



WORKSHOP ON SAFE JUSTICE

2 December 2021, 10:30-12:00

ONLINE

[Introduction to the workshop](#)

Victim Support Europe is currently working on a Discussion Paper on Safe Justice. This paper aims to provide a first take on the question “How to ensure safe justice from a victim’s perspective?”. In doing so, it will discuss the current practical problems and barriers for victims in achieving justice in the course of a real-life victim’s journey from crime to the outcome of criminal proceedings. Additionally, the paper will challenge conceptual concerns and preconceived notions that lie at the basis of (some of) the current justice systems and that may influence the victim’s ability to achieve safe justice.

With this paper, we aim to address ways in which the justice system harms victims unnecessarily. We thereby want to start the conversation on how to make the criminal justice system work in a way that is less harmful to victims and victims’ families, as well as is considered more successful by victims and their families regardless of the outcome of guilt of the suspect.

The paper presents an opportunity to significantly influence the EU criminal justice legislation, particularly because the European Commission is currently revising EU victims’ laws as well as working on legislative proposals that impact the rights of victims of a crime in criminal justice processes.

During this workshop on Safe Justice, we want to gather input and to exchange knowledge and opinions from VSE members on the matters linked to safe justice for victims. In particular, we want to gain information about major challenges and opportunities for victims throughout their journey towards justice. We further want to consult VSE members on certain positions proposed in the paper in order to ensure that we are framing the issues at hand correctly. Following the workshop, a questionnaire may be shared with members with the aim to collect more detailed information.

[Approach to the workshop](#)

The workshop will follow the concept of a "Café Dialogue". Similar to a café-atmosphere, people join a conversation for a while and have a chance to talk about different topics, building on what has already been discussed by a previous group.

The Safe Justice workshop will allow all participants to contribute to all questions discussed during the workshop. In structuring this workshop as a **virtual** Café Dialogue, the participants to the workshop will be divided into four different breakout rooms on Zoom. The themes are stages within the victims' journey from crime to justice, namely: Reporting, Pre-trial stage, Trial stage, and Post-trial stage (with reflection on other forms of justice). The participants will remain in the same breakout room during the entire exercise. **The moderator and note-taker in charge of a specific theme will move in between breakout rooms. After the Café dialogue is completed, all participants will move to the main room for the closing remarks.**

Rules for the workshop:

- The four stages of the victim's journey to justice form the overarching themes of the workshop, as well as the virtual "tables" in the Café dialogue, namely: Reporting stage, Pre-trial stage, Trial stage and Post-trial stage. A moderator and note-taker will be assigned to a specific theme/"table".
- Participants will be pre-assigned to breakout rooms. They will stay in the same breakout room throughout the Café Dialogue.
- In their breakout room, all participants will discuss one theme during each discussion round.
- During the first discussion round, participants will receive the longest time for discussion, since they will be the first to discuss the theme and questions at hand. In the following discussion rounds, participants will be requested only to supplement what has been discussed on the topic by sharing new views and by providing practical examples.
- After each discussion round, moderators and note-takers will move from one breakout room to the next.
- After the four rounds of discussion, all participants will be requested to return to the main room for the closing remarks.
- A virtual whiteboard will visualise and support the discussions on each theme. The whiteboard will be shared with participants via "share screen". It will be updated by the assigned note-taker.

The following **moderators** will guide the discussions:

- Levent Altan
- Ruth Shrimpling
- Oleksandra Boychenko
- Annelies Blondé

Moderators will be assisted with the following **note-takers**:

- Léa Meindre-Chautrand
- Solène Baudouin-Naneix
- Iris Lokerse
- Lieselotte van den Heuvel

Agenda

10:15-10:30 Arrival of participants in Zoom

Zoom link: <https://us06web.zoom.us/j/82202730253>

10:30-10:45 Welcoming remarks

Short introduction to the discussion paper on Safe Justice

Short break of 2 minutes allowing participants to move to breakout rooms

10:48-11:10 First round of discussion

Short break of 2 minutes allowing moderators to move between breakout rooms

11:12-11:30 Second round of discussion

Short break of 2 minutes allowing moderators to move between breakout rooms

11:32-11:47 Third round of discussion

Short break of 2 minutes allowing moderators to move between breakout rooms

11:49-12:00 Fourth round of discussion

12:00-12:05 Closing remarks

Questions for workshop

Theme 1: Reporting stage

One of the largest barriers in access to justice is reporting a crime: many victims never report a crime and, therefore, in most countries, cannot access most of the rights guaranteed to them under the Victims' Rights Directive.

There are many reasons why victims choose not to report a crime. Concern for one's own safety and protection along with mistrust in authorities are some of the most cited reasons for not reporting (following not seeing the crime as serious enough) (FRA, 2021). Victims who are usually considered vulnerable, such as undocumented migrants or LGBT+ people tend to report the least.

In light of this, we wish to discuss the following questions with you.

- *How can reporting a crime be facilitated without endangering the victim?*

- *How can victim support networks be strengthened in order to improve the ways in which they are able to assist victims and help them in their decision-making process?*

Theme 2: Pre-trial stage

In the investigation and evidence gathering phase, victims often feel that their requests for information and support in light of their case are regarded as annoying. In case of longer investigations, victims may further feel that their case is not a priority to law enforcement services.

In light of this, we wish to discuss the following questions with you.

- *What elements are crucial in the organisation of referral systems for victims of a crime to support services? How should such referral system be organised in a safe justice system? Should referral to victim support from the police be mandatory across the EU, using an opt-out system?*
- *Should all victims of a crime have access to multi-agency, one stop shop structures? If yes, how should these structures be organised?*

Theme 3: Trial stage

During the trial stage, victims may experience various forms of secondary victimisation – in attending court hearings and in the process of providing evidence before the court – given the adversarial and professional nature of the court proceedings. Victims may feel dissatisfied about their involvement in the proceedings, when they do not receive proper recognition and are not treated respectfully by the legal practitioners, by court staff and other involved services.

In the various justice systems that exist around the world, victims of crime can moreover be assigned different roles if they choose to report a crime to a competent authority. A victim's position in subsequent proceedings is largely dependent on the legal role assigned to them. Some examples of these roles are 'civil party', 'injured party', 'witness' and 'assistant' or 'auxiliary prosecutor'. While the specific role assigned to a victim is important, it is a proxy for the more important indicator of whether victims' rights are guaranteed, needs met, and justice achieved.

In light of this, we wish to discuss the following questions with you.

- *Is it necessary to assign certain rights of victims only to specific roles in the criminal justice proceedings?*
- *How can the victims' active participation within the criminal proceedings be best ensured without imposing unnecessary administrative burdens on them?*
- *Should we insist that all victims have access to 3rd party assistance throughout the proceedings? Should it be limited in some way - to certain groups of victims or be applicable to certain types of cases, or based on an assessment?*

Theme 4: Post-trial stage and reflection on other forms of justice

In the post-trial stage, discussions will evolve around remedies available to victims, the victim's access to compensation, as well as alternative justice practices and the victim's sense that justice was achieved.

The enforcement of victims' rights depends on the availability of clear, transparent and effective remedies. These remedies ensure the effectiveness of provisions for victims of a crime. They further have a dissuasive effect and thereby prevent the occurrence of future violations.

Access to compensation and reparation, as well as access to alternative justice processes, represent an official acknowledgement and recognition of the victim's suffering, and a means (financial or otherwise) of 'making up' for any damage caused by the crime; in other words, returning the victim to a situation which most closely resembles their pre-crime state.

We wish to reflect on whether the availability and use of alternative forms of justice and informal justice processes, in particular restorative justice processes, is important in a victim's journey to justice. The use of such practices may positively impact on the victims' ability to achieve safe justice and on their perceptions of the justice system.

In light of this, we wish to discuss the following questions with you.

- *Which remedies should be available to all victims following a failure to respect their rights?*
- *In your country, do you believe procedural rules regarding the treatment of suspects and the evidence gathering during criminal investigations and trial stages affect access to justice for the victim? Have you remarked upon an increase of such procedural rules? If so, how do these impact the balance of rights between the offender and the victim?*
- *How should offender compensation be arranged in a victim-centric manner?*
- *Given that formal justice processes can be particularly hard for victims and may not get them the answers they seek, should restorative justice be an integral part of safe justice systems? If yes, how can we ensure that these processes do not harm victims?*