

Right of victims to information - experience of the first country that implemented the EU directive



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Bílý kruh bezpečí (BKB)



- ☞ nongovernmental organization giving support and help to victims and witnesses of the crimes since the year 1991
- ☞ volunteers in BKB (all professional psychologists, social workers, lawyers)
- ☞ face-to-face contact in one of the nine branches all around the Czech Republic
- ☞ nonstop helpline

New legislation



- ❧ new act of law no 45/2013 Col., on victims of crimes, signed on 11th February 2013 by president
- ❧ came into force on 1st August 2013



- ❧ new principles of the criminal proceedings are being declared in the act
- ❧ more respect to the needs of the victims, particularly to satisfy valid claims of the victims and emphasis on duty of the state bodies to inform victims on their rights

Before the Act on Victims



- ↻ the public authorities (esp. police and public prosecutor) were obliged to inform victims about their rights declared in the code of criminal proceedings
 - ↻ difference between aggrieved party and victim
 - ↻ right to inspect the file and to make proposals of additional evidence
 - ↻ right to choose the representative for the criminal procedure
 - ↻ right to get compensation

- ⇒ if the victim wanted to be informed about his/her case, he/she had to explicitly ask for this type of information

Now (from the 1st August 2013)



- ❧ it is declared that the victim **has the right of access to information on his/her case**

- ❧ it is also declared that the information has to be given:
 - ❧ in an understandable way and
 - ❧ the age, intellectual maturity and physical health (inc. mental condition) of the victim must be taken into account



- ❧ when providing information the new act declares:
 - ❧ by whom
 - ❧ which information
 - ❧ when
 - ❧ how
 - ❧ given automatically or on the basis of explicit request

Police and public prosecutor



- ❧ information given by police and public prosecutor
 - ❧ where (by which authority) the criminal complaint may be lodged
 - ❧ which registered authorities can offer professional help and support
 - ❧ under which conditions special measures to ensure the victims safety would be taken
 - ❧ which authority can provide further information about the case
- ❧ during the **first contact** with victim
- ❧ given both in oral and written form
- ❧ given automatically

Police and public prosecutor



- ❧ information given by police and public prosecutor
 - ❧ about the phases of the criminal process
 - ❧ about financial support of victims
 - ❧ where the victim may lodge a complaint, if the rights of victims are not respected by public authorities
 - ❧ more detailed information about victims rights
- ❧ during the first contact with victim
- ❧ given only in written form
- ❧ given automatically

Registered authorities providing help and support



- ❧ registered authorities inform the victim
 - ❧ which help and support they offer
 - ❧ what the rights of victims according to the new act of law are
 - ❧ what the rights of victims according to the code of criminal procedure are
 - ❧ what phases the criminal process have and what the position of the victim as an aggrieved party and victim as a witness is
- ❧ information given both in oral and written form
- ❧ given automatically

Medical facilities



- ❧ medical staff inform the victim of crime:
 - ❧ about registered authorities that offer professional help and support to victims
- ❧ must be given at least in written form
- ❧ given automatically

Relevant authorities



- ∞ according to the phase of the criminal proceedings the relevant authorities give the victim information about:
 - ∞ the final decision of the case
 - ∞ the ongoing phase of the criminal proceedings
 - ∞ the release of the accused from custody or the convicted from the prison

- ∞ given to victim only if he/she explicitly asks

Current experience



- ❧ in practice victim gets a SEVEN- page document written in very small letters
 - ❧ every victim gets exactly the same information form, no matter in which phase the criminal proceedings is, whether the victim has the status of particularly vulnerable victim or not, etc.
 - ❧ too many information difficult to be understood – „literally copied text of the law“
- ⇒ **victim is confused**

Current experience



- ❧ the public authorities don't have space and time to explain victims the information sheet
- ⇒ **the role of Victim support services is crucial**

Victim Support Services for clients



- ❧ opportunity to come to BKB and discuss rights of victims with trained volunteers (lawyers and psychologists) – even again and again
- ❧ written materials giving understandable information with oral explanation
- ❧ webpage www.bkb.cz with information, nonstop telephone helpline

Improving situation



- ❧ work on new version of the information form for the victims (how to make it simple)
- ❧ training of police, public prosecutors (perfect knowledge of the information sheet and ability to explain in easy-to-understand way)

Improving situation



- ❧ www.infovictims.cz – both for victims as well as professionals – perfect timing
- ❧ webpages – www.bkb.cz, www.donalinka.cz, www.domacinasili.cz, facebook
- ❧ explaining brochure
- ❧ instruction cards
- ❧ comics leaflets



Thank you for your
attention.





www.bkb.cz