

New Directive on Victims

The European Commission is working on a new Directive on Victims which will replace the current Framework Decision on the Standing of Victims in Criminal Proceedings (2001).

Both these documents can be found on the Commission's website at the following link:

http://ec.europa.eu/justice/criminal/victims/index_en.htm

With this document we wish to inform you about the work the Forum has done so far and the current state of affairs of this new Directive.

Forum activity regarding the draft Directive

During the consultation before the publication of the draft Directive, Board members of the European Forum:

- Attended a number of consultation meetings in Brussels to contribute to the debate about creating a new Directive
- Discussed at Board level the drafting of a formal paper on behalf of the Forum on what we consider a new Directive should contain about restorative justice
- Submitted our formal paper (which can be found on our website) to the European Commission and all 27 Commissioners, national Justice Ministries of the European Union and Ambassadors of Member States to the European Union and Members of the European Parliament who form the LIBE Committee on Civil Liberties, Justice and Home Affairs
- Attended a conference in Budapest in March 2011 regarding the "road map" to improve protection of victims in Europe
- Held 2 seminars in Brussels for MEPs in December 2010 and March 2011.

Since the draft Directive was published on 18 May 2011, the Chair of the European Forum, Niall Kearney, delivered this initial response to the draft (to be found on our website) at a conference in Trier, Germany on 10 June 2011. In addition, a presentation on the draft Directive was given by a representative of the European Commission at the Forum's seminar in Brussels in June 2011.

Concerns

While the Forum welcomes this initiative of the European Commission there are 5 areas that generate great concern:

- 1) The definition: as it stands, for example, it excludes the possibility of indirect contact between victims and offenders within a restorative justice context
- 2) Access for all victims to RJ is essential in the final version of the Directive
- 3) The framing of RJ: it appears to be framed as something to be wary of
- 4) The obligation to promote RJ as in the Framework Decision is omitted
- 5) The Directive needs to make clear that effective and substantial support for Member States to implement and expand RJ will be provided

Next steps

- 1) The draft is now being discussed at the level of the European Council and the European Parliament. The European Parliament is a joint legislator with the European Commission so there is plenty of opportunity to influence the final draft before it becomes official policy of the European Union.
- 2) The Forum is preparing a formal response on the 5 points above which will be circulated at the end of October 2011 to national Justice Ministries and Ambassadors of Member States to the European Union and selected Members of the European Parliament who form the LIBE lobby
- 3) The Forum continues to lobby MEPs and the European Parliament's rapporteur on victims issues, Teresa Jimenez-Becerril, about the draft and how to ensure the final version delivers the best possible foundation for the future growth of RJ in Europe over the next 10 to 15 years.

What can you do?

- 1) Read the draft Directive paying attention to the RJ elements, especially Art. 11
- 2) Write to your local MEP and Justice Ministry about any concerns you have regarding the draft Directive
- 3) Let the Forum's Secretariat know if and what you have written to your MEP and Justice Ministry

If you have any further questions about this new Directive on victims or what you can do to help, please contact the Forum's Secretariat.