

FRANET

Victim Support Services in the EU:
An overview and assessment of
victims' rights in practice

United Kingdom, 2014

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1. Part A:

The information presented in this phase is primarily based on analysis of the country specific reports received in phases 1 and 2 of the project; the general overview of the situation of victim support in Member States (phase 1) and the more in depth exploration of the situation, including promising practices which offer support to victims of crime in different ways (phase 2). Information has also been taken from secondary sources such as the 2009 APAV study on Victims in Europe.¹ While phase 2 of the project was divided into two parts, focussing firstly on generic victim support services and secondly on specialised areas of victim support, this third phase of the project, comprised of Parts A and B, will focus principally on the structure or lack thereof of generic victim support services; although a limited number of questions relate to specialised areas of victim support. For this part, please provide detailed, concise answers. For guidance purposes, sample answers are often provided, which primarily draw on information provided in country-specific reports from phases 1 & 2 of the project. When returning your report to the FRA, please ensure that all sample answers have been deleted, as these are for guidance purposes only and should not form part of your response. In addition, in cases where your country is one of the examples provided, please review and revise the information as necessary, as the information provided may be outdated.

Scenarios

In the following situations, please describe the referral system (from police to victim support organisation) in the current victim support structure in your country; including whether police routinely refer the victim to a support service; where is the victim referred and who deals with the case in the end (as a guideline, keep to 2 or 3 sentences (maximum) per question within each scenario. Please choose either 'Yes' or 'No' for questions a. and c of each scenario, in addition to questions 6-13 and provide comments in the 'Description' field. For questions b and d, please provide your comments directly in the 'Description' field).

	Scenario	Questions	Yes	No	Description (max 1-3 sentences)
1	A female who has been beaten by her partner and calls the police	a. Do the police routinely refer the victim to a support service?	X		Police forces will refer all victims of crime (apart from certain exceptions) ² to Victim Support (VS) who are currently contracted to provide support and services to victims of crime. They may, at their discretion, also alert other specialist agencies.

¹ Aa, S. van der et al. (2009), *Project victims in Europe – Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon (see http://www.apav.pt/vine/images/report_vine_eng.pdf).

²The Code of Practice for Victims of Crime (Victims' Code) provides that the police should not routinely pass over the details of victims of the following types of criminal conduct (a) theft of a motor vehicle; (b) theft from a motor vehicle; (c) minor criminal damage; and (d) tampering with motor vehicles. However, aggravating factors such as repeat victimisation, victim request for contact, vulnerable victims or victims of hate crime will ensure a referral of victims of these types of criminal conduct to Victim Support. The police should only pass Victim Support the details of victims of sexual offences or domestic violence or the details of the relatives of homicide victims if the victims or relatives have given their explicit consent. [UK] Crown Prosecution Service (2013), *Code of Practice for Victims of Crime*, para. 5.5, available at: www.cps.gov.uk/victims_witnesses/victims_code.pdf.

		b. If yes, please name the service(s)	-	-	Victim Support, local domestic violence services e.g. Loughborough Women's Aid; ³ Hull Domestic Violence Partnership; ⁴ Women's Aid Domestic Violence Services Directory. ⁵
		c. Do the police routinely contact this service on behalf of the victim?	X		Yes. The police will prioritise passing the details of a victim of suspected domestic violence to Victim Support within a short time period, subject to the explicit consent of the victim. In England and Wales (E&W) the Victims' Code requires information to be passed to Victim Support within one working day if they are vulnerable or intimidated. In Northern Ireland the police will pass details to Victim Support Northern Ireland (VSNI) where the person has not objected or explicit consent has been provided for certain crime types (which include domestic violence).
		d. Which support service would in the end deal with such a case?	-	-	This would usually be Victim Support, with whom the police have traditionally had an extremely close relationship, but it also could be passed to a local provider dealing with violence against women.
2	A teacher reports the sexual abuse of a child to the police	a. Do the police routinely refer the victim to a support service?		X	This would depend on local area agreements
		b. If yes, please name the service(s)	-	-	Social services would be involved. VS might be involved. The Home Office also part funds Independent Sexual Violence Advisors who can offer specialist support to victims of sexual violence. In Scotland: Victim Support Scotland (VSS), Scottish Women's Aid and Rape Crisis Children 1st.
		c. Do the police contact this service on behalf of the victim?		X	Not routinely but they may, subject to permission from the victim's family.

³ [UK] Loughborough Women's Aid, available at: www.lwa.org.uk/.

⁴ [UK] Hull Domestic Violence Partnership, available at: www.huldap.co.uk/.

⁵ [UK] Women's Aid (2013), *Directory of Domestic Violence Services in UK*, available at: www.womensaid.org.uk/azrefuges.asp?section=00010001000800060002.

		d. Which support service would in the end deal with such a case?	-	-	Social services would be involved. Possibly, Independent Sexual Violence Advisors who can offer specialist support to victims of sexual violence. In Scotland: VSS, Scottish Women's Aid and Rape Crisis Children 1st.
3	A person calls the police following a burglary in their apartment	a. Do the police routinely refer the victim to a support service?	X		Traditionally, this was the crime most commonly referred to Victim Support in E&W ⁶ and, to a lesser extent, Scotland and Northern Ireland.
		b. If yes, please name the service(s)	-	-	Victim Support
		c. Do the police contact this service on behalf of the victim?	X		Yes. The Victims' Code requires information to be passed to Victim Support within five working days. ⁷
		d. Which support service would in the end deal with such a case?	-	-	Victim Support.
4	A person is the victim of a racist attack by a gang of youths	a. Do the police routinely refer the victim to a support service?	X		Following the 1999 MacPherson Inquiry, ⁸ the police have been encouraged to refer victims of racist attacks to either generic or specialist services. In Northern Ireland, NICEM (The Northern Ireland Council for Ethnic Minorities) is also used.
		b. If yes, please name the service(s)	-	-	Victim Support nationally, although other, specialist NGOs, such as <i>Stop Hate UK</i> , ⁹ or the <i>Ann Frank Trust</i> ¹⁰ may be involved, albeit these tend to be based in the larger cities. ¹¹ In Northern Ireland, NICEM.
		c. Do the police contact this service on behalf of the victim?	X		

⁶ [UK] Mawby, R. (2001), *Burglary*, Willan Publishing, Cullompton.

⁷ [UK] Crown Prosecution Service (2013), *Code of Practice for Victims of Crime*, para. 5.3, available at: www.cps.gov.uk/victims_witnesses/victims_code.pdf.

⁸ [UK] Macpherson, W. (1999), *The Stephen Lawrence Inquiry*, London: HMSO, available at: www.archive.official-documents.co.uk/document/cm42/4262/4262.htm.

⁹ [UK] Stop Hate UK (2013), available at: www.stophateuk.org. Other information included here is from personal correspondence with *Stop Hate UK*.

¹⁰ [UK] Anne Frank Trust (2013), available at: www.annefrank.org.uk/.

¹¹ [UK] Home Office (2012), *Challenge it, Report it, Stop it: The Government's Plan to Tackle Hate Crime*, available at: www.homeoffice.gov.uk/publications/crime/hate-crime-action-plan/action-plan?view=Binary. This includes as Annex B projects funded under the Victim and Witness General Fund 2011-14.

		d. Which support service would in the end deal with such a case?	-	-	Victim Support, or it may be referred on to a local service dealing with hate crime, albeit these tend to be based in the larger cities. Recommendation 16 of the MacPherson Inquiry, ¹² to encourage victims to report instances to agencies other than the police, led to the involvement of NGOs like Stop Hate UK, which may be the first point of contact for victims who may subsequently report the crime to the police.
5	An elderly person is mugged on the way home from collecting their monthly pension and is in urgent need of financial assistance	a. Do the police routinely refer the victim to a support service?	X		Traditionally, both police and Victim Support prioritised serious crimes of violence against the elderly, although this practice was rarely formalised. Ongoing changes, stemming from Consultation Paper CP3/2012 ^{13 14} advocate a shift in emphasis by Victim Support, towards focusing on victims in most need, i.e victims of serious violent crime, repeat victims and the most vulnerable, and these are likely to impact on police referral policies.
		b. If yes, please name the service(s)	-	-	Victim Support
		c. Do the police contact this service on behalf of the victim?	X		

¹² [UK] Macpherson, W. (1999), *The Stephen Lawrence Inquiry*, London: HMSO, available at: www.archive.official-documents.co.uk/document/cm42/4262/4262.htm.

¹³ [UK] Ministry of Justice (2012), *Getting it right for victims and witnesses*, Consultation Paper CP3/2012, MoJ, London, January 2012, available at: www.justice.gov.uk/downloads/consultations/getting-it-right-for-victims-and-witnesses.pdf.

¹⁴ Response to the consultation process was published in July: [UK] Ministry of Justice (2012), *Getting it right for victims and witnesses: the Government response to consultation CP3/2012*, MoJ, London, July, available at: <https://consult.justice.gov.uk/digital-communications/victims-witnesses>.

		d. Which support service would in the end deal with such a case?	-	-	Victim Support
6a	In relation to how police deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X		Victims with a disability would be classified as vulnerable victims and may be entitled to special measures such as an intermediary. ¹⁵ In Northern Ireland, Victims can avail themselves of Special Measures as described in the Youth Justice and Criminal Evidence Act 1999. ¹⁶
6b	In relation to how victim support services deal with victims, are there special measures in place for victims with a disability? If yes, describe them. If your answer is no, please provide a justification/explanation.		X		Where disability is present, Victim Support aims to ensure appropriate tailoring to its service by using a Needs Assessment Tool to identify specific needs. Victim Support enables disabled people to access its services using enhanced telephony and other communication systems, e.g. via email, fax, SMS/text message, directly to a text phone or via text relay. There is also a policy of arranging to see victims in a location that is accessible to wheelchair users, where relevant.
7a	In relation to how police deal with victims, are there special measures in place for victims who are migrants with illegal residency status ¹⁷ ? If yes, describe them. If no, please provide a justification/explanation.		X		The needs of a victim will be paramount in terms of safeguarding and if a crime is reported it should be investigated in the normal way. However at some point exactly, when being dependent upon the victims needs/seriousness of the crime, the Home Office (formerly the UK Border Agency) will take over in terms of deciding whether a victim is eligible to stay in the country or otherwise. In some cases, e.g. victims of trafficking, additional specialist services may apply.

¹⁵ [UK] Crown Prosecution Service (2013), *Vulnerable Witnesses – Special measures help with giving evidence: Guidelines* (2013) available at: www.cps.gov.uk/victims_witnesses/going_to_court/vulnerable.html.

¹⁶ [UK] Parliament (1999), *Youth Justice and Criminal Evidence Act 1999*, available at: www.legislation.gov.uk/ukpga/1999/23/contents.

¹⁷ Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

7b	In relation to how victim support services deal with victims, are there special measures in place for victims who are migrants with illegal residency status ¹⁸ ? If yes, describe them. If no, please provide a justification/explanation.		X	Victim Support provides services to victims of crime; it does not check their immigration status. However, in the case of trafficking victims, other government-funded support services may be available. In E&W, the Salvation Army is contracted by the Ministry of Justice. ¹⁹ Services are provided nationally with support from 12 specialist subcontractors. In the first six months of its contract, the Salvation Army and its sub contractors supported 190 trafficked individuals in England and Wales, 112 females and 78 males. Most involved sexual exploitation (45%) or labour exploitation (43%). ²⁰
7c	Are migrants with illegal residency status excluded from accessing support from victim support organisations in practice?		X	Victim Support provides services to victims of crime; it does not check their immigration status.
8	Is access to victim support services dependent on a victim making a formal complaint to competent authorities (e.g. the police)?		X	Victims can self refer to Victim Support, whether or not the crime has been reported to the police. Indeed, the Victim helpline ²¹ was established precisely to service self-referrals. Traditionally, specialist services for victims of rape or domestic violence assumed that many, if not most, of their referrals would not have reported the offence (or at least the most recent offence) to the police. Recommendation 16 of the MacPherson Inquiry, ²² to encourage victims to report instances to agencies other than the police, led to funding by the Home Office of a number of NGOs that provide the opportunity for victims of hate crime to report incidents to them rather than directly to the police. ²³

¹⁸ Please note that the usual FRA terminology (used in all official FRA publications) for migrants with illegal residency status is 'migrants in an irregular situation.' For the purposes of these guidelines however, reference will be made to 'migrants with illegal residency status.'

¹⁹ [UK] Home Office (2011), *Human Trafficking: the Government's Strategy*, available at: www.homeoffice.gov.uk/publications/crime/human-trafficking-strategy?view=Binary.

²⁰ [UK] Salvation Army (2013), available at: www.salvationarmy.org.uk/uki/trafficking.

²¹ [UK] Victim Support (2013), *Victim Supportline*, available at: www.victimsupport.org/Help-for-victims/How-we-can-help-you/Victim-Supportline.

²² [UK] Macpherson, W. (1999), *The Stephen Lawrence Inquiry*, London: HMSO, available at: www.archive.official-documents.co.uk/document/cm42/4262/4262.htm.

²³[UK] Macpherson, W. (1999) *The Stephen Lawrence Inquiry*, London: HMSO, available at: www.archive.official-documents.co.uk/document/cm42/4262/4262.htm.

9	In practice, do victim support services afford preferential treatment to victims who have agreed to cooperate with a police investigation into the crime they have experienced (e.g. by dealing with them more rapidly than victims who are not cooperating with a police investigation)?		X	Victims of both reported and unreported crime are offered an equal service by Victim Support. Victims of trafficking who cooperate and assist the authorities in the criminal investigation may be granted a period of 12 months discretionary leave. The exception is criminal injuries compensation, where eligibility depends on cooperation.
10a	In reference to part 'c' of questions 1-5, in the event that police contact victim support services on the victim's behalf, is there an automatic transfer of the victim's data? ²⁴	X		
10b	If the answer to 10a above is yes, is the police obliged to obtain the victim's permission/consent for the data transfer?		X	Not in law, as VSS is a statutorily prescribed organisation to which victim's data can be passed. However procedures vary between areas. Some police areas seek the victim's consent as a matter of policy, others do not. In Scotland, a standardisation of policy is likely to follow the recent centralisation of the police into a national service.
10c	Is there a legal basis for the communication/transfer of the victim's data? What is it?	X		In England and Wales, the referral methods are in line with the Data Protection Act 1998, ²⁵ and have been approved by the Information Commissioner's Office. In Scotland, section 18 (1), Criminal Justice (Scotland) Act 2003 Article 2, applies. ²⁶

2.1 Institutional aspects: role of state in victim support structure

In the following section, please complete/verify the information requested in the following tables, placing your country in the appropriate category, or, where information is provided, checking the accuracy of the information and revising as necessary (i.e. by moving your country name from the incorrect column to the correct column along with a justification).

²⁴ For example, personal data (name, address etc.) as well as any relevant details relating to the incident being transferred rather than having to be supplied again by the victim.

²⁵ [UK] Parliament (1998), *Data Protection Act 1998*, available at: www.legislation.gov.uk/ukpga/1998/29/contents.

²⁶ [UK] Parliament (2003) *Criminal Justice (Scotland) Act 2003* available at: www.legislation.gov.uk/asp/2003/7/contents.

2.2.1 Models of generic victim support

Generic victim support organisations are for the present purposes defined as “**not limited to helping a particular type of victim of crime**”. With the above definition in mind, please:

a) Review the list and short description of structure of generic victim support organisations operational in your country provided for in Annex 2 and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned. **Countries listed in Annex 2 shaded in green (and in category ‘A’ below) have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should provide a short list (in Annex 2) of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.**

b) Place your country in one of the following categories (A, B, C, D or E) and provide an explanation about why your country should be placed in that group. For each group, one example has been provided for guidance purposes. If your country is one of the examples provided, please review and revise the information as necessary, placing your country in a different group if the information provided is incorrect. **Please delete all examples from your response and insert your country name in only ONE column.** (Note: only country codes are listed. For full country names, please refer to Annex 1).

A: No generic victim support provider exists	B: At least one generic victim support service provider exists at national level. The main provider or structure is state run and state funded	C: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run but relies strongly on state funding	D: At least one generic victim support service provider exists at national level. The main provider or structure is non-governmental run and does not rely strongly on state funding	E (OTHER) – if you cannot place your country in any of the other categories, please describe
		UK		
		Victim Support is the key agency for providing generic victim support. Following reorganisation in 2007/08 it is currently organised nationally, with separate bodies: Victim Support E&W (VS) Victim Support Scotland (VSS) Victim Support Northern Ireland (VSNI). However, following the Police		

		Reform and Social Responsibility Act 2011, ²⁷ in 2014 England and Wales is moving to local commissioning of victims' services by elected Police and Crime Commissioners. Services in Scotland and Northern Ireland will not be affected and will continue as national services, centrally funded.	
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²⁷[UK] Parliament (2011), *Police Reform and Social Responsibility Act 2011*, available at: <http://services.parliament.uk/bills/2010-11/policereformandsocialresponsibility.html>.

2.2.2 Public coordination of victim support services

Please answer the following questions by completing the tables. Two examples have been provided (for questions 1 & 2) for guidance purposes. **Please delete all examples from your response and insert your country name in only ONE column.** If your country is one of the examples provided, please review and revise the information as necessary. Please provide references to the full name of the Ministry or body in question in both English and the national language (Note: only country codes are listed. For full country names, please refer to Annex 1).

1. Please specify (by placing an 'X' in the relevant columns) which ministry or ministries have a role in victim support provision. In addition, please provide a short explanation in the comments field.						
	Ministry of Justice	Ministry of Health	Ministry of Labour/ Social Affairs	Ministry of Interior/	Any other	COMMENTS
UK	X				Home Office; Department for Education	<p>In addressing the provision of victim-related activities in the UK, a distinction can be made between three potential stages of victims' experiences: Stage 1, from the time the offence occurs to the time the case is closed or a suspect charged; Stage 2, the period up to and including trial; and Stage 3, the post-trial period.</p> <p>In general, in England and Wales the Home Office has a lead role at stage 1, including police-based initiatives and funding many dedicated victim support services, while the Ministry of Justice is (currently) responsible for funding generic victim support at stage 1, Criminal Injuries Compensation and court-based witness/victim services at stage 2, and at stage 3 post-sentence support for victims. Some other ministries are also involved, e.g. the Ministry for Education with child victims. In Scotland and Northern Ireland victim services are the responsibility of their own government sectors (principally their Departments of Justice).</p>
2. Please provide a short description of which body (e.g. ministry, office for victims of crime, commission or any other body) has the overall or principal coordinating role in organising victim support services at national and federal level. If no one ministry or body has such a role, please provide an explanation/ justification.						

UK	As noted above, in England and Wales responsibilities largely fall between the Ministry of Justice and the Home Office. The latter, with its responsibility for oversight of the police, has traditionally funded victim support services, and currently funds services supporting, inter alia, domestic violence and trafficking victims. The Ministry of Justice covers court- (and post-sentence-)based services and from its conception assumed responsibility for funding generic victim support, through Victim Support (England and Wales) but this funding will revert to the Home Office in 2014 when such funding becomes the responsibility of local Police and Crime Commissioners. Elsewhere in Scotland and Northern Ireland, services are the responsibility of their 'national' governments' Departments of Justice.
3. What is the legal basis for the type of victim support model that exists in your country (e.g. is it stipulated somewhere in a legal instrument that victim support services be state-run; state-funded etc.?)	
	<p>The Ministry of Justice manages a 3 year Grant-in-Aid Agreement with Victim Support to the value of £38 million per annum granted under Section 56 of the Domestic Violence, Crime and Victims Act 2004.²⁸ The Code of Practice for Victims of Crime places duties on criminal justice agencies to provide services to victims of criminal conduct under Section 32 DVCVA 2004, This includes the duty to refer to Victim Support. Section 111 of the Criminal Justice and Licensing (Scotland) Act 2010²⁹ allows Scottish Ministers to make grants for the provision of assistance to victims, witnesses or other persons affected by a criminal offence. The section also includes a power to apply conditions to grants. In Northern Ireland, Department of Justice funding to organisations supporting victims of crime falls under Section 56 of the Domestic Violence, Crime and Victims Act 2004.³⁰ The Department of Justice manages a 4 year grant in aid funding agreement (2011-15) of £2.1m per year to Victim Support NI and also manages a 4 year grant funding agreement (2011-15) with National Society for the Prevention of Cruelty to Children (NSPCC) of around £0.5m per year for the provision of support to young prosecution witnesses (up to the age of 18) called to give evidence at court.</p> <p>Victim Support is an NGO and, in theory, makes its own decisions on how it is organised and managed. However, its dependence on government funding means that it has evolved according to central government dictates. In England and Wales, for example, the move to a national structure was government-led, while ongoing shifts to local funding will have significant implications for the structure of and services offered by Victim Support, with the Government expected to bring forward legislation to provide a legal basis for Police and Crime Commissioners to commission victims' service at local (Police Authority) level.</p>

²⁸[UK] Parliament (2004), *Domestic Violence, Crime and Victims Act 2004*, available at: www.legislation.gov.uk/ukpga/2004/28/contents.

²⁹ [UK] Parliament (2010), *Criminal Justice and Licensing (Scotland) Act 2010*, available at: www.legislation.gov.uk/asp/2010/13/contents.

³⁰ [UK] Parliament (2004), *Domestic Violence, Crime and Victims Act 2004*, available at: www.legislation.gov.uk/ukpga/2004/28/contents.

2.2.3 Funding:

Please answer the following questions by completing the tables. Please note that countries that do not have generic victim support service providers (i.e. that fall within category 'A' under question 2.2.2) should not answer questions c & e. For questions g-k, if your country does not have a generic victim support structure in place, please respond to the question with respect to a specialised area of victim support. **Please select one of the two specialised areas of victim support you focused on in your phase 2 country report to the FRA (see annex 3 for a list). As a default, please select the area 'Domestic violence and stalking'. If you choose to take another area, provide a short justification for why you have chosen that area.**

Important for all: Whether you answer questions g-k with respect to an organisation providing generic victim support or an organisation providing specialised victim support, please choose the biggest organisation (in terms of the organisation that receives most funding, helps most victims nationwide etc.).

For the year 2012, please specify the exact amount of funding:	Amount (in £)
a Budgeted by the state for compensation	Compensation is demand-led so budgets are adjusted throughout the year to match that demand.
b Paid out by the state for compensation	Criminal Injuries Compensation Authority (CICA) (E&W,S) 2011/12: £449.4m/ £219m in tariff-scheme compensation. ³¹ In Northern Ireland CICS payments for 2012-13 were £13.8m and Criminal Damage payments for 2012-13 were £3.3m.
c Budgeted by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims)	£36m Victim Support including £8m on Witness Service run by VS (2011-2012). ³² In Scotland, income in 2010-2011 was over £5 million, with the majority from the Scottish Government (85.6%) and local government (11.5%). In Northern Ireland funding amounted to £2.1 million in 2012-2013, principally from the Department of Justice.
d Budgeted by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	£2m to Victim Support E&W on Homicide Service. £2m Human trafficking contract with Salvation Army, £4m spent on rape support centres, £5m general fund to specific organisations dealing with varying categories of victim. In Scotland - £720k pa to TARA and Migrant Helpline,

³¹ [UK] Criminal Injuries Compensation Authority (2012), *CICA Annual Report*, available at: www.justice.gov.uk/downloads/publications/corporate-reports/cica/cica-annual-report-2011-12.pdf The higher figure comes from the CICA annual report and the lower figure from the Ministry of Justice. The discrepancy appears to be that in 2011/12 extra resources were provided to allow the CICA to clear a backlog of cases outstanding from the old, pre-tariff system, and the Ministry of Justice feel that these distort the annual picture.

³² These figures were provided by the Ministry of Justice and refer to Ministry of Justice funding for generic services that accounted for the bulk of Victim Support E&W's income. Figures from the Victim Support 2012 annual report suggest that most of the remaining income, some £7m, also comes from the state, principally local government and the Welsh Assembly. [UK] Victim Support (2012), *Victim Support Annual Report 2012*, available at: www.victimsupport.org/About-us/Publications/~media/Files/Publications/AboutOurCharity/trustees-Report-accounts-2011-12.

	Local authority children's services provide support for child victims of trafficking but the amount allocated is not ring fenced within their core funding from Government. In Northern Ireland £0.5m to NSPCC Young Witness Service, £110k to Domestic Violence Helpline, £54k to Migrant Helpline and £60k to Hate Incident Practical Action scheme.		
e Paid out by the state for generic victim support services (i.e. services not restricted to a particular category or categories of victims).	As c above		
f Paid out by the state for specialised victim support services (i.e. services restricted to a particular category or categories of victims; such as child victims or victims of human trafficking). In addition, please name the specialised victim support services that received state funding.	As d above		
Reimbursement by the state of expenses incurred	Yes	No	Comments
g Are there any victim support organisations that request money from victims who benefit from services? If yes, please name one such organisation and specify (under comments) whether there is a standard fee or whether this is decided on a case by case basis.		X	Unless victims seek psychiatric services independently.
h With respect to your chosen organisation, is the organisation reimbursed by the state for expenses incurred through the provision of support to victims? If yes, please specify the criteria for reimbursement (e.g. per victim?).		X	Victim Support receives money in the form of a 'grant in aid' to provide a national service to victims. The payment amount is agreed in advance and is not per victim. However, VS may use part of this money to reimburse volunteers (e.g. travel costs).
i If the answer to h is 'yes', please specify whether the organisation is reimbursed regardless of the victim's nationality (yes or no) and provide a short explanation in the comments field. More specifically, is a difference made between reimbursement for support provided to a) country nationals; b) EU country nationals and c) third country nationals?			
j Further to question i, is the organisation reimbursed for providing support to victims with illegal residency status? Please provide a short explanation under 'comments'.			
k Are there any factors that would discourage the victim support organisation in practice from supporting third country nationals? Please specify under comments.		X	

2.2.4 Capacity:

For the year 2012, please specify the number of victims of crime that:	No of persons:
a Applied for compensation from state sources.	England and Wales and Scotland (E&W, S): 58,195

	(2011-12). Northern Ireland: 5089 (2012-13).
b Received compensation from state sources.	For E&W, S: 2011/12: 57,480 /32,390 resolved. ³³ Northern Ireland: 2694 (2012-13).
c Approached generic victim support services (i.e. services not restricted to a particular category or categories of victims)	In 2011-2012 over 1.1 million victims were referred to Victim Support E&W, albeit under half were contacted, and most of these by phone rather than a personal visit. ³⁴ Figures provided by Victim Support Scotland reveal that in 2012/13; Victim Support Scotland opened approximately 91,000 new cases of victims requiring support. No data available for Northern Ireland.
d Approached specialised victim support services (i.e. services not restricted to a particular category or categories of victims)	Data not available.

2.2.5 Official/academic studies on victims

Have any official or academic studies been published in your country in the last 5 years on the following (note: please provide a full reference for the study (following the FRA style guidelines) and provide a link if available online):

	Yes	No	Reference	Short description of the study's objectives and findings (2-3 sentences)
Studies on under reporting of crime?	x		[UK] Home Office (2013) <i>Crime Survey for England and Wales</i> , available at: www.crimesurvey.co.uk/ ; www.gov.uk/government/publications/british-crime-survey-methodology [UK] Office for National Statistics (2012) <i>Statistical Bulletin: Crime in England and Wales, Year Ending June 2012</i> , 18	In the UK, the key national surveys of crime victims are the government-run crime surveys, which include details of reported and unreported crimes, crime trends, fear of crime etc. England and Wales The Crime Survey for England and Wales measures the extent of crime in England and Wales by asking people whether they have experienced any crime in the past year.

³³ [UK] Criminal Injuries Compensation Authority (2012), *CICA Annual Report*, available at: www.justice.gov.uk/downloads/publications/corporate-reports/cica/cica-annual-report-2011-12.pdf. The higher figure comes from the CICA annual report and the lower figure from the Ministry of Justice. The discrepancy appears to be that in 2011/12 extra resources were provided to allow the CICA to clear a backlog of cases outstanding from the old, pre-tariff system, and the Ministry of Justice feel that these distort the annual picture.

³⁴ [UK] Victim Support (2012), *Trustees' Annual Report 2011-12*, available at www.victimsupport.org/About-us/Publications/~media/Files/Publications/AboutOurCharity/trustees-Report-accounts-2011-12

			<p>October 2012, available at: www.ons.gov.uk/ons/dcp171778_283456.pdf</p> <p>[UK] Department of Justice, Northern Ireland (2013) <i>Crime Survey for Northern Ireland</i>, available at: www.dojni.gov.uk/index/statistics-research/stats-research-publications/northern-ireland-crime-survey-s-r.htm;</p> <p>[UK] Northern Ireland Department of Justice (2013) <i>Experience of Crime: Findings from the 2011/12 Northern Ireland Crime Survey, Research and Statistical Bulletin 1/2013, January 2013</i>, available at: www.dojni.gov.uk/index/statistics-research/stats-research-publications/northern-ireland-crime-survey-s-r/nics-2011-12-experience-bulletin.pdf;</p> <p>[UK] Scottish Government (2011) <i>2010/11 Scottish Crime and Justice Survey: Main Findings</i>, available at: www.scotland.gov.uk/Publications/2011/10/28142346/19</p>	<p>Northern Ireland</p> <p>The aims of the Northern Ireland Crime Survey is to measure crime victimisation rates, monitor trends, measure people's perceptions about and reaction to crime and to measure public confidence.</p> <p>Scotland</p> <p>The Scottish Crime and Justice Survey aims at providing a valid and reliable measure of adults' experience of crime, examining trends in number and nature of crime, examining the varying of crime for different demographic groups, collecting information about adults' experiences of, and attitudes to, crime and justice issues.</p> <p>In all three countries within the UK, victim survey data revealed a fall in crime in recent years. Rates are also higher in England and Wales than in Scotland, and victimisation levels are particularly low in Northern Ireland compared to the mainland UK.</p>
Other national studies related to victims of crime (specify)		x	.	

2.3 Victim Helplines

Please complete the information in the following table, providing details on whether the country has a national victim support helpline, who funds it, operates it etc. Where the answer is 'no', please provide a short justification or explanation of the situation in the comments field. For example, for question 3, if the helpline does not operate 24 hours a day, 7 days a week, place an X in the 'No' column and specify the operating hours under 'Comments'. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-15), please answer the question directly in the 'Comments' field. Please provide information for 2012. Where this is not possible, please provide a justification and give data for the latest year possible.

		Yes	No	Comments
1	Is there a helpline? If yes, please provide the name of the helpline and the contact details for the helpline (including the name of the body who runs it, contact phone number etc.) under 'Comments'.	X		<p>Victim Supportline was established in 1998 to allow victims to directly telephone Victim Support, although police referrals continued to predominate. Victim Supportline is run by Victim Support. The Supportline number is: 0845 30 30 900.³⁵</p> <p>Various other organisations, such as The Survivors' Trust³⁶ and other Homicide services operate individual helplines.</p> <p>Victims in Northern Ireland use the helpline in England and Wales. There is also a Government Funded Domestic Violence Helpline 0808 2000 247 managed by Women's Aid in Northern Ireland. The Department of Justice (along with DHSSPS and NIHE) provides funding of £110k annually for the running of this service.</p> <p>Victim Support Scotland's National Helpline can be contacted on 0845 603 9213. In Scotland; VSS, PETAL, Rape Crisis, TARA, Migrant Helpline. Children 1st operate Parentline on 0800 028 2233 or email parentlinescotland@children1st.org.uk. for anyone with a concern about a child Migrant Helpline 07766 668 781 TARA 0141 276 7729.</p>
2	Does it operate 24/7? (If no, specify the days and times of operation under 'Comments').		X	<p>Victim Supportline operates: 9am – 9pm Mondays to Fridays 9am – 7pm weekends 9am – 5pm bank holidays</p> <p>Victim Support Scotland's National Helpline operates: Monday – Friday 8 am – 8 pm</p>
3	Does it operate nationwide? (If no, name the city or federal state in which it operates).	X		N/A
4	Is the helpline free of charge?	X		Although call charges may apply

³⁵ [UK] Victim Support (2013), *Victim Supportline*, available at: www.victimsupport.org/Help-for-victims/How-we-can-help-you/Victim-Supportline.

³⁶[UK] The Survivor's Trust (2013), available at: www.thesurvivorstrust.org/.

5	Does the helpline target all victims of crime? If no, please specify (under comments) which categories of victims can approach the helpline.	X		N/A
6	Is the helpline state run (if no, describe the non-state actor(s) who runs it under 'Comments')		X	Both generic and specialist victim helplines are run by NGOs but all generic and most specialist receive state funding.
7	Is the helpline funded by the state?	X		N/A
8	Is the international EU victim support telephone number 116-006 available? ³⁷ If no, provide a justification and/or specify whether plans to implement this are underway.		X	Victim Support has an application lodged with OFCOM (the independent regulator and competition authority for the UK communications industries) in respect of the 116006 number. This is currently being processed and if approved Victim Support will adopt the 116006 number. However, this depends on additional funding that has not been confirmed, so there is no agreed deadline.
		Comments		
9	Please give a brief description (1-2 sentences) of the services provided by the helpline.	The Victim Supportline is there for people to talk about their experience of crime anonymously and in confidence. Supportline volunteers can give emotional support and information over the phone and put victims in touch with local Victim Support offices and with other organisations that can help.		
10	What was the operational budget (in EUR) for the helpline in 2012? Please specify under 'Comments'	The Supportline budget is £282,920 (approximately €336,321).		
11	How many people were employed to run the helpline in 2012?	1 Manager (37.5hrs), 4 Coordinators (118.75hrs), 3 Call Handlers (49.5hrs), 1 admin (37.5hrs), (6.49FTE) 60 volunteers.		
12	What form(s) does the helpline take? E.g. just phone-line; email, web forum, walk-ins	Telephone, letter and email support.		
13	Of the possible ways to access the helpline, what is the most frequently used by persons contacting the	Telephone.		
14	Who operates the helpline? (e.g. Professional staff such as psychologists or lawyers; volunteers	The helpline is managed by staff, and the phone lines are supported by specially trained volunteers.		
15	Please specify the number of times the helpline was contacted in applic. If this information is not available, please provide a reason under 'comments'.	51,907 call attempts; 35,999 call attempts from unique phone numbers; 21,684 calls answered by Supportline (60% of unique calls) 4367 emails. In Scotland, the helpline is contacted between 300 and 400 times in an average month.		

2.4 Obligation of police to provide information

	Yes	No	Comments (max 2-3 sentences)
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³⁷ In 2010 the EU introduced an EU harmonised phone number (116 006) designated for use by victims of crime who need assistance in EU countries.

1	Are police legally obliged to provide all victims with information concerning victim support services? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Under the Code of Practice for Victims of Crime, ³⁸ which is a statutory document introduced under the Domestic Violence, Crime and Victims Act 2004. ³⁹ In Scotland, Section 18 (1), Criminal Justice (Scotland) Act 2003 Article 2. ⁴⁰ In Northern Ireland there is no legal obligation. A victim of crime information leaflet is available for victims. ⁴¹
2	Are police legally obliged to provide all victims with information concerning compensation? If yes, what is the legal basis for this obligation (e.g. name of the law)?	X		Police are obliged under the Victims' Code to provide information to victims about support services. They can do this by providing a 'Victims of Crime' leaflet or by a web address that has similar information. Such leaflets contain information concerning compensation. In Northern Ireland there is no legal obligation. A victim of crime information leaflet is available for victims. This refers to compensation services.
3	Are police legally obliged to provide all victims with information concerning their rights and role in criminal proceedings? If yes, what is the legal basis for this obligation (e.g. name of the law)?		X	Victims have no official role in UK criminal proceedings unless they are a witness. Under the Victims' Code where a victim is called as a witness the police or witness care unit must provide them with a 'Witness in Court' leaflet. The police must explain eligibility for special measures when giving evidence to vulnerable and intimidated victims.
4	Are victims who do not understand or speak the language provided with free of charge interpretation in the language of their choice (e.g. during any interviews or questioning of the victim by the police)	X		Victims are provided with free interpretation in the language of their choice.
5	Are victims notified about their right to receive information about:			This is set out below for England and Wales. In Scotland the right to the information below will be set out in the ongoing Victims and Witnesses (Scotland) Bill. ⁴² In Northern Ireland this will be dealt with through a new statutory Victim Charter.
	(a) any decision not to proceed with or to end an investigation or not to prosecute the offender;	X		Victims' Code and Victims Right to Review
	(b) the time and place of the trial, and the nature of the charges.	X		Victims' Code
	(c) any final judgment in a trial	X		Victims' Code

³⁸[UK] Crown Prosecution Service (2013), *Code of Practice for Victims of Crime*, para. 5.5, available at: www.cps.gov.uk/victims_witnesses/victims_code.pdf.

³⁹ [UK] Parliament (2004), *Domestic Violence, Crime and Victims Act 2004*, available at: www.legislation.gov.uk/ukpga/2004/28/contents.

⁴⁰ [UK] Parliament (2003) *Criminal Justice (Scotland) Act 2003*, available at: www.legislation.gov.uk/asp/2003/7/contents.

⁴¹ [UK] Northern Ireland Department of Justice (2010), *Information for Victims of Crime*, available at: www.nidirect.gov.uk/information-for-victims-of-crime-leaflet-2010.pdf.pdf.

⁴² [UK] Scottish Parliament (2013), *Victims and Witnesses (Scotland) Bill*, available at: www.scottish.parliament.uk/parliamentarybusiness/Bills/59133.aspx.

2.5 Training of practitioners on dealing with victims of crime

Please complete the information in the following table, selecting either 'yes' or 'no' and providing a short explanation in the comments field. Where 'Yes' or 'No' answers are not applicable, 'NA' has been inserted. In these instances, please answer the question directly in the 'comments' field.

With respect with how to deal with victims of crime, Is systematic training of the following categories of professionals who come into contact with victims of crime carried out (if yes, please indicate under 'comments' the nature of the training and whether it is on dealing with all victims or just certain categories of victims (e.g. victims of domestic violence):				
		Yes	No	Comments (max 2-3 sentences)
1	Police	X		<p>The police receive a range of training on dealing with victims of crime which is regularly updated by e-learning packages and refresher training days, or may be specialised - tailored to individual Departments dependent on what type of victims they deal with i.e. Achieving Best Evidence, Child Abuse Investigation, Sexual Offences, Family Liaison etc.</p> <p>There is initial Training, PCSO and Special, Constables Training, Investigators Training and Equality and Diversity Training.</p> <p>The majority of police training, or certainly the objectives, are mandated nationally. The basic training officers receive on joining all of the learning objectives, including sections on victims and witnesses, are laid out nationally and have to be achieved for the officer to become qualified but the delivery is organised and prepared locally. Similarly the Specially Trained Officer for Rape and Sexual Offences courses, CID officers course and 5 tiered interviewing courses are also conducted to national standards.</p>

2	Prosecutors	X		<p>Prosecutors have online e-Learning courses relating to all victims and witnesses on the Prosecutor's Pledge and the Victims' Code. There are also e-Learning courses on dealing with cases involving vulnerable / intimidated victims & witnesses (Special Measures); those who are victims of particular offences (rape, domestic violence, hate crime); and those with autism / learning disabilities / mental ill health (Supporting Vulnerable Victims & Witnesses). There is also training available for prosecutors and paralegals on dealing with victims at court.</p> <p>None of the specific victim and witness related training available either through the CPS Prosecution College e-learning or classroom training is mandated centrally. The only mandated e-learning module at present is related to cyber stalking, which does touch on witness care. Classroom training is available for those members of staff who are responsible for communicating with victims under the Direct Communication with Victims (DCV) Scheme. Although the course is not mandated centrally, the CPS has agreed no member of staff will be required to undertake work in relation to DCV unless they have first attended the training course. CPS prosecutors have to complete a number of Continuing Professional Development hours every year. Prosecution College e-learning is accredited CPD activity. CPS advocates are also assessed to ensure that they are performing to the required national advocacy standards set by the CPS.</p> <p>In Northern Ireland all Public Prosecution Service (PPS) staff engaging with victims have training appropriate to their role.</p>
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3	Judges	X		<p>Judicial training, in England and Wales, is completed through the Judicial College.</p> <p>The judicial training is organised by the Judicial College so government cannot impose this training upon them.</p>
4	Court staff	X		<p>In England and Wales, Court staff are provided with the following training ½ day vulnerable and intimidated witnesses. 1 day Crown and Magistrates Court Witness Liaison Officer. The training for the courts is not mandatory. However, the witness service, run by Victim Support, will ensure that their staff have appropriate training.</p> <p>In Northern Ireland NI Courts and Tribunal staff can access information and advice on best practise for working with victims and witnesses. Induction training on working with victims of domestic violence is already carried out for all new and transferred staff. It is planned to extend this training to include all victims and witnesses.</p>
5	Are Victim Support Organisations involved in this training? If yes, how are they involved? (e.g. they provide input through lectures; they fund the training; they organise and run the training themselves etc.)	X		<p>Victim Support often provides input into training sessions by attending seminars or workshops, and giving presentations, but this is on an ad hoc basis.</p> <p>TARA and Migrant Helpline assist with training to raise awareness of trafficking as part of their grant conditions.</p>
6	Is systematic training of victim support staff carried out on how to deal with victims of crime? If yes, please indicate the nature of the training,	X		<p>All Victim Support staff and volunteers receive comprehensive and detailed core training on the criminal justice system, on the impact of crime, and on how to provide effective support to victims. As Victim Support is a voluntary organisation, government do not impose particular training requirements upon them. However, in practice, Victim Support would ensure that all volunteers have the necessary training to undertake the relevant services that they offer. Specialist training is made mandatory by VS for those providing support to victims of serious crime such as sexual violence and homicide, and for those supporting children and young people. Staff that make initial contact with victims are also trained to assess need.</p>

7	Please briefly list any other category of officials coming into contact with victims that receive systematic training on how to deal with victims of crime (e.g. lawyers, restorative justice services etc.)			N/A
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2.6 Rights of victims in criminal proceedings

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary.

2.6.1 Definition of victim

Please provide a definition of the term victim in your country:

	Description	Explanation (max word count 200)
1	What is the main or generic legal definition of the term 'victim' (as provided for in national legislation)?	For the purposes of the Victims' Code in England and Wales a victim is a person who is the direct/primary victim (or in cases of homicide a bereaved close relative) of criminal conduct to which the National Crime Recording Standard Applies. ⁴³ In Scotland – victim means a person who was the victim of an offence. In Northern Ireland this will be dealt with in the new statutory Victim Charter. It will refer to a person who is a victim of criminal conduct.
2	Is there a separate definition of 'vulnerable victims' (as separate from the main or generic definition of 'victim')?	Yes. A vulnerable victim is defined as a victim who was under the age of 18 at the time of the offence, suffers from a mental disorder within the meaning of the Mental Health Act 1983, has a significant impairment of intelligence or social functioning or has a physical disability or disorder. Special measures at court apply to vulnerable or intimidated witnesses which are defined at s16/17 Youth Justice and Criminal Evidence Act 1999. ⁴⁴ For the purposes of the Victims' Code, vulnerable victims are defined as such at the time of the offence, rather than at the time of the hearing as specified in the 1999 Act (the definition used is the same). In Scotland – Vulnerable Witnesses (Scotland) Act 2004 ⁴⁵ as amended by the Criminal Justice and Licensing (Scotland) Act 2010 ⁴⁶ defines vulnerable witnesses (including victims when giving evidence). The Victims and Witnesses (Scotland) Bill was introduced to the Scottish Parliament on 6 February 2013 ⁴⁷ and will redefine vulnerable witness and the support available to assist them give their evidence.

⁴³ [UK] Crown Prosecution Service (2013), *Code of Practice for Victims of Crime*, para. 5.5, available at: www.cps.gov.uk/victims_witnesses/victims_code.pdf and [UK] Parliament (2004), *Domestic Violence, Crime and Victims Act 2004*, available at: www.legislation.gov.uk/ukpga/2004/28/contents, see also s52 of the DVCVA in relation to victims for the purposes of the Victims Commissioner.

⁴⁴ [UK] Parliament (1999), *Youth, Justice and Criminal Evidence Act 1999*, available at: www.legislation.gov.uk/ukpga/1999/23/contents.

⁴⁵ [UK] Parliament (2004), *Vulnerable Witnesses (Scotland) Act 2004*, available at: www.legislation.gov.uk/asp/2004/3/contents.

⁴⁶ [UK] Parliament (2010), *Criminal Justice and Licensing (Scotland) Act 2010*, available at: www.legislation.gov.uk/asp/2010/13/contents.

⁴⁷ [UK] Scottish Government (2012), *Making Justice Work for Victims and Witnesses: Victims and Witnesses Bill – A Consultation Paper*, May 2012, available at: www.scotland.gov.uk/Publications/2012/05/8645.

		In Northern Ireland vulnerable witnesses are defined in the Criminal Evidence (Northern Ireland) Order 1999. ⁴⁸ This also sets out the special measures that are available to help them give evidence in court.
3	Are parents, children, other family members, same sex partner & first responders included under the main definition of the term victim? If not, are they included as 'indirect' victims or similar?	No, not unless the victim had died, been incapacitated or is under the age of 17. Where a person has died or become incapacitated to such an extent that they are unable to communicate as a result of criminal conduct, or are unable to receive services as a result of disability, the victim's family spokesman or bereaved close relative is entitled to receive services under the Victims' Code. Where the victim is a child, the parent or guardian of the child is entitled to receive the services under the Victims' Code as well as the child. Victim Support often helps all individuals in a family where they are directly affected, for example in the case of burglary. When not direct/primary victims, they are still entitled to support and assistance if they have any identified needs as an impact of the crime.

2.6.2. Decision not to prosecute

With regard to victims' rights to review a decision not to prosecute, please answer the following:

	Yes	No	Comments (Max word count 80 words)
If the prosecutor decides to discontinue a case, does the victim have the right to file for a review of the decision not to prosecute?	X		To date, a review of a Crown Prosecution Service (CPS) decision not to charge has been treated as a complaint – 'an expression of dissatisfaction about any aspect of our service by a member of the public'. Following the judgment in <i>R v Killick (Christopher)</i> [2010] EWCA Crim 1608, ⁴⁹ the CPS has been developing a separate process specifically designed to enable victims to exercise the right to seek a review of a decision not to proceed (the Victims' Right to Review (VRR) initiative). The new process will be operational from May 2013. In Northern Ireland the person may request a review of the decision not to prosecute.
Who undertakes this review?			The review is undertaken by a senior prosecutor within the CPS but independent of the original decision. This will continue to be the case when the new process is introduced in May 2013. In Scotland the Crown Office and Procurator Fiscal Service (COPFS) will undertake an internal review which can be escalated to a senior member of staff if necessary. In Northern Ireland if there is no additional evidence or information, the case will be considered by a Public Prosecutor other than the Public Prosecutor who initially took the decision under review. If there is additional evidence and information provided in or connected with a request to review a decision as to prosecution, the case will be reconsidered by the Public Prosecutor who initially took

⁴⁸ [UK] Parliament (1999), *Criminal Evidence (Northern Ireland) Order 1999*, available at: www.legislation.gov.uk/nisi/1999/2789/contents.

⁴⁹ [UK] Court of Appeal (2011), *R v Killick (Christopher)* [2010] EWCA Crim 1608, available at: www.bailii.org/ew/cases/EWCA/Crim/2011/1608.html

			the decision now under review.
Does the victim have the right to institute private prosecution in cases where the prosecutor drops charges? If yes, under what circumstances?	X		The right to bring private prosecutions is preserved by section 6(1) of the Prosecution of Offences Act 1985. ⁵⁰ There are, however, some controls, namely that the Director of Public Prosecutions has the power to take over private prosecutions (section 6(2)) and that, in some cases, the private prosecutor must obtain the consent of the Attorney General or of the Director of Public Prosecutions before the commencement of proceedings. This does not apply to Scotland. Leave to prosecute must be obtained by granting of a Bill of Criminal Letters by the High Court of Justiciary. A victim may also be able to initiate a civil case for damages.
Does the prosecutor's office have a dedicated hotline or mechanism whereby victims can inquire about the progress of a case?	X		Not for victims per se, but for witnesses. The CPS has a structured complaints process through which victims can enquire about the progress of their complaint. With the introduction of the new review processes as part of the VRR initiative in May 2013, the victim will also have a mechanism for enquiring about the progress of their review request. COPFS operates Victim Information and Advice (VIA) which assists victims. In Northern Ireland as part of the new statutory Victim Charter individuals will be kept informed about the progress of a case.

2.6.3. Right to be heard

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Some examples have been provided.

EXAMPLE:	Yes	No	Comments (Max word count 80 words)
Do victims have a right to be heard during criminal proceedings?		X	Victims are not a party in the case, and may or may not be called as a witness. However, they do have the right to complete a Victim Personal Statement. ⁵¹ In Northern Ireland victim personal statements can currently be submitted to the court. A legal entitlement will be provided in the new statutory Victim Charter.
Do victims have a right to supply evidence during criminal proceedings?		X	The provision of evidence is subject to prosecutorial discretion.
Is there a right for vulnerable victims to be questioned & testify in court in a protected manner – e.g. are screens in place when victims testify/video link available or other measures to separate victim from accused? Please specify whether this applies to all	X		Vulnerable or intimidated victims have the right to receive special measures in court. This includes victims who: are under the age of 18 at the time of the offence; suffer from a mental disorder within the meaning of the Mental Health Act 1983; have a significant impairment of intelligence or social functioning; have a physical disability or disorder. Intimidated victims include any victim where the quality of their evidence is likely to be affected because of their fear

⁵⁰ [UK] Parliament (1985), *Prosecution of Offences Act 1985*, available at: www.legislation.gov.uk/ukpga/1985/23/contents.

⁵¹ [UK] Crown Prosecution Service (2013), *Victim Personal Statement*, available at: www.cps.gov.uk/legal/v_to_z/victim_personal_statements/

<p>victims or just certain categories of victims (please specify):</p>		<p>or distress about testifying in court.</p> <p>Victims who are under 18 or suffer from a physical or mental capacity are automatically eligible. For others, except for complainants of sex or human trafficking offences (and certain gun crimes), a court will decide whether the quality of evidence is likely to be diminished by reason of fear or distress from testifying. The position in Northern Ireland is similar.</p> <p>In Scotland – Vulnerable Witnesses (Scotland) Act 2004⁵² as amended by the Criminal Justice and Licensing (Scotland) Act 2010⁵³ provides that children under age 16 (under age 18 in human trafficking cases) are automatically entitled to certain special measures and that where there is a significant risk that the quality of their evidence will be diminished by reason of either mental disorder or fear or distress in connection with giving evidence at the trial a witnesses can, at the discretion of the court; use special measures to assist them give their evidence. The Victims and Witnesses (Scotland) Bill was introduced to the Scottish Parliament on 6 February 2013 and will redefine vulnerable witness and the support available to assist them give their evidence.⁵⁴</p>
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2.6.4 Rights of victims at trial

The International Criminal Court (ICC) has created a special unit for victims and witness to provide support before, during and after the trial. Services are delivered by professionals who are often salaried employees of the court, and includes persons with expertise in trauma, including trauma from sexual violence. When providing testimony victims may also have support from family members, psychologists or legal representatives. These specialists are also able to advise prosecutors on appropriate security arrangements for victims and the court must take measures to protect the safety, physical and psychological well-being, dignity and privacy of victims. The statute allows for identities not to be made public, testimony to be provided by electronic means and the hearing to be confidential. The statute also calls for the court to establish principles relating to “reparations to victims, including restitution, compensation and rehabilitation” and to establish a trust fund which “works for victims by mobilizing people, funding opportunities for the benefit of victims and implementing court-ordered reparations awards.”

With the example of the ICC special victims’ unit in mind, please answer the following questions, choosing ‘yes’ or ‘no’ and providing a short description. If the answer is no, please provide a justification. Where ‘Yes’ or ‘No’ answers are not applicable (i.e. questions 2-4), ‘NA’ has been inserted. In these cases, please answer the question directly in the ‘Description/justification’ field.

⁵² [UK] Parliament (2004), *Vulnerable Witnesses (Scotland) Act 2004*, available at: www.legislation.gov.uk/asp/2004/3/contents.

⁵³ [UK] Parliament (2010), *Criminal Justice and Licensing (Scotland) Act 2010*, available at: www.legislation.gov.uk/asp/2010/13/contents.

⁵⁴UK] Scottish Parliament (2013), *Victims and Witnesses (Scotland) Bill*, available at: www.scottish.parliament.uk/parliamentarybusiness/Bills/59133.aspx.

		Yes	No	Description/justification (max 1-3 sentences)
1	Looking at your own criminal court system, is there a special unit or service for victims of crime providing support?		X	<p>'Victims' per se have no legal standing in UK criminal courts. However, criticism of the poor deal victims received in court, by both academics⁵⁵ and Victim Support,⁵⁶ led to the introduction of a Witness Service in all criminal courts throughout England and Wales by 2002, with similar services in Scotland and Northern Ireland.⁵⁷ This operates as a specialist unit within Victim Support for witnesses (including victims and other prosecution and defence witnesses), the Witness Service provides support to witnesses in advance of and on the day of the trial.⁵⁸</p> <p>Also within the courts in E&W are Witness Care Units, jointly run by the police and CPS.⁵⁹ Overseen by Local Criminal Justice Boards, but on a practical level 'line managed' by the police, Witness Care Units also provide 'generic victim support', working closely with Victim Support and the Witness Service. They provide a single point of contact for victims to allow earlier identification of victim and witness needs and enhanced co-ordination between the CPS and police.</p> <p>In Northern Ireland, a victim and witness care unit is due to be rolled out by the end of the year. At court witness support services are provided by NSPCC and VSNI. Where appropriate they will make referrals to other organisations.</p>
2	Is there a separate waiting area for victims at court?	X		There are a few exceptions, but in the vast majority of cases witnesses (including victims) have a separate waiting area in court. ⁶⁰
3	Is special seating reserved for victims at trial?		X	Seating is not usually reserved except in high profile cases where seating is limited – in such circumstances the court would usually reserve seating for the victim and their supporters. ⁶¹
4	What other services are			In E&W, Witness Care Units, jointly run by the police &

⁵⁵[UK] Shapland, J. (1984), 'Victims, the criminal justice system, and compensation', *British Journal of Criminology*, 24(2): 131–149; [UK] Shapland, J. and Cohen, D. (1987), 'Facilities for victims: The role of the police and the courts', *Criminal Law Review*, January: 28–38.

⁵⁶[UK] Ralphs, Lady (1988), *The victim in court: report of the working party*, London, NAVSS.

⁵⁷[UK] Victim Support N.I. (2011), *Annual Report*, see: www.victimsupportni.co.uk/; Victim Support Scotland (2010), *Annual Report 2010*, see: www.victimsupportsco.org.uk/lib/ii/Download/859/VSSAnnualReport2010-11.pdf?CFID=3769569&CFTOKEN=37214228.

⁵⁸Victim Support (2011), *Victim Support 2010/11: Impact report*, London, Victim Support, see: www.victimsupport.org/About-us/Publications/~media/Files/Publications/AboutOurCharity/VS-impact-report-2010-11; [UK] Mawby, R.I. (2007), 'Public Sector Services and the Victim of Crime', pp 209-239 in Walklate, S. (ed) *The handbook of victims and victimology*, Cullompton, Willan Publishing.

⁵⁹ [UK] Home Office (2005), *Rebuilding Lives – Supporting Victims of Crime Consultation*. London: Home Office. , available at: www.official-documents.gov.uk/document/cm67/6705/6705.pdf.

⁶⁰ [UK] Ministry of Justice (2013) Written response received by NFP during research implementation on 5 July 2013.

⁶¹ [UK] Ministry of Justice (2013) Written response received by NFP during research implementation on 5 July 2013.

	available?			the CPS, provide information to witnesses about the trial including when and where it will be taking place. They should also check the need for special measures if this information has been missed by other agencies. In addition court based Independent Domestic Violence Advocacy Services (IDVAs) and Independent Sexual Violence Advisors (ISVAs) may be available. ⁶²
5	Who provides the services (e.g. professional or specialised staff; volunteers etc)?			The Witness Service is run by Victim Support and uses specially trained staff and volunteers. ⁶³
6	In reference to question 5, do the service providers provide advice to prosecutors with respect to the safety, physical and psychological well-being, dignity and privacy of victims?	X		The Witness Service carries out a needs assessment with every witness and where safety concerns arise the court is notified, with the consent of the victim. If the victim or witness is subject to intimidation the Witness Service would notify both the Prosecutor and court security. ⁶⁴
7	Do they provide advice to judges with respect to the safety, physical and psychological well-being, dignity and privacy of victims?		X	Judges should have this information in the application submitted to the court by the prosecution. The Witness Service would not inform the judiciary directly but would provide this information to the court. Where the Witness Service acts as the supporter in the live link room there are protocols in place to make the court and judge aware of any concerns. ⁶⁵
8	Are the rights and protections that should be afforded to victims mentioned in the founding law (e.g. a statute) establishing the court?	X		Special Measures – Youth Justice Criminal Evidence Act 1999; ⁶⁶ Victims' Code – Statutory Code of Practice made under the Domestic Violence Crime and Victims Act 2004; ⁶⁷ In Scotland – Vulnerable Witnesses (Scotland) Act 2004 as amended by the Criminal Justice and Licensing (Scotland) Act 2010. ⁶⁸ In Northern Ireland Criminal Evidence (Northern Ireland) Order 1999. ⁶⁹
9	Do victims have the right to be accompanied by support persons during the trial?	X		Yes. Applications can be made to the judge to enable a victim to be accompanied whilst giving evidence, but this is dependent upon judicial discretion in each case. Victims can be accompanied by who they like during the trial – there are only restrictions in place when giving evidence. In Northern Ireland the position is similar. In Scotland – Vulnerable Witnesses (Scotland) Act 2004 as amended includes this as a special measure. ⁷⁰

⁶² [UK] Ministry of Justice (2013) Written response received by NFP during research implementation on 5 July 2013.

⁶³ [UK] Ministry of Justice (2013) Written response received by NFP during research implementation on 5 July 2013.

⁶⁴ [UK] Ministry of Justice (2013) Written response received by NFP during research implementation on 5 July 2013.

⁶⁵ [UK] Ministry of Justice (2013) Written response received by NFP during research implementation on 5 July 2013.

⁶⁶ [UK] Parliament (1999), *Youth, Justice and Criminal Evidence Act 1999*, available at: www.legislation.gov.uk/ukpga/1999/23/contents.

⁶⁷ [UK] Crown Prosecution Service (2013), *Code of Practice for Victims of Crime*, para. 5.5, available at:

www.cps.gov.uk/victims_witnesses/victims_code.pdf and [UK] Parliament (2004), *Domestic Violence, Crime and Victims Act 2004*, available at: www.legislation.gov.uk/ukpga/2004/28/contents

⁶⁸ [UK] Parliament (2004), *Vulnerable Witnesses (Scotland) Act 2004*, available at: www.legislation.gov.uk/asp/2004/3/contents; [UK]

Parliament (2010), *Criminal Justice and Licensing (Scotland) Act 2010*, available at: www.legislation.gov.uk/asp/2010/13/contents.

⁶⁹ [UK] Parliament (1999), *Criminal Evidence (Northern Ireland) Order 1999*, available at: www.legislation.gov.uk/nisi/1999/2789/contents.

⁷⁰ [UK] Parliament (2004), *Vulnerable Witnesses (Scotland) Act 2004*, available at: www.legislation.gov.uk/asp/2004/3/contents; [UK] Parliament (2010), *Criminal Justice and Licensing (Scotland) Act 2010*, available at: www.legislation.gov.uk/asp/2010/13/contents.

10	Can victims access & copy trial records	X	<p>According to the Ministry of Justice, results can be requested from the court and general transcript requests are made by application to the Judge. Under the Victims' Code, victims should be informed about sentencing outcomes. However, Victim Support seems unaware of this.</p> <p>In Northern Ireland victims will be informed about the outcome of the case under the new statutory Victim Charter.</p>
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2.6.5 Legal aid for victims:

Experts consider provision of legal advice the area where there is most room for improvement in the area of victim support activities, with significant advances needed to ensure free and easily accessible legal advice for all victims. With this in mind, please answer questions 1 -5 in the table below selecting only **one option** (a, b, c or d) for each question and providing a description under 'comments'. **Please specify what criteria, if any, entitle a victim to avail of certain categories of legal aid. There may be several criteria (as in the example below – please be as detailed as possible. If none of the descriptions match the situation in your country, please choose 'd' and provide a short explanation of the situation.**

Categories of legal aid		A: Available to all victims of crime as a fundamental right of victims	B: Available to certain categories of victims; e.g. only victims of serious crime, only victims who are nationals of that country etc. (please specify which victims are entitled to such advice):	C: Subject to other criteria; e.g. an economic 'means test' (please specify):	D: Other (please specify)
1. Free legal advice	Place X in appropriate column				X
	Comments:				Victims do not receive legal aid advice and assistance over and above any support provided by the CPS and police. However, witnesses in criminal proceedings may be provided with advice and assistance regarding self-incrimination.

2. Free legal representation	Place X in appropriate column				X
	Comments:				Victims do not receive representation through legal aid over and above that provided by the CPS as part of the criminal proceedings.
3. Exemption from court fees	Place X in appropriate column	X			
	Comments:	Victims are not party to criminal proceedings, and do not have to pay court fees if they are required to give evidence in criminal cases.			
4. Exemption from or reimbursement for expenses related to interpretation and/or translation	Place X in appropriate column				X
	Comments:				Victims involved in criminal proceedings

					(victims who are witnesses) will be entitled to translation free of charge to fulfil their role in proceedings, such as police interviews or giving evidence in court. However, no services are available for victims per se.
5. Reimbursement for loss of earnings, travel and accommodation costs with regard to role in criminal or civil proceedings	Place X in appropriate column				X
	Comments:				Available to all witnesses; victims have no specific legal status. Victims are entitled to reimbursement in specific cases laid out in the Crown Prosecution Service (Witnesses'

					etc Allowances) Regulations 1988. In NI, the Public Prosecution Service will pay expenses to the victim for their attendance in court as a witness giving evidence, in accordance with its expenses policy.
	The state	A victim support service	Both	Other (explain)	
2. Who provides legal aid? place 'X' in one column only)	X			The state provides legal aid, but victims have no right to legal aid.	

2.7 Compensation

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer: e.g. for question 2.7 (2), please select 'Yes' or 'No' and under comments, specify what measures victims can ask for during criminal proceedings. In cases where your country has already been placed in a particular category as an example, check that the category your country has been placed in (i.e. 'Yes' or 'No') is accurate and revise if necessary; i.e. by moving your country from the 'Yes' column to the 'No' column and vice versa.

	Victims' rights with regard to compensation	Yes	No	Comments and sources (max 2-3 sentences)
1	Do victims have the right to ask for compensation during criminal proceedings?	X		Victims may have suffered considerable distress, personal injury or financial loss and are entitled to have these facts and requests for compensation put to the court. Courts attach considerable importance to the making of compensation orders and must give reasons where they do not make an order. In addition to this requirement, section 63 Legal Aid, Sentencing and Punishment of Offenders Act 2012 inserted section 130 (2A) into the Powers of Criminal Courts (Sentencing) Act 2000 providing " A court must consider making a compensation order in any case where this section empowers it to do so". ⁷¹
2	Aside from compensation, do victims have the right to ask for other measures during criminal proceedings (e.g. return of property, reimbursement of expenses, measures for physical protection)?	X		Return of property at the conclusion of the criminal proceedings. In exceptional circumstances, the victim may be eligible for protection, for example, if they are part of the Witness Protection Programme.
3	Is compensation paid by the offender?	X		Compensation orders are governed by sections 130-133 Powers of Criminal Courts (Sentencing) Act 2000. ⁷²
4	Is there such thing as a 'victims of crime fund' that convicted persons must contribute to?	X		Victim Surcharge -Section 161A (1) of the Criminal Justice Act 2003 ⁷³ requires a court, when dealing with a person for one or more offences, to order the person to pay a surcharge. Prior to 1 October 2012, the

⁷¹ [UK] Parliament (2012), *Legal Aid, Sentencing and Punishment of Offenders Act 2012*, available at: www.legislation.gov.uk/ukpga/2012/10/contents/enacted.

⁷² [UK] Parliament (2000), *Powers of Criminal Courts (Sentencing) Act 2000*, available at: www.legislation.gov.uk/ukpga/2000/6/contents.

⁷³ [UK] Parliament (2003), *Criminal Justice Act 2003*, available at: www.legislation.gov.uk/ukpga/2003/44/contents.

			<p>surcharge was set at a fixed amount of £15 ordered alongside fines only. From 1 October 2012, following the Criminal Justice Act 2003 (Surcharge) Order 2012 (SI No. 2012/1696)⁷⁴ the amount of surcharge paid by a Defendant upon conviction will vary depending on the sentence imposed. For offenders aged 18 or over the surcharge will range from a minimum of £15 (conditional discharge) to a maximum of £120 (life imprisonment). For offenders under 18, the surcharge will range from £10 to £20 and for companies, it will range from £15 to £120. In cases of a mixed disposal, where the defendant is dealt with in different ways (e.g. a fine for one offence and custody for another) only one surcharge will be paid and the amount will be the higher of the possible options.</p> <p>In Northern Ireland statutory provision for the offender levy was made through the Justice Act (Northern Ireland) 2011,⁷⁵ with the first phase of its provisions commenced on 6 June 2012. The levy involves the mandatory imposition of a specified financial amount on certain sentences handed down by the court at the point of sentencing, as well as on fixed penalties offered by the police as an alternative to prosecution. Currently, the levy:</p> <ul style="list-style-type: none"> • applies to adult offenders only (those aged 18 years or over); • is set at a fixed, but escalating rate (ranging between £5 - £50) in proportion to the disposal or penalty given; • applies only once on the offender per group of offences in a particular case - attached
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⁷⁴ [UK] Parliament (2012), *Criminal Justice Act 2003 (Surcharge) Order 2012 (SI No. 2012/1696)*, available at: www.legislation.gov.uk/ukSI/2012/1696/contents/made.

⁷⁵ [UK] Parliament (2011), *Justice Act (Northern Ireland) Act 2011*, available at: www.legislation.gov.uk/nia/2011/24/contents.

				<p>to the sentence applied to the most serious offence committed;</p> <ul style="list-style-type: none"> • is not applied retrospectively – i.e. applicable only to those sentences given to offences committed on or after 6 June 2012; and • is collected and enforced by the courts in the same way as an existing monetary order, except where a period of immediate custody has been given, in which case the Prison Service will collect the levy by instalment from prisoner earnings in the first instance. <p>In Scotland – not currently although new legislation may introduce it. At present, compensation is dealt with by s249 of the Criminal Procedure (Scotland) Act 1995.⁷⁶ Victims can also seek damages through the civil courts.</p>
5	Does compensation paid by the offender under a 'victims of crime fund' go towards victim support services?	X		<p>The revenue raised by the Victim Surcharge is used to fund victim services through the Victim and Witnesses General Fund. In Northern Ireland revenue from the offender levy will resource a dedicated (and non-statutory) Victims of Crime Fund.</p>
6	Is compensation paid by the state?	X		<p>Criminal Injuries Compensation Scheme covers victims of violent crimes and compensates victims for the violence and psychological harm, but not material losses. From 27 November 2012 victims are not eligible for injuries valued at less than £1000. Where victims receive compensation from the offender, this amount is deducted from the amount of state compensation.</p> <p>In Northern Ireland there are five statutory compensation schemes for criminal injuries, criminal damage and actions taken under the Justice and Security (Northern Ireland) Act 2007.⁷⁷</p>

⁷⁶ [UK] Parliament (1995), *Criminal Procedure (Scotland) Act 1995*, available at: www.legislation.gov.uk/ukpga/1995/46/contents.

⁷⁷ [UK] Parliament (2007), *Justice and Security (Northern Ireland) Act 2007*, available at: www.legislation.gov.uk/ukpga/2007/6/contents.

7	Will the State advance payment of the compensation if the offender does not pay? Under which conditions?			Criminal Injuries Compensation applies whether or not the offender is identified or convicted. Where a compensation order is made for the offender to compensate the victim, this amount is deducted from the amount of state compensation. However, if the offender has failed to pay all or part of it, the CICA only deduct what has actually been paid from its award and recover the rest, up to the value of the award, from the offender. The offender would still be obliged to pay any remaining surplus to the victim. The practice of substituting Criminal Injuries Compensation Authority compensation for the offender's and recovering it is not set out in the Criminal Injuries Compensation Scheme and is therefore current policy only, subject to change at any time. A similar practice exists in NI.
8	Does a compensation order exist?	X		Compensation orders are governed by sections 130-133 Powers of Criminal Courts (Sentencing) Act 2000. ⁷⁸ In Scotland – compensation is dealt with by s249 of the Criminal Procedure (Scotland) Act 1995. ⁷⁹
9	Do prosecutors have the power to mediate between the offender and the victim?		X	The prosecutor's role is to draw the court's attention to its powers to award compensation and to invite them to make such an order where appropriate.
10	Do prosecutors have the duty to attempt to obtain compensation from the offender?	X		The prosecutor's role is to draw the court's attention to its powers to award compensation and to invite them to make such an order where appropriate.
11	Is compensation, when paid by the offender to the victim, taken into account in decisions to prosecute?		X	A compensation order will only be made once the offender has been convicted. The voluntary payment of compensation may be a factor that affects the victim's views of the crime and therefore may influence the public interest stage of the Code for Crown Prosecutors.

⁷⁸ [UK] Parliament (2000), *Powers of Criminal Courts (Sentencing) Act 2000*, available at: www.legislation.gov.uk/ukpga/2000/6/contents.

⁷⁹ [UK] Parliament (1995), *Criminal Procedure (Scotland) Act 1995*, available at: www.legislation.gov.uk/ukpga/1995/46/contents.

12	Is compensation, when paid by the offender to the victim, taken as a mitigating factor in sentencing?		X	<p>The Sentencing Council guidelines⁸⁰ follow a stepped approach. Step 2 (Starting points and category ranges) involves the consideration of mitigating factors. The payment of compensation is not a mitigating factor. However one factor which does appear is “remorse” which could be demonstrated by the voluntary payment of compensation. Compensation is specifically considered at stage 7 as an ancillary order after the sentence has been determined.</p>
13	Is there a limit from the time of the crime within which claims for compensation would have to be made? If yes, what is the time limit?	X		<p>The time limit is on the commencement of criminal proceedings. Summary only offences have a 6 month time limit.</p> <p>This is also covered by paras 87-89 of the Criminal Injuries Compensation Scheme 2012.⁸¹</p> <p>Paragraphs 87-89, reproduced below in full, set the background:</p> <p>87. Subject to paragraph 88, an application must be sent by the applicant so that it is received by the Authority as soon as reasonably practicable after the incident giving rise to the criminal injury to which it relates, and in any event within two years after the date of that incident.</p> <p>88. (1) Where the applicant was a child under the age of 18 on the date of the incident giving rise to the criminal injury, the application must be sent by the applicant so that it is received by the Authority:</p> <p>a) in the case of an incident reported to the police before the applicant's 18th birthday, within the period ending on their 20th birthday; or</p> <p>b) in the case of an incident reported to the police on or after the applicant's 18th birthday, within two years after the date of the first report to the police in respect of the</p>

⁸⁰ [UK] Sentencing Council (2013), *Sentencing Council Guidelines*, available at: <http://sentencingcouncil.judiciary.gov.uk/guidelines/guidelines-to-download.htm>.

⁸¹ [UK] Ministry of Justice (2012), *Criminal Injuries Compensation Scheme*, available at: www.justice.gov.uk/downloads/victims-and-witnesses/cic-a/am-i-eligible/criminal-injuries-comp-scheme-2012.pdf.

				<p>incident.</p> <p>(2) An application will not be accepted under this paragraph unless a claims officer is satisfied that the evidence presented in support of the application means that it can be determined without further extensive enquiries by a claims officer.</p> <p>89. A claims officer may extend the period referred to in paragraph 87 or 88 where the claims officer is satisfied that:</p> <p>a) due to exceptional circumstances the applicant could not have applied earlier; and</p> <p>b) the evidence presented in support of the application means that it can be determined without further extensive enquiries by a claims officer.</p> <p>In Northern Ireland, the Criminal Injury Tariff Scheme⁸² requires a claim for compensation to be lodged within two years of the incident. Criminal Injury (Compensation) (Northern Ireland) Order 1988⁸³ requires applications to be lodged within three years of incident. Under the Criminal Damage (Compensation) (Northern Ireland) Order 1977, there is a 6 month time limit.⁸⁴</p>
14	Do third country nationals have the right to apply for compensation?		X	<p>But some do. The residency requirements are set out in paragraphs 10-16 of the 2012 Criminal Injuries Compensation Scheme.⁸⁵ Those third country nationals with a right to compensation include: a close relative of a British citizen; a national of a member state of the European Union or the European Economic Area; a person who had a right to be</p>

⁸² [UK] Northern Ireland, Department of Justice (2002), *A Guide to the Northern Ireland Criminal Injuries Compensation Scheme 2002*, available at: www.nidirect.gov.uk/tariff_guide_02.pdf.

⁸³ [UK] Parliament (1988), *Criminal Injury (Compensation) (Northern Ireland) Order 1988*, available at: www.legislation.gov.uk/nisi/1988/793/contents/made.

⁸⁴ [UK] Parliament (1977), *Criminal Damage (Compensation) (Northern Ireland) Order 1977*, available at: www.legislation.gov.uk/nisi/1977/1247/contents.

⁸⁵ [UK] Ministry of Justice (2012), *Criminal Injuries Compensation Scheme*, available at: www.justice.gov.uk/downloads/victims-and-witnesses/cic-a/am-i-eligible/criminal-injuries-comp-scheme-2012.pdf.

				<p>in the United Kingdom by virtue of being a family member of a national of a member state of the European Union or the European Economic Area; a national of a State party to the Council of Europe Convention on the Compensation of Victims of Violent Crimes (CETS No. 116, 1983); a close relative of a British citizen; a victim of people trafficking.</p> <p>There are no residency requirements in the Northern Ireland Scheme.</p>
15	Do third country nationals with irregular status (i.e. residing in the country illegally) have the right to apply for compensation?		X	<p>The residency requirements are set out in paragraphs 10-16 of the 2012 Criminal Injuries Compensation Scheme. The main exception is a victim of people trafficking.</p> <p>There are no residency requirements in the Northern Ireland Scheme.</p>
16	Are there exceptions prescribed in law for different types of crimes? If yes, what are they?	X		<p>Damage to stolen property</p> <p>Section 130 (5) Powers of Criminal Courts (Sentencing) Act (PCC(S)A) 2000⁸⁶ provides that in cases of offences under the Theft Act 1968 or Fraud act 2006 compensation can be ordered against the defendant in respect of damage caused whilst the property was out of the possession of the owner regardless of how and by whom the damage was caused, provided the property has been recovered.</p> <p>However the power to award compensation under section 130(5) is limited to damage to property which is recovered; it does not apply to property which is not returned to the owner (R v Ahmad (1992) Cr. App. R. (S.) 212).⁸⁷</p> <p>Damage to motor vehicles</p> <p>The provisions of section 130 (5)</p>

⁸⁶ [UK] Parliament (2000), *Powers of Criminal Courts (Sentencing) Act 2000*, available at: www.legislation.gov.uk/ukpga/2000/6/contents.

⁸⁷ [UK] Crown Prosecution Service (2013), *Sentencing- Ancillary Orders Guidelines*, available at: www.cps.gov.uk/legal/s_to_u/sentencing_and_ancillary_orders_applications/.

			<p>PCC(S)A include damage to stolen motor vehicles.</p> <p>An order for compensation can only be made for damage resulting from an accident to a motor vehicle which was the subject of the charge (Quigley v Stokes (1977) 64 Cr. App. R. 198).⁸⁸</p> <p>A compensation order can only be made in respect of injury, loss or damage due to an accident arising from the presence of a motor vehicle on the road if it is in respect of injury, loss or damage for which the offender was uninsured and for which compensation is not payable by the Motor Insurer's Bureau; or the defendant has been charged with an offence under the Theft Act 1968.</p> <p>Even if the injury loss or damage does not result from an offence under the Theft Act 1968⁸⁹ or Fraud Act 2006⁹⁰ compensation orders are possible under section 130(6)(b).</p> <p>Compensation is not payable for loss or funeral expenses or bereavement suffered by a person's dependants because of his or her death due to an accident arising from the presence of a motor vehicle on a road (s.130(1)(b) PCC(S)A).</p> <p>Compensation involving a death</p> <p>Compensation for bereavement is limited to those who can claim under the provisions of the Fatal Accidents Act 1976, that is, the spouse or civil partner of the deceased, or, in the case of a minor, his parents (or mother in the case of to parents who are unmarried). The current limit is</p>
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⁸⁸ [UK] Crown Prosecution Service (2013), *Sentencing- Ancillary Orders Guidelines*, available at: www.cps.gov.uk/legal/s_to_u/sentencing_and_ancillary_orders_applications/.

⁸⁹ [UK] Parliament (1968), *Theft Act 1968*, available at: www.legislation.gov.uk/ukpga/1968/60/contents

⁹⁰ [UK] Parliament (2006), *Fraud Act 2006*, available at: www.legislation.gov.uk/ukpga/2006/35/contents

				£11,800. In Northern Ireland, the Criminal Damage (Compensation) (Northern Ireland) Order 1977, ⁹¹ provides compensation for damage caused to property. Certain criteria must be met and a threshold of £200 applies under this scheme.
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2.8 Cross border support

Please complete the information in the following tables, choosing 'Yes' or 'No' and providing a short explanation or justification for each answer. Where 'Yes' or 'No' answers are not applicable (i.e. questions 9-12), please place your answer directly in the 'Description' field.

	Victims' rights with regard to cross border support	Yes	No	Description (max 2-3 sentences per question)
1	Is there a formal system of cross-border referral of victims (to a victim support organisation in the state in which the victim lives) when the victim who has approached the VSO or competent authority is resident in another state?		X	All three UK Victim Support Schemes are members of the European Victim Support Organisations, but there is no formal system of cross-border referral of victims. Arrangements are, however, in place for cross-border referrals within the UK. If a British national has been a victim of homicide abroad the death will be notified to Victim Support through the Foreign and Commonwealth Office.
2	Can victims of crime report crimes in their own country if the crime was committed in another state?	X		Yes. When people are victims of crime abroad, Victim Support can deliver a service in England or Wales, Scotland or Northern Ireland. This appears to be relatively common although VSS keep no separate records.
3	Are victim support services made available to all victims, regardless of legal status, country of origin or nationality?	X		When non-residents are victims of crime in the UK, Victim Support is available within the UK. However, in practice this may prove difficult where the victim's UK address is not recorded or where a time delay means they are not contacted before they leave. ⁹² There is no requirement for the police to flag up such cases.
4	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.	X		The FCO (police services) assist foreign nationals who are bereaved victims of homicide in the UK. Victim Support has a contract with Language Line which enables individuals without English to receive support.

⁹¹ [UK] Parliament (1977), *Criminal Damage (Compensation (Northern Ireland) Order 1977*, available at: www.legislation.gov.uk/nisi/1977/1247/contents

⁹² [UK] Jones, C. (2007), *Tourism and crime: whose problem? A Cornish perspective*, Unpublished PhD, University of Plymouth; [UK] Jones, C. (2012), 'The tourist victim: paradise lost or paradise regained?', pp 185-202 in Jones, C., Barclay, E. and Mawby, R.I. (eds.) *The Problem of Pleasure: leisure, tourism and crime*, London, Routledge.

5	Is information made available to victims in different languages by the police? If yes, which languages?	X	As appropriate.
6	Is information made available to victims in different languages by victim support services? If yes, which languages?	X	Victim Support commissions interpreters from Language line which provides interpreting in approx 200 languages.
7	Do victim support services offer interpretation or translation services? If yes, in which languages?	X	In whatever language the victim speaks.
8	Does the main generic victim support organisation in your country maintain contact with victim support organisations in other countries? If yes, how? (E.g. through formal cooperation agreement; international consultative forums or conventions etc.)		Victim Support was a founder member of the European Forum for Victim Services, and currently participates actively in its successor, Victim Support Europe , ⁹³ through conference, consultative forums and conventions.
		Description (max 2-3 sentences per question)	
9	What is the mechanism for victims to apply for compensation once they are back in their own country?		Victim Support workers are not trained to work with compensation schemes outside of England and Wales. As a result Victim Support does not provide support in CIC claims where the crime is committed abroad, or where a foreign national makes claims abroad for a crime committed in the UK, although informal support may be offered.
10	What is the number of victims accessing victim support services who are non-nationals of the state?		No records are available on this. This is partly due to Victim Support's record keeping, but stems from ambiguities in police recording of victims' nationalities, addresses etc. ⁹⁴
11	Describe any special mechanism for victims of crime from other countries to access support. E.g. via website etc.		No special mechanisms.
12	Are there any measures put in place for the protection of a victim's right to privacy when dealing with cross border victims?		Nothing specific, but Victim Support's services are confidential and there are clear policies and procedures for data protection.

2.9. The role of volunteerism in victim support

From the research carried out in phases 1 & 2, one of the most striking features of the more robust generic victim support systems in Europe is the crucial role played by volunteers.

- a. **With this in mind, please provide an overview (max 500 words) of the tradition of volunteerism in the area of the victim of support in your country; i.e. outlining whether such a culture exists, what is the historical background for why it does or does not exist; how is the situation changing and focusing on any discernible trends; explaining also the typical profile of volunteers who work in the field - e.g. well educated? Professional background - working in a particular field (e.g. legal, social work); typical tasks? (E.g. provision of legal/psychological advice? Or restricted to informing victims of rights etc.).**

⁹³ Victim Support Europe, available at: www.victimsupporteurope.eu/about/.

⁹⁴ [UK] Jones, C. (2007), *Tourism and crime: whose problem? A Cornish perspective*, Unpublished PhD, University of Plymouth; [UK] Jones, C. (2012), 'The tourist victim: paradise lost or paradise regained?', pp 185-202 in Jones, C., Barclay, E. and Mawby, R.I. (eds.) *The Problem of Pleasure: leisure, tourism and crime*, London, Routledge.

How many hours a week do volunteers typically give of their time? Are numbers of volunteers increasing or decreasing?

Traditionally the voluntary sector has played a crucial role in the UK, and this applies within the criminal justice system.⁹⁵ The first Victim Support Scheme was launched in Bristol in 1973/74 and was, from the start, a not-for-profit NGO, dependent upon volunteers to manage the organisation and provide front-line services,⁹⁶ and this model continued for other schemes based on the Bristol model that were formed across the country. While Victim Support (England and Wales) continues as an NGO with charitable status, the nature of the organisation has changed dramatically since then. For example, it is now a national organisation, employing trained staff who both manage the service and provide front-line services. Volunteers are, nevertheless, still crucial to the organisation, being involved on central and local committees and providing considerable direct support to victims, albeit the number of volunteers and the ratio of volunteers to employees have declined. In 2010-2011 there were over 6,500 trained volunteers and around 1,500 staff: a shift from 15.2 volunteers per staff member in 1999 to 4.3 in 2011. Although the most dramatic decline in volunteers has been due to the abandoning of local management committees, there has also been a decline in volunteers at the front-line, possibly reflecting increased competition for volunteers by other organisations. Despite this shift in balance, Victim Support estimated that the work of its volunteers was worth at least £20 million a year in salary costs alone in 2010-2011.⁹⁷ At the beginning of 2011, approximately 2,600 volunteers were involved with victims in the community, 3,000 engaged in the Witness Service, and 200 in administration or fundraising.⁹⁸

In 2010-2011 Victim Support Scotland had 122 FTE staff and 750 volunteers.⁹⁹ According to Victim Support Scotland, the witness service volunteers work one day a week in the courts, and community-based volunteers typically volunteer for 3 – 4 hours a week or less as required. In Northern Ireland there were around 60 paid staff and 213 volunteers in 2012.¹⁰⁰ While this suggests a lesser dependence on volunteers, the 2010/11 Annual Report notes that 213 volunteers contributed 23,309 hours during the 12 month period.¹⁰¹

Research, now dated, suggested that volunteers for Victim Support tended to be middle aged, middle class and predominantly women.¹⁰² Impressionistic evidence from the Ministry of Justice and Victim Support suggests that diversity of volunteers has increased and averages ages fallen, but there are no available data to support this claim.

- b. If there is no tradition of volunteerism in the area of the victim of support in your country, please outline (in max 500 words) any recent initiatives or attempts in the area of victim support to encourage a greater culture of volunteerism.**

N/A

⁹⁵ [UK] Gill, M. and Mawby, R.I. (1990), *Volunteers in the Criminal Justice System*, Milton Keynes, Open University Press.

⁹⁶ [UK] Gay, M.J., Holton, C. and Thomas, M.S. (1975), 'Helping the victims', *International Journal of Offender Therapy and Comparative Criminology*, 19, 263-9.

⁹⁷ [UK] Victim Support (2011), *Victim Support 2010/11: Impact report*, London, Victim Support, p.3, available at: www.victimsupport.org/About-us/Publications/~media/Files/Publications/AboutOurCharity/VS-impact-report-2010-11.

⁹⁸ [UK] Victim Support (2011), *Trustees' annual report and financial statement for the year ended 31 March 2011*, London, Victim Support, p.15, available at: www.victimsupport.org/About-us/Publications/~media/Files/Publications/AboutOurCharity/report-accounts-2011.

⁹⁹[UK] Victim Support Scotland (2010), *Annual Report 2010*, available at: www.victimsupportscotland.org.uk/lib/libDownload/859/VSSAnnualReport2010-11.pdf?CFID=3769569&CFTOKEN=37214228.

¹⁰⁰[UK] Victim Support Northern Ireland (2012), *Strategy 2012-2016*, available at www.victimsupportni.co.uk/userFiles/File/VSNi%20Strategic%20Plan%202012-2016.pdf.

¹⁰¹ [UK] Victim Support Northern Ireland (2011), *Annual Report 2011*, available at: www.victimsupportni.co.uk/

¹⁰² [UK] Gill, M. and Mawby, R.I. (1990), *Volunteers in the Criminal Justice System*, Milton Keynes, Open University Press.

2.10. The tradition of social work

In max 400 words, please provide an overview of whether there is a tradition of social work in your country, and if so, in what way (if any) is it linked to the victim support services structure in your country. In your answer, please include the level of education of a typical social worker (e.g. is university or third level education necessary?).

Social work has a long, established tradition in the UK. Social workers work with individuals and families to help improve outcomes in their lives. This may be helping to protect vulnerable people from harm or abuse or supporting people to live independently. Social workers support people, act as advocates and direct people to the services they may require. Social workers often work in multi-disciplinary teams alongside health and education professionals.

Social workers work with a variety of people including vulnerable older people, children with disabilities, teenagers with mental health problems, young offenders, adults with learning disabilities, adults with a mental health problems, adults with a physical ability, people with alcohol, drug or other addictions, refugees and asylum seekers, people who are socially excluded, families where there is a risk of family breakdown; people, including children who are at risk of abuse or neglect, or have been abused and neglected, etc. Inevitably, then, their work overlaps that of Victim Support. However, except in the case of child victims of violence or sexual abuse, social workers are not formally part of victim services.

Probation Officers, who are now separately trained and come under the Ministry of Justice, have closer links with victim support: probation officers were involved with the original formation of Victim Support England & Wales and commonly served on management committees, and probation retains responsibility for post-sentence services for victims.¹⁰³

In Northern Ireland, the Department of Justice funded NSPCC Young Witness Service does employ social workers for the specialised support provided to young witnesses at court.

Promising practices in the area of victim support

From the following list of promising practices (detailed explanations found under Annex 1), please identify whether there is a similar practice in your country (yes or no) and provide a brief explanation/description. If you have identified other promising practices not similar to the ones presented here, please provide details under '16' – 'Other promising practices'.

	Promising practice	Does a similar practice exist in your country?		Short description of the practice in your country, outlining similarities; differences etc. If there is no such practice, please provide a justification for this (e.g. this is not an issue; it is dealt with in other ways; it is a gap that still needs to be addressed)
		Yes	No	
1	Initiative to provide cross-border victims of crime with basic information: In May 2009, the Inter-Regional Crime Prevention working group of the <i>Grande Région</i> (LU, FR, DE, BE) published a basic information guide for victims, detailing what to do in the event one is a victim of a crime or an accident.		X	Victim Support serves UK victims of crime abroad and non-resident victims of crime in the UK, but there are no specific, dedicated initiatives in place.
2	Assistance to tourist victims of crime: e.g. In Ireland , the		X	Victim Support provides support

¹⁰³ [UK] Mawby, R.I. (2007), 'Public Sector Services and the Victim of Crime, pp 209-239 in Walklate, S. (ed) *The handbook of victims and victimology*, Cullompton, Willan Publishing.

	Irish Tourist Assistance Service (ITAS) is specialist service offering immediate support and assistance to tourists who are victimised while visiting Ireland. The Service is free and confidential. ITAS is run by staff and volunteers who speak a variety of languages.			to tourists who have been victims of crime while they are in the UK, but there are no plans to offer a dedicated specialist service. ¹⁰⁴
3	Schemes for compensatory fines to help fund support services: In addition to other funding sources, several EU Member States generate money for generic victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime (for example, in BE, LT, NL, PL & SE).	X		The Victim Surcharge was introduced in 2007 and was subsequently revised with effect from 1st October 2012, following Consultation Paper CP3/2012. ¹⁰⁵ The aim behind the surcharge is to make offenders contribute more to the costs of providing victims' services, thereby reducing the burden on central government and ultimately the taxpayer. New legislation has been published which might result in this being set up in Scotland.
5	In some countries, victims can be accompanied in court by victim support services, ensuring a fuller realisation of victims' rights and helping to prevent secondary victimisation.		X	Requests for Registered Intermediaries can be made by the prosecution to a judge. As noted above, victims receive no special privileges. However, in the case of victim-witnesses, the Witness Service will offer support in court, and for victims in general it is possible that Victim Support would accompany non-witness victims to court, although this is rare.
6	In some countries, victims are provided with free psychosocial and legal assistance throughout the entire criminal proceedings.		X	Victims are referred to free counselling and support services where appropriate, and this may apply during trial.
7	Some countries have legal clinics that provide free legal assistance to victims of crime.		X	
8	Some countries are exploring new and innovative ways of disseminating information to victims of crime in the form of web-based material, using social media and e-support etc. e.g. In SE, the Crime Victim Compensation and Support Authority initiated web-based information site called the Trial School which uses narrators' voices, texts, photographs, films and 3D animations to explain what happens at a court trial. Victim Support Finland (RIKU) operates a mobile phone service providing advice to crime victims through automatic text messages, while in NL; the Victim Support fund has a website and a smart	X		Information is available to victims of crime through NGO websites and the Government owned gov.uk website. VS can provide help using text messaging if this is the victim's preferred method of contact, and by email. In future Victim Support will have systems in place to help victims routinely using text, if they want this. There is also a

¹⁰⁴ [UK] Jones, C. (2007), *Tourism and crime: whose problem? A Cornish perspective*, Unpublished PhD, University of Plymouth; [UK] Jones, C. (2012), 'The tourist victim: paradise lost or paradise regained?', pp 185-202 in Jones, C., Barclay, E. and Mawby, R.I. (eds.) *The Problem of Pleasure: leisure, tourism and crime*, London, Routledge.

¹⁰⁵ [UK] Ministry of Justice (2012), *Getting it right for victims and witnesses*, Consultation Paper CP3/2012, MoJ, London, January 2012, available at: www.justice.gov.uk/downloads/consultations/getting-it-right-for-victims-and-witnesses.pdf

	phone app to guide victims to support organisations.			website, which victims increasingly use to self refer. They can also use this to find out about the services provided.
9	Some countries have created a 'Victim's Charter' which, not a legally binding document in itself, rather aims to describe the criminal justice system to a victim of crime, setting out victims' rights and providing clear information in relation to various aspects of criminal proceedings, state agencies, victim support organisations etc. (e.g. what happens when a crime is reported; what to expect during the investigation process, which agencies are involved in providing support etc.).	X		England and Wales ¹⁰⁶ and Northern Ireland ¹⁰⁷ have a statutory Code of Practice for Victims of Crime. In Scotland, the need to take account of the views of victims is set down in paragraph (v) of the public interest considerations in the Crown Office and Procurator Fiscal Service Prosecution Code.
10	In SE referral from the police works effectively since several local BOJ victim support services operate on the same premises as the local police station which also is seen as a way to quickly identify victims. All police districts, in over 100 districts around Sweden, have a Crime Victim Emergency Service. People who have training in and experience of the issues faced by victims of crime are available at these offices.		X	Not specifically, although VS local services have in some cases been based in police stations. Traditionally, VS in the UK, especially in E&W, has enjoyed good cooperation from the police. ¹⁰⁸
11	The multi-disciplinary, national referral system introduced in Bulgaria with regard to trafficking might be considered a promising practice.		X	The UK manages a contract with the Salvation Army to provide support to victims of trafficking and operates a National Referral Mechanism through which practitioners refer suspected victims of trafficking.
12	As part of the National Social Roma Inclusion Strategy in HU, Roma victim support volunteers are recruited to work in the volunteer support network. There is also a network of on-site legal aid stations led by an active member of the local Roma community, while the attorneys of the organisation are available online and provide free legal advice via Skype. Their area of operation also includes legal support to victims of hate crime.		X	
13	Police forces in England and Wales have policies on dealing with repeat victimisation. An example of such a policy is the Thames Valley Police policy on repeat victimisation (drafted and audited in accordance with Human Rights Act 1998): Sample Extract from the policy: 1. Rationale 1.1 Research and organisational experience indicate that victims of crime and other incidents may be targeted for	X		

¹⁰⁶ [UK] Crown Prosecution Service (2013), *Code of Practice for Victims of Crime*, available at: www.cps.gov.uk/victims_witnesses/victims_code.pdf.

¹⁰⁷ [UK] Department of Justice, Northern Ireland (2012), *Code of Practice for Victims of Crime*, available at: www.dojni.gov.uk/index/publications/publication-categories/pubs-criminal-justice/c-o-p-for-victims-of-crime-sept-2012.pdf.

¹⁰⁸ [UK] Mawby, R.I. (2007), 'Public Sector Services and the Victim of Crime', pp 209-239 in Walklate, S. (ed) *The handbook of victims and victimology*, Cullompton, Willan Publishing.

	<p>subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, domestic violence and hate crime.</p> <p>1.2 Repeat incidents often occur soon after the initial victimisation; therefore it is important to take preventative measures quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative.</p> <p>1.3 Every victim should be asked whether they have been subject to other offences. The primary means to prevent repeat victimisation is to arrest and prosecute the offender, although other tactical options are available [...].¹⁰⁹</p>			
14	<p>Many countries have practices in place to respect the rights of victims during court proceedings, particularly with regard to their rights to privacy and protection; e.g. the trial being conducted behind closed doors; witness' testimony being taken so they do not come into contact with accused (e.g. in SI, taking of testimony using technical devices (protective screen, voice disguising devices, transmission of sound from separate premises and other similar technical devices); ban on use of images related to the victimisation; other measures undertaken by judges or prosecutors (or jury?) in respect of victims' rights? (e.g. jurors in FR swear an oath pledge not to betray the interests of the victim).</p>	X		<p>Special measures may be put in place for vulnerable or intimidated victims who are witnesses subject to agreement by the court. The provisions are contained in the Youth Justice and Criminal Evidence Act 1999¹¹⁰ and include the removal of wigs/gowns, giving evidence behind a screen, communication aids, giving evidence by live link, children being accompanied by an appropriate adult etc.</p> <p>In Scotland special measures are provided for in the Vulnerable Witnesses (Scotland) Act 2004 as amended.¹¹¹ The Victims and Witnesses (Scotland) Bill was introduced to the Scottish Parliament on 6 February 2013 and will redefine vulnerable witness and the support available to assist them give their evidence.¹¹²</p> <p>In Northern Ireland special measures are provided for in the Criminal Evidence (Northern Ireland) Order 1999.</p>
15	<p>In some countries, police, prosecutors and judges work for victim support organisations in an official capacity that forms part of their training (e.g. in Austria)</p>		X	

¹⁰⁹ www.thamesvalley.police.uk/pub-policiesandprocedures-repeat-victimisation.pdf

¹¹⁰ [UK] Parliament (1999), *Youth, Justice and Criminal Evidence Act 1999*, available at: www.legislation.gov.uk/ukpga/1999/23/contents

¹¹¹ [UK] Parliament (2004), *Vulnerable Witnesses (Scotland) Act 2004*, available at: www.legislation.gov.uk/asp/2004/3/contents; [UK] Parliament (2010) *Criminal Justice and Licensing (Scotland) Act 2010*, available at: www.legislation.gov.uk/asp/2010/13/contents.

¹¹² [UK] Scottish Parliament (2013), *Victims and Witnesses (Scotland) Bill*, available at: www.scottish.parliament.uk/parliamentarybusiness/Bills/59133.aspx.

16	Other promising practices: please include any other promising practices in your country with regard to victim support and enabling victims' to exercise their rights.	X	<p>Victim Support has a new national homicide service, centrally based and funded by the Ministry of Justice, deploying a multi-agency team of specialists to support secondary victims of homicide.¹¹³</p> <p>In Northern Ireland a young witness service is operated by the NSPCC to provide support to those under 18, when giving evidence at court.</p>
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2.12 Role of the victim in practice

When it comes to perceiving or conceptualising victims of crime, certain ideal types or models can be distinguished. Based on your research and responses so far, please choose one from the following 4 descriptions of the role of the victim in the criminal justice system of your country (if possible indicating the most common view of legal practitioners (judges, prosecutors, lawyers) in your country. (If you believe that there are different perceptions of victims depending on various types of criminal offences, please consider cases of violent crimes.):

	Please choose the most appropriate description of how the victim is perceived in the criminal justice system	Place X in the appropriate box (choose only one)	Explanation (maximum word count 200)
1	The victim is seen essentially as a witness.		
2	In addition to 1, if the victim has suffered damage as a consequence of a criminal offence, importance is attributed to allowing the victim to claim compensation within the framework of criminal proceedings.	X	
3	In addition to 1 or 2, the victim is seen as a person who has suffered moral harm and therefore is in need and deserving of help.		Increasingly, the Government has moved victims towards the centre of the criminal justice system. This applies in England and Wales; Scotland and Northern Ireland. The Ministry of Justice felt that 3 was the most appropriate answer. However, Victim Support felt that 2 was most appropriate. There is no perception in the UK that ALL victims are deserving and in need – indeed, the premise behind CIC is that only ‘deserving’ victims are entitled to compensation – and, following Consultation Paper CP3/2012, ¹¹⁴

¹¹³ [UK] Victim Support (2011), *Trustees' annual report and financial statement for the year ended 31 March 2011*, London, Victim Support, available at: www.victimsupport.org/About-us/Publications/-/media/Files/Publications/AboutOurCharity/report-accounts-2011.

¹¹⁴ [UK] Ministry of Justice (2012), *Getting it right for victims and witnesses*, Consultation Paper CP3/2012, MoJ, London, January 2012, available at: www.justice.gov.uk/downloads/consultations/getting-it-right-for-victims-and-witnesses.pdf.

				current government policies appear to be shifting towards restricting services for less needy and/or less deserving victims.
4	In addition to 1, 2 & 3, the victim is perceived as a person whose rights have been violated by the criminal offence and who therefore is entitled to see that justice is done and, to that end, to participate in criminal proceedings.			
In the new EU Victims' Directive, the Commission refers to the varying roles of victims in criminal proceedings in each Member State as being determined by one of the following criteria. ¹¹⁵ With regard to the following descriptions, please choose 'yes' or 'no' for each concerning the role of the victim in the criminal justice system of your country, and provide a short explanation.				
	Description of victims' role in EU Directive	Yes	No	Explanation (maximum word count 200)
1	The national system provides for a legal status as a party to criminal proceedings;		X	
2	The victim is under a legal requirement or is requested to actively participate in criminal proceedings, for example as a witness	X		The prosecution decides what evidence to present which will most commonly include evidence from the victim. Victims are compelled to give evidence if cited.
3	The victim has a legal entitlement under national law to actively participate in criminal proceedings and is seeking to do so, where the national system does not provide for a legal status as a party to the criminal proceedings.		X	However, the victim can also submit a Victim Personal Statement.

¹¹⁵ See Recital 20 of the Victims' Directive, p 11 (<http://register.consilium.europa.eu/pdf/en/12/pe00/pe00037.en12.pdf>).

IMPORTANT:

In accordance with question 2.2.1b, if you have identified your country as belonging to category 'A'; please respond only to questions 3.3 and 3.4 of part B.

In accordance with question 2.2.1b, if you have identified your country as belonging to any category other than 'A'; please respond only to questions 3.1 – 3.3 of part B.

Part B:

3.1 Establishment of generic victim support organisations*¹¹⁶

3.1.1 Please outline who (i.e. state or non-state actor) took the initiative for first setting up victim support services.

Max 250 words

The first Victim Support Scheme was launched in Bristol in 1973/74 and, despite a hesitant start and little funding, the scheme expanded and victim assistance gained national recognition.¹¹⁷ Bristol Victim Support was a not-for-profit NGO, and this model continued for other schemes that were formed across the country. In 1979 the National Association of Victim Support Schemes was established. During the 1980s and 1990s the expansion continued.¹¹⁸ Financial support was originally gained from a number of private sponsors but schemes

¹¹⁶ Questions marked with * should NOT be answered by countries falling into category 'A' (in accordance with question 2.2.1)

¹¹⁷ [UK] Gay, M.J., Holton, C. and Thomas, M.S. (1975), 'Helping the victims', *International Journal of Offender Therapy and Comparative Criminology*, 19, 263-9.

¹¹⁸ [UK]Maguire, M. and Corbett, C. (1987), *The Effects of Crime and the Work of Victim Support Schemes*, Aldershot, Gower; [UK] Mawby, R.I. and Gill (1987), *Crime victims: needs, services and the voluntary sector*, Tavistock, London.; [UK] Mawby, R.I. and Walklate, S. (1994), *Critical victimology*, Sage, London.; [UK] Rock, P. (1990), *Helping Victims of Crime*, Oxford, Clarendon Press; [UK]Russell, J. (1990), *Home Office Funding of Victim Support Schemes — Money Well Spent?* London, HMSO (Home Office Research and Planning Unit paper no.58).

became dependent upon government funding.¹¹⁹ Funding in kind also occurred where agencies like local councils and probation gifted office space to the organisation. While Victim Support continues as an NGO with charitable status, the nature of the organisation has changed dramatically since then. Encouraged by central government that has provided significant funding, this culminated in 2007/08 in a single Victim Support charity created covering England and Wales.

Victim Support Scotland started in 1981 following a similar pattern. Victim Support groups in Scotland were initially established in local communities by volunteers. Subsequently an umbrella group, Victim Support Scotland, was set up to co-ordinate the work of these local schemes. In due course the schemes became part of one single organisation, Victim Support Scotland.

Victim Support Northern Ireland was founded in 1982 and was originally funded by the charity Bryson House.

3.1.2 Where did the money come from to support this first attempt?

Max 150 words

The first Victim Support was set up by volunteers with no funding.

Local fundraising. Local authority grants.

In Northern Ireland VSNI was originally funded by the Northern Ireland charity Bryson House. The Probation Board took over the funding for the Victim Support organisation in 1984 which was followed in 1988 with the Northern Ireland Office taking over funding.

¹¹⁹ [UK] Russell, J. (1990), *Home Office Funding of Victim Support Schemes — Money Well Spent?* London, HMSO (Home Office Research and Planning Unit paper no.58)..

3.1.3 What were the circumstances leading to the establishment of the victim support service(s)?

Max 200 words

The first Victim Support Scheme was launched in Bristol in 1973/74 following interagency discussions between the probation service, police and magistracy. It was run and serviced by volunteers drawn from the local community. Despite a hesitant start, the scheme expanded and victim assistance gained national recognition.¹²⁰ Bristol Victim Support was, from the start, a not-for-profit NGO, and this model continued for other schemes based on the Bristol model that were formed across the country.

The emergence of schemes in Scotland and Northern Ireland followed this model. While Northern Ireland was incorporated into the E&W structure (and continued as such until 2007/8), Scotland originated and remained separate.

3.1.4 Quality standards

	Yes	No	Description (max 3-5 sentences)
Do formally adopted key performance indicators exist in relation to the quality of services provided by generic victim support services? If yes, please describe them.	X		Qualitative outcomes measures (eg feelings of safety, satisfaction with service) as well as quantitative measures are monitored (eg numbers of victims/witnesses supported, work volumes, volunteer numbers etc) and published annually. These are monitored at quarterly outcomes meetings with VS, MOJ policy officials and analysts. We ask victims questions about the support they received at the end of

¹²⁰ [UK] Gay, M.J., Holton, C. and Thomas, M.S. (1975), 'Helping the victims', *International Journal of Offender Therapy and Comparative Criminology*, 19, 263-9.

		<p>support. This involves questions on various outcomes for them, as well as their satisfaction with our services. We also measure Key Performance Indicators about the range, methods and number of services that have been provided.</p> <p>In Northern Ireland outcomes and targets are agreed annually with VSNI and are monitored quarterly at bilateral meetings between VSNI and DOJ officials.</p> <p>To varying degrees, victim support services have been encouraged by central government to monitor its services to victims, for example by carrying out postal surveys of victims. However, while reference is often made to these surveys, for example in the 2011-2012 Report,¹²¹ the principle finding cited is regarding overall 'customer' satisfaction.</p>
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3.2 Personnel (professional staff and volunteers)*:

Taking the below as an example, please provide information with regard to professional staff and volunteers working in the area of generic victim support in 2012 (if more than one organisation dealing with generic victim support please produce a separate table for each organisation).

Country	Name of organisation	Professional staff	Volunteers
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¹²¹ [UK] Victim Support England and Wales (2012) Trustees' Annual Report 2011-2012, available at: www.victimsupport.org.uk/About-us/Publications/~/_media/Files/Publications/AboutOurCharity/trustees-Report-accounts-2011-12.

		# staff	hours contracted per week	# volunteers	hours contracted per week	Value of volunteer work
E&W	Victim Support E&W	1,200	various	6,500	various	£20.3m
Scotland	Victim Support Scotland	Approx 130	35	Approx 1000	N/a	

3.3 Services provided by the state:

From the below list, please answer 'yes' or 'no' if the following general services are provided directly by the state free of charge to victims and provide a short description – **to be answered by all.**

Services provided to victims by the state (free of charge)	Yes	No	Description
a Free legal advice by courts or free legal assistance		X	The staff of Her Majesty's Court and Tribunal Service are not legally trained and must remain neutral at all times. The position is similar in Northern Ireland.
b Free health/psychological assistance (e.g. crisis intervention centres)		X	Victims of course are able to access services via the National Health Service, but no specific recognition or rights as victims and no victim-specific health services.
c Emergency financial assistance		X	
d Court accompaniment/support services	X		Witnesses are offered pre-trial familiarisation visits to court before giving evidence. The nationally commissioned Witness Service also offers help and support to witnesses, including victims who are witnesses. Similar services are in place in Scotland and NI.
e Other (specify)			N/A

3.4 (Failed) Attempts to establish national generic victim support service provider**122

Please describe whether there has ever been any attempt to establish a generic victim support service organisation in your country, specifying the year in which it was established and who attempted it (i.e. state or non-state actor). Why did it not succeed? If you cannot identify such an attempt, please explain the absence of the establishment of such an organisation (historical reasons etc.) and identify whether there is any discussion at government level/media etc. concerning the need to establish/improve services for victims.

Max 250 words

N/A

Annex 1 – Country codes

Code	Name of country
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark

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**This question should ONLY be answered by countries falling into category 'A' (in accordance with question 2.2.1).

EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	The Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom

Annex 2 –list of generic victim support organisations by country

In accordance with question 2.2.1a, please review the list and short description of structure of generic victim support organisations operational in your country and edit as necessary, ensuring that all significant victim support providers (especially those operating at national level) are mentioned.

Countries shaded in green have been identified (on the basis of country reports submitted for phases 1 & 2 of the project) as not having any generic victim support organisations. These countries should please provide a short list of the main organisation(s) providing victim support in one of the two specialised areas of victim support focused on in the phase 2 country report (see annex 3 for a list). As a default, please select the area ‘Domestic violence and stalking’.

	Name/short description of organisation(s)
AT	In every of Austria’s nine provinces (<i>Bundesländer</i>), branches of national organisations and local victim support organisations are operative. Weisser Ring (NGO) is currently the largest general victim support organisation operating in Austria. Today, the White Ring operates out of a federal office in Vienna and nine branches in all Austrian provinces, as well as 14 representation offices at regional level.
BE	Bureaux d’assistance aux victimes; Victim’s reception service in each of the 27 judicial districts and at the community level, assistance to victims is organized through Centres for Victims of Crime;
BG	
CY	The Social Welfare Services which is the only umbrella service providing support to various victim “groups”, the rest of the initiatives are targeted on specific victim “groups” and are under the non-governmental sector. However, the services provided by the SWS are targeted mainly towards victims of domestic violence and victims of trafficking.
CZ	The Probation and Mediation Service (“PMS”); the White Circle of Justice
DE	The largest volunteer victim support service (operating nationwide) is the Weisser Ring e.V. In Berlin, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse independent victim support charities (Opferhilfe e.V) run local offices. A nationwide coverage of professional victim support services does not exist, although a number of the professional support services are organised under the auspices of the umbrella organisation Working Group of Victim Support in Germany ‘ado’. In many states (Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia) generic professional victim support services as described above do

	not maintain offices. Here volunteer support services fill this gap.
DK	The Victim Support in Denmark (VID) (Offerrådgivningen, OID). The general victim support service in Denmark consists of 33 different general local entities with VID as their umbrella organisation.
EE	The citizen-initiated Union of Support to Victims of Crime "Victim Support" (Kuriteoohvrite Toetamise Uhing "Ohvriabi"), founded in 1994. It is still the only organisation that provides support to victims of crime in general, without specialisation to any type of victim group.
EL	
ES	The management of the Offices for Support to Victims of Crimes (Oficinas de Asistencia a las Víctimas de Delitos, OAV) is the responsibility of regional governments having the Spanish government used the ability to "set up management agreements entrusted with the Autonomous Communities and local Corporations". In Spain, these are the only victim support services that can be considered to have a generic character because of dealing with many sorts of victims particularly since this very year.
FI	In 1994, Victim Support Finland (Rikosuhripäivystys / Brottsofferjouren) began its activities. It was the first organisation to offer victim support services and still is the only organisation providing services to victims of various different types of crimes, as most other third sector actors specialise in providing assistance to certain specific victim groups.

FR	The National Institute for Victims and Mediation (L'Institut national d'aide aux victimes et de médiation, INAVEM) was established in 1986 to promote greater coherence and activity for victim support services. Since June 2004, the INAVEM has had the status of federation, representing member associations (www.inavem.org). Services for victims (services d'aide aux victimes, SAV) are members of the INAVEM. 150 associations are adherents to the INAVEM and provide psychological, logistic, financial and legal support to victims .
HR	County Court level: There are special departments for victim and witness support (Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama), established at the following seven county courts as part of the court administration: Zagreb, Split, Rijeka, Osijek, Zadar, Vukovar, Sisak. Special departments provide victim and witness support in trials for all criminal offences.
HU	Metropolitan and county offices of the Victim Support Service. There are also a few NGOs that operate in the field of victim support. The White Ring Association is specialised in assisting victims of any crime and it provides similar services as the state agency, however the scope of its activities is rather limited due to financial burdens
IE	Various non-governmental victim support organisations – e.g. the Federation for Victim Assistance (10 branches); Support After Crime Services; ITAS.
IT	
LT	
LU	In Luxembourg there are few generic victim support organisations, as typically, each organisation is tasked with clear missions and has clear responsibilities. They are two; Waisse rank Service d'aide aux victimes du parquet general. Other organisations offer assistance to victims of a particular type of violence.
LV	
MT	Victim Support Malta (VSM).
NL	Victim Support Netherlands (VSN) (<i>Slachtofferhulp Nederland</i> , SHN).
PL	Support Network for Victims of Crimes (consisting of 16 regional support centres); social welfare centres (<i>ośrodki pomocy społecznej</i>), crisis intervention centres (<i>ośrodki interwencji kryzysowej</i>) or the

	support centres (<i>ośrodki wsparcia</i>), which offer support for people in various crisis situations.
PT	Portuguese Association for Victim Support (<i>Associação Portuguesa de Apoio à Vítima, APAV</i>) - 15 victim support offices located throughout the country.
RO	
SE	The Swedish Association for Victim Support (<i>Brottsofferjourernas Riksförbund, BOJ</i>) is the national umbrella organisation for victim support services with about 100 local victim service centres in Sweden.
SI	
SK	Non-governmental organizations are virtually the only active players in the field of victim support services. <i>Pomoc obetiam násilia</i> is the leading victim support service provider.
UK	Victim Support (England and Wales) Victim Support (Scotland) Victim Support (Northern Ireland)

Annex 3 –list of specialised areas of victim support chosen in phase 2 (for countries with no generic victim support organisations)

BG	Domestic violence and stalking and trafficking in human beings.
EL	Domestic violence and stalking and trafficking in human beings.
IT	Trafficking in human beings and sexual abuse of children
LT	Domestic violence and stalking and trafficking in human beings.
LV	Sexual abuse of children and stalking and trafficking in human beings.
RO	Sexual abuse of children and stalking and trafficking in human beings.
SI	Domestic violence and stalking and trafficking in human beings.