



## THE CURRENT CLIMATE FOR VICTIMS

There has been a positive move over the years to try and include Victims in the Criminal Justice System by including initiatives such as:

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Victim Personal Statement Scheme in 2001  
Witness Care Units  
Code of Practice for Victims of Crime (which became operational in April 2006)  
Victims' Fund  
Victim Support  
Restorative justice

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From our recent Voice4Victims survey and the survey undertaken by Louise Casey, former Victims commissioner, these moves are having little impact on victims who are routinely failed and face re-victimisation by CJS. There is plenty of evidence from these surveys and the number of cases highlighted in the media to show the gap between polices and practice.



Currently victims' rights, not all, are covered by entitlements in the Victims Code which was designed to make the 'system more responsive and easier to navigate'.



The **code is not legally enforceable** and places discretionary accountability onto the agencies. Victim feedback strongly suggests that agencies often fail to apply the code. Agencies who should be guided by the code are aware that a 'failure to provide the service does not make a service provider liable to any legal proceedings.'



The complaints and right to appeal process within the code is lengthy and complex. There is clear evidence **that victims are put off of engaging in the complaints** procedures because of its complexity. This misses all and any opportunity to identify on-going issues and improve services.

The original victims' code was clearly a well-intentioned document but there was widespread agreement, including from current government, **that it was not delivering** all it had hoped. The new code is similar to the original which makes it difficult to see where improvement to services to victims might come.

There appears to be **widespread failure to adhere** to the guidance the code offers, with lack of information and support to victims continuing to be of great concern. This leads to further distress and re-victimisation of the victim and causes a lack of confidence in the CJS by victims and general public.

Despite firmly identified gaps, there is no single legally enforceable route for the protection of victims. This route can only be created via legislation of victims' rights.



## WHY WE NEED A VICTIMS RIGHTS LEGISLATION?

**The Victims Rights Bill would create a balanced and fair justice system for all who participate and will restore public confidence in our Criminal Justice System.**

If Victims have legally enforceable rights there would be a decrease in the revictimisation/retraumatisation which would result in reduction to the total cost of crime. Victims could remain in or return to work sooner thus reducing the cost in state benefits. Fewer work days or hours would be lost with victims attempting to resolve issues arising as a direct result of the crime. Adequate and timely support would reduce the strain that victims of crime can place on our health service. Effective support would be needed for shorter periods as we witnessed the time taken for victims to cope reduce.

This claim is evidenced as part of the EU directive as highlighted below:

*“Strengthening the rights of victims has a positive impact on individual victims and on society as a whole. Meeting victims’ needs before, during and after criminal proceedings can considerably reduce the overall cost of crime. This includes tangible costs in the economic and health sector as well as in the criminal justice system, and intangible costs, such as the victim’s pain, suffering and reduction of quality of life. Victims who are respected, supported and protected will recover sooner, both physically and emotionally, enabling them to get back to their normal lives more quickly. This will limit loss of earnings, absenteeism from work as well as the need for further health care. Well treated victims are also likely to become more actively involved in the proceedings, which increases the likelihood of successful prosecution and sentencing, which in turn reduces repeat offending and impunity.”*

*(EU Directive establishing minimum standards on the rights, support and protection of victims of crime was adopted on 25 October 2012)*

## VICTIMS RIGHTS SURVEY

The Victims rights survey was designed to hear from all victims of crime about their journey as a victim and where they felt improvements could be made to improve the experience.

**Communication & treatment** were key issues for all victims, with agencies such as the CPS, Witness care services, CICA, Victim Liaison units and Parole board scoring over 50% in the ‘**extremely poor**’ category.

When asked to prioritise which rights were important to the victim, the right to **information, protection, treatment and support** were ranked as the highest.

The survey clearly illustrated graphically how the CJS fails victims and supported our theory that a bill of rights would rectify this appalling situation and strongly re-enforces many of the rights set out in the EU Directive.





## STATUTORY FRAMEWORK

Voice4Victims believes that Victims Rights should be placed in a statutory framework and to that aim have drafted a bill based on the victims survey, current victims code, EU Directive and meetings with a number of victims organisations and services. The Bill places a duty on the Secretary of State to publish a Victims Bill of right. The bill creates a Victims framework to ensure that policy guidelines are issued and that crimes reported by victims are properly investigated by the Police and victims receive the correct service from all agencies. The bill then outlines over 25 specific rights for victims under the following key areas:

1. Advice
2. Treatment
3. Representation
4. Parental rights
5. Vexatious Claims
6. Disclosure
7. Compensation & Costs

### Examples of the some of the rights included are:

1. Victims are given accurate and timely information on all court and legal proceedings
2. Victims have a right to access compensation
3. Mandatory reporting of all allegations of abuse involving children and vulnerable adults
4. Victims have access to a case companion who communicates on behalf of victims to all agencies and ensures victim is updated and aware of case progress
5. Right to request a review of a Police or CPS decision in the event of a case being dropped or discontinued by the prosecution
6. Right to access transcript of any relevant legal proceedings at no personal cost
7. Right to have representation at Mental Health tribunals
8. Right to ensure that personal data of any victim should not be disclosed by any court or public authority, if that disclosure would put victim at risk of harm.
9. Victims have a right to attend a pre-court hearing to determine the nature of their cross-examination
10. To ensure victims are treated with dignity and respect and not subjected to any discriminatory behaviour throughout the Criminal Justice process

In addition, the bill creates a professional regulatory body which has the power to accredit any victim support or treatment service to ensure that those organisations adhere to strict codes and ethics. This body has the power to ensure that all victims' rights, outlined in the bill, are upheld and enforced and gives it the power to investigate any complaints in a timely way and has the power to impose sanctions if these rights are breached.

Finally, the bill puts a duty on the secretary of state to publish and implement a strategy to provide training for all relevant professional and agencies on the impact of crime on victims including understanding stereotypes and myths that need to be recognised and challenged.

1. Judiciary
2. Police
3. CPS
4. Victim support services

