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Conference „Mechanisms of victim compensation in criminal proceedings in European Union”

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Compensation mechanisms for victims of crime in criminal proceedings in the European Union: Challenges in Latvia

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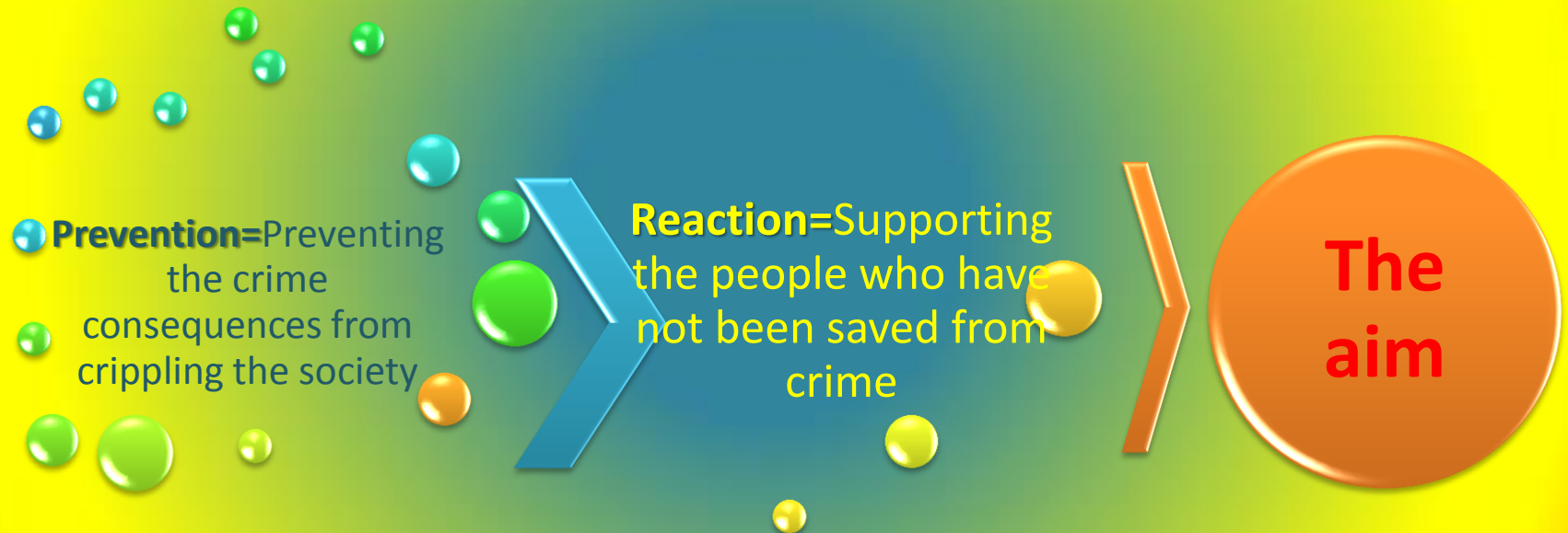
Why do victims need support?



Support for crime victims...

-  Support for crime victims is combination of measures ensured by state and municipalities. Effects of these measures can be seen by the state and society as real and measurable results both in everyday life and in long term.
-  These results have an effect on particular people:
 -  people who have received medical aid, who have been able to get well, find a job and take care of their children themselves;
 -  teenagers who have been raised and educated and are stimulating national economical development instead of becoming criminals or people depending on state benefits.
-  Crime victim support system is one of the prerequisites for creating a sustainable, both mentally and physically healthy society.

Strategic aim of the victim support system:

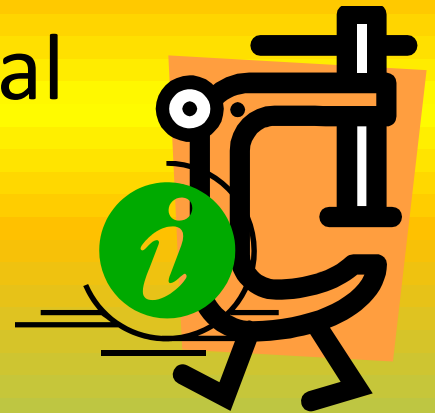


Development of crime victim support mechanisms depends on:

- ✿ A. state defined criminal law and
- ✿ B. accordingly to the nature of its values - the tools chosen for the enforcement of the law



The victim and the criminal



Position of the victim and the criminal in the state's reaction to crime at the moment

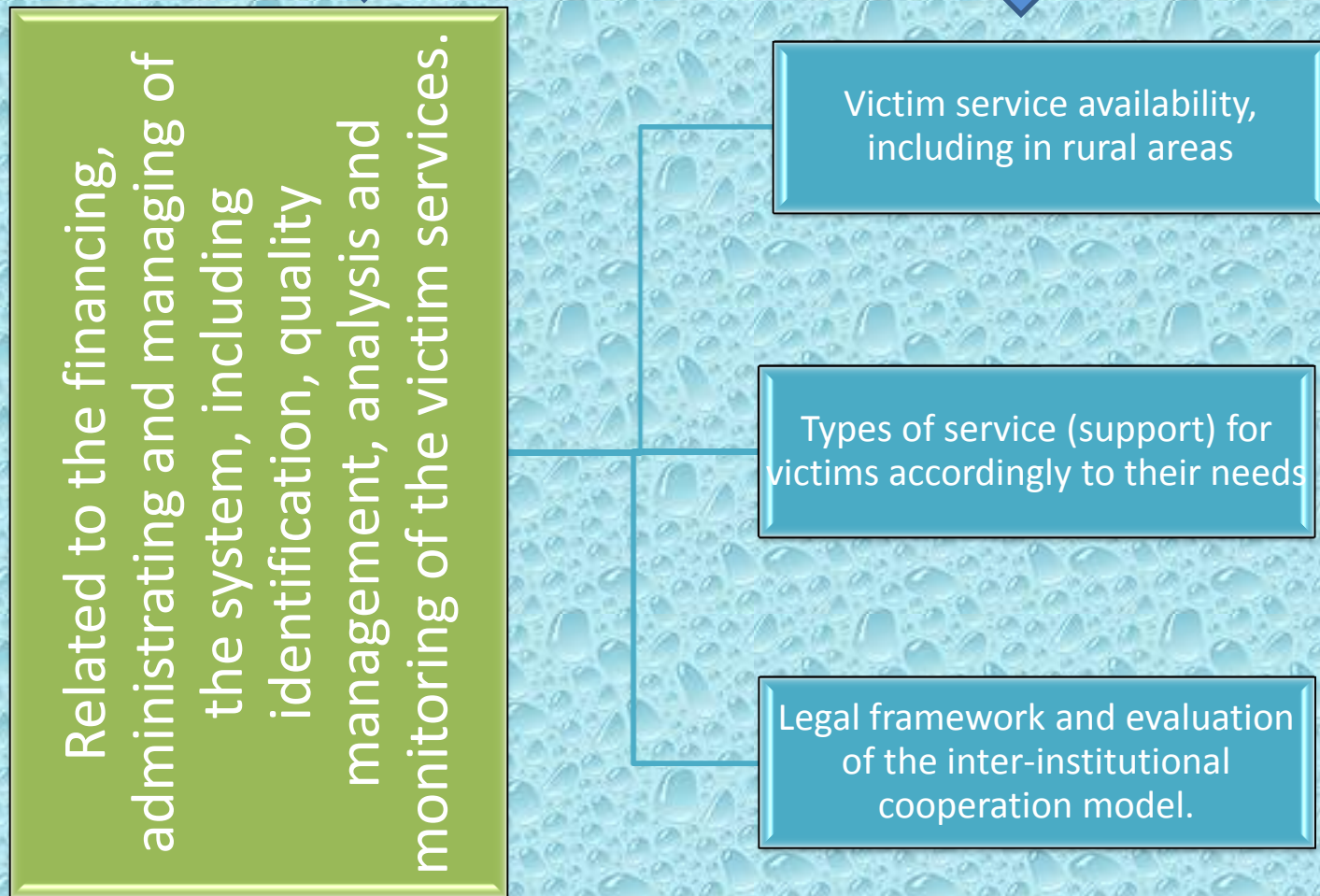
The victim communicating with law enforcement institutions	State acting in favour of society, the victim and the criminal	The criminal (suspect, defendant, person on trial, convict)
First contact: understanding/not always; medical aid/yes; only basic information on the next procedure/not always; information; recognized as a victim...	Police	Identification; starting criminal proceedings; initial investigation activities; recording of evidence; detention...
Understanding/not always; information; recognized as a victim; recording of evidence; information on the compensation options	Prosecution	Announcing the charges, procedures according to the criminal procedure
Attending the court to give evidence	Court	Conviction of a person (or bringing in not guilty)
Settlement between the Probation service and the mediator; No connection	Sentencing authority: Probation authority or penal institution	Execution of the sentence, involvement in the resocialization activities, post-penitentiary help
There is no legal support deriving from the status of a victim (a), no options to become a member of an organized victim support system (b)	Lack of institution responsible for victim support	

According to the aforementioned situation...

... we can offer the victim only some details in the form of separate regulations that do not respond to the request for a complex solution.

This situation allows the institutions to divide the duties between them and be responsible only for their own functional frameworks, however such approach does not allow to evaluate how much help is the crime victim receiving or not receiving (a) and whether the combination of institutional functions has reached its aim (b).

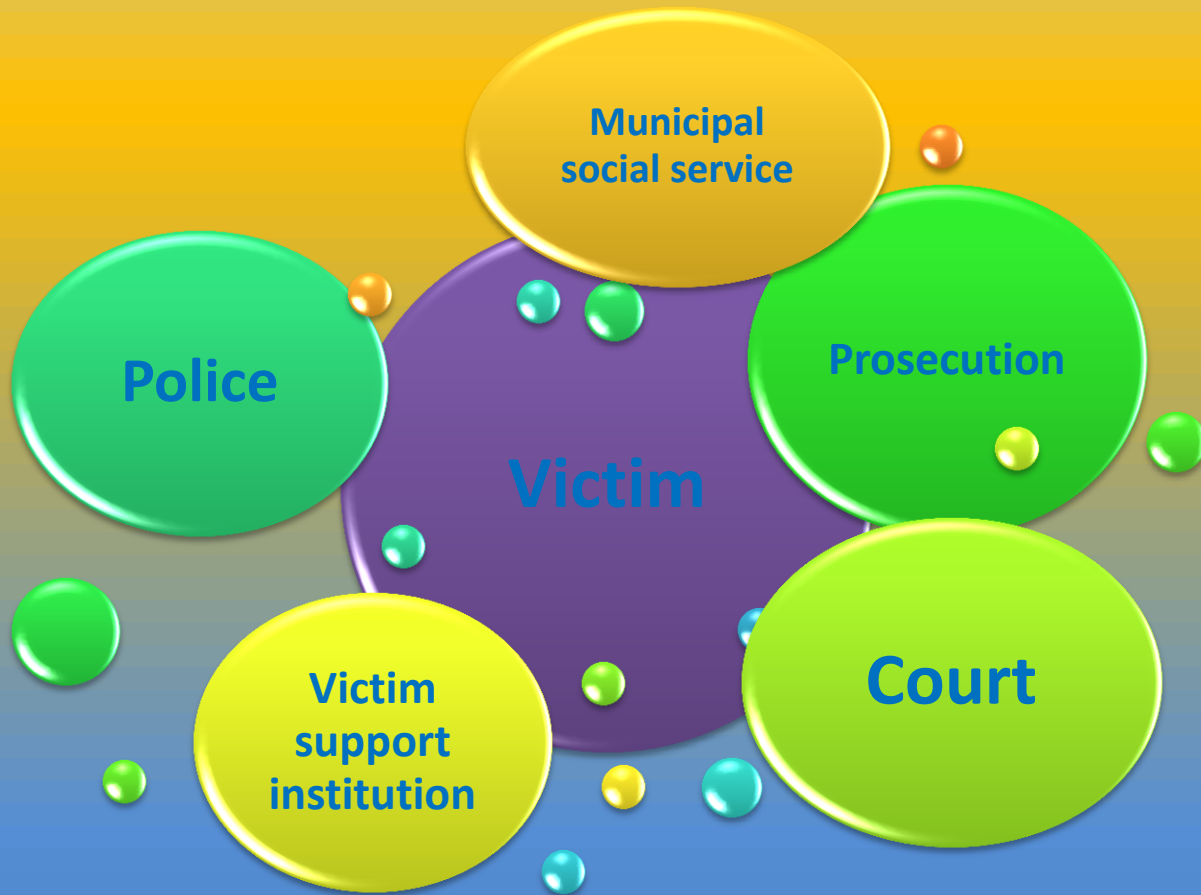
Crime victim support system consists of **vertical** and **horizontal** actions:



For the victim support system to be successful, it has to be supported in the inter-institutional cooperation model

where the main emphasis between the institutions involved is put not on the division of functions, but on the development of cooperation methods that would allow the institutions involved in the victim support system to work together - namely, rather than sending the victim from one institution to another, the institutions will come together "around" the victim.

Inter-institutional cooperation model for the work with victims



Financial resources for the victim support system

- **Victim support** fund is a part of victim support system as well as a financial tool for ensuring horizontal actions of the victim support system, namely, service availability.
- During the research, good practice has been identified in Poland that might be also used in Latvia - **Victim and post-penitentiary help fund**. Money from fines and various damages compensated by offenders is stored in this fund.
- Such fund allows to plan the necessary development of support system both for victims and former offenders (as post-penitentiary support) purposefully.
- To promote the victim support, **possibilities for building Victim support centre should be taken into account**. Maybe the centre should be similar to the state's Maintenance Guarantee Fund.



Victim should have the right to legal aid provided by the state since the moment when the person has been recognized as a victim in the criminal proceedings.



This right should derive from the status of a victim for a person involved in the criminal proceedings rather than from the victim's financial conditions.

Provision of information and starting the administration of victim's case.

- ✓ Administration of the victim's case starts from the moment when police receives information regarding an offence.
- ✓ During the first contact it is important to explain (also in writing, using language that can be understood by the victim) what the first step or the first two steps are for the victim to start exercising his/her rights.
- ✓ Police officers should provide sensitive support for the victim immediately after identifying the crime.
- ✓ The victim should be explained what he/she should do next. The victim should be informed that there is a police officer that he/she could call some time after reporting the crime.

If the main emphasis in the Latvian Victim support model is put on the Inter-institutional model and the establishment of the Victim support fund, it would be preferable to think about drafting a new legislation – Code of victim support practice.

This legislation would regulate the cooperation between institutions while supporting the victims; involvement of new institutions in the system to provide service availability for victims; administration of Victim support fund and state guaranteed victim services.

Possible types of victim support system in Latvia

- I Victim support system can be organized through **centralisation**, by turning (or choosing) a government institution into a methodical guidance centre (similar systems are used in England and Wales, Scotland, Sweden). Legal framework: Criminal Law (CL), Criminal Procedure Law (CPL) and specific legislation of the field;
- II Victim support system can be based on the central board of the inter-institutional cooperation (**semi-centralized**) founded as a separate governmental institution. Legal framework: CL, CPL, by-laws of the Inter-institutional board and specific legislation (Northern Ireland, Estonia, Poland).
- III Victim support system can be **completely decentralized**. Legal framework: CL, CPL and a very detailed system of specific legislation containing a detailed system for reviewing complaints that helps to maintain the quality of providing the victims with the minimum services (countries with strong NGOs that are taking the leading role - Spain, Portugal).

I Centralized victim support – financing from the state budget, maybe from the victim support fund



II Semi-centralized victim support – financing from the state budget, maybe from the Victim support fund

Central board of the inter-institutional cooperation

It includes representatives of the competent ministries, prosecutor's office and courts. The framework is Victim support law and by-laws of the board.

Performs vertical functions.

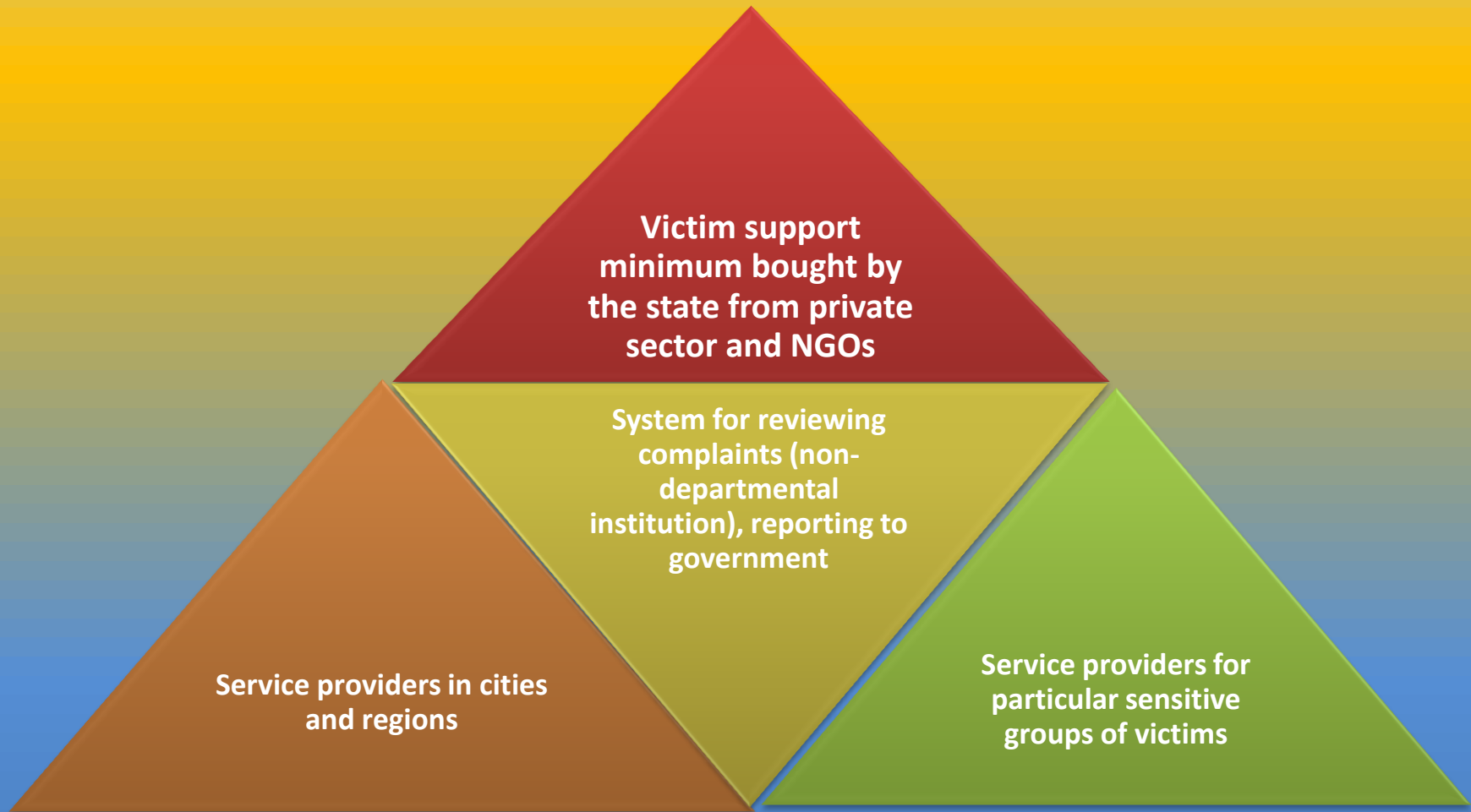
Local Inter-institutional groups (regional)

Provides services for the victims on the spot: (performs the so called vertical functions at regional level but can also perform several horizontal functions)

Individual, external service providers

These are NGOs working at the local regional level providing services for particular groups of victims

III Decentralized victim support system



Service minimum for crime victims:

Conclusions

- In case it is not possible to ensure comprehensive victim support system immediately, there is a possibility to develop such system and its services gradually by ensuring the victims with the service minimum. It means:
 - 1) initially, to identify and develop the services most important for victims to reduce the invasion of their rights: legal aid in the criminal proceedings, psychological help and state compensation mechanism;

Conclusions

- 2) to develop and implement a system for evaluating the efficiency of the services to be implemented;
- 3) to evaluate the needs of various crime victims regularly;
- 4) to develop and implement guidelines for law enforcement institutions on the work with victims, as well as for enforcing the law.

*Thank you for
your attention!*

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