should be subject to the specific agreement of the medical authorities and of the victim(s) concerned.

Police services, medical services and the courts should appoint press officers to manage relations with the media.

- d) Media treatment of victims' cases should be the subject of a regulatory charter, produced by the media, the public authorities and victim support services.

The press have an important role to play in public education, and should be encouraged to use their position to help prevent secondary victimisation.

The press should establish positive relationships with victim support services to enable them to take better account of victims' interests. Awareness-raising programmes for journalists should be established.

Victim support services should make representations to the official bodies responsible for dealing with complaints against the press, and, where appropriate, seek changes in the law or codes of practice to ensure that the anonymity and privacy of victims of crime is safeguarded.
