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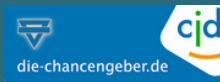
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**PROTECTING
VICTIMS RIGHTS**

FINAL CONFERENCE

October 23, 2020
10.30 - 13.30







Significant advances have been made in the area of victims' rights since the inception of **EU Directive 2012/29 EU**, the so-called **Victims' Directive**, which addresses numerous victims' rights and protections.

While improvements have been made in granting crime victims access to rights, support and protection and in the standards of service delivery and interventions with victims, the implementation process has allowed both for the emergence of challenges in the practical application of legal rights and protections and issues that were not adequately addressed in the Directive and for the development of innovative practices in response to crime victim's needs.

In this context the EU co-funded project **Pro.Vi – Protecting Victims' Rights** coordinated by the **Psychoanalytic Institute for Social Research (IPRS)** has sought to integrate the European Union's efforts to promote the development of an efficient victim protection system by addressing the challenges each of the partner countries (Italy, Portugal, Germany, Spain, Romania) is facing in the implementation process and improving the competencies of justice system and restorative justice practitioners in order to support victims of crime, enabling victims to understand and access their rights. While recognizing the multitude of issues raised by the Directive, the final conference of **Pro.Vi – Protecting Victims' Rights** addresses some of the issues that have emerged in the implementation of the Victims' Directive related to:

- the dilemmas and ethical issues arising in communication with victims about their rights in criminal proceedings when the offender is a juvenile which are not addressed in the Directive, and
- the challenges in the implementation of psychosocial assistance or similar services as a means of supporting victims during criminal proceedings and reduce the risk of retraumatization by the system

Communication represents the first and most essential component in the protection of victims' rights as the failure to provide this jeopardizes all other rights and protections. Concerns arise, however, amongst criminal justice professionals about how to communicate complicated legal information in a clear manner, ensuring the integrity of the information as well as the victim's full understanding.

Without this understanding it is fundamentally impossible to ensure that the victim's voice be heard and that their needs are recognized.

Significant concerns about victims' rights, whether the victim is a minor or adult, emerge in the apparent conflict between the objectives and functioning of the juvenile justice system, where victims have little or no space and may feel instrumentalized in an effort to support the rehabilitation of the minor, and the rights of the victim.

In this case effective communication with the victim must include both his/her rights during criminal proceedings and the specific nature of juvenile proceedings within which adults (including victims) have a shared educational responsibility.

Adult victims of juvenile offending hence have the potential to play an important role in the process of helping the juvenile accept responsibility for the crime and its consequences.

How can this be communicated to victims?

This points to the need to develop specific procedures for victims who get in contact with juvenile justice systems.

This communication with adult victims is complex and places practitioners in a position where they need to address ethical questions as they seek to balance the need to protect the victim with the goal of rehabilitating the juvenile offender.

The specificity and delicate nature of supporting victims during criminal proceedings emerged as another key issue with the development of various innovative practices that can be readily transferred to other Member States, most notably the psychosocial assistance service developed in Germany.

This service operates nationwide, supporting participation in criminal proceedings while reducing the potential for secondary victimization and re-traumatization by the system via a dedicated service that helps victims pre-trial, during the trial and post-trial. Designed to reduce the risk of jeopardizing or influencing the case or the victim's testimony, psychosocial assistance helps ensure that victims understand the process, are not alone during questioning, and can address concerns that arise after appearing in court including referral to psychological or other services.

As such, this practices addresses many of the concerns raised by the Victims' Directive by reducing the potential for harm deriving from participation in criminal proceedings.

Draft Agenda

10:30 Welcome and introductory remarks:

Hon. Caterina Chinnici, MEP

Gemma Tuccillo, Department of Juvenile and Probation, Ministry of Justice, Italy

11:00 Ethical issues in the comunicazione with adult victims of juvenile offending

Isabella Mastropasqua, Senior Executive Department of justice and Proccation, Ministry of Justice, Italy

Maria De Luzenberger Milrnshheim, Chief Prosecutor, Juvenile Court of Naples

11.:40 Psychosocial Assistance in Criminal Proceedings: Germany

Raffaele Bracalenti, President Psychoanalytic Institute for Social Research

Ulrike Stahlmann-Liebelt, Commissioner for Victim Support and Protection for the State of Schleswig-Holstein, Germany

12:20 **Round Table discussion:**

Monica Maria Trusca, Executive Manager in Child Protection
Department, Timis Country, *Romania*

Joana Marmelo, Coordinator of the Victims' Support Structure
"Broken Silence" and Psychologist, Portuguese Red Cross, Gonomar-
Valongo Delegation, *Portugal*

Ramòn Arce, Forensic Psychology Unit, University of Santiago de
Compostela, *Spain*

13:00 **Discussion**

13:30 **Event conclusion**





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