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EUROPEAN COMMITTEE ON CRIME PROBLEMS
(CDPC)

Group of Specialists on the Assistance to Victims
(PC-S-AV)

SUMMARY REPORT
of the 3rd meeting

Strasbourg, 23-25 November 2005

Secretariat memorandum
prepared by
the Directorate General of Legal Affairs

Executive summary:

The Group discussed the elements for a new recommendation on assistance to victims and the prevention of repeat victimisation.

It wished to consult the CDPC and the CODEXTER on these elements. Their responses would help the group to finalise the draft recommendation and its explanatory memorandum at its next meeting, in January 2006, in order to submit it to the CDPC, for adoption, at its April plenary session.

The PC-S-AV adopted opinions on Parliamentary Assembly recommendations on counterfeiting and on a campaign on domestic violence against women. These opinions will also be transmitted to the CDPC.

I OPENING OF THE MEETING AND ADOPTION OF THE AGENDA

1. The Group held its third meeting in Strasbourg on 23-25 November 2005, chaired by Dame Helen REEVES (United Kingdom).
2. The Chair welcomed the participants, who are listed in Appendix 1 to this report.
3. The Group adopted the Agenda as it appears in Appendix II to this report, together with the list of working documents.

II ADOPTION OF THE REPORT OF THE 2ND MEETING

4. The Group adopted the report of its 2nd meeting (document ([PC-S-AV \(2005\) 06](#))).

III COMMENTS TO THE “REPORT ON VICTIMS OF TERRORISM TO THE CODEXTER AND THE CDPC”

5. The representatives of the CODEXTER introduced the main comments made by that Committee on the report on victims of terrorism ([PC-S-AV \(2005\)07](#)). The comments are available in document [PC-S-AV \(2005\) 09](#). They expressed their satisfaction with the work of the PC-S-AV and their appreciation of their continuing involvement in the development of the elements of the future draft recommendation regarding assistance to victims.
6. The Secretariat completed this presentation by introducing the comments made on the same report by some delegations to the CDPC, available also in document [PC-S-AV \(2005\) 09](#).
7. The Committee found these comments on the assistance to victims of terrorism very useful. It took them into account during its current meeting in elaborating the elements for a draft Recommendation on assistance to victims of crime in general.
8. The Committee would appreciate receiving the comments of both the CODEXTER and the CDPC on the elements elaborated at its present meeting, which will form the basis for the future draft recommendation. Such consultation could be carried out before the next meeting of the Committee, planned for January 2006.

IV PREPARATION OF A DRAFT RECOMMENDATION ON ASSISTANCE TO VICTIMS AND THE PREVENTION OF REPEAT VICTIMISATION

9. The Committee discussed the elements which would be the basis for a draft Recommendation on assistance to victims and the prevention of repeat victimisation, on the basis of:
 - i. the elements prepared by the Secretariat ([PC-S-AV \(2005\)08](#));

- ii. the comments made by members of the Group ([PC-S-AV \(2005\)10](#)).
10. It agreed that, as a follow-up, the Secretariat would rapidly prepare a revised version of the document PC-S-AV (2005)08 reflecting the result of these discussions. This revised version would be sent at the beginning of week 48 to the members of the Committee. The members would forward their comments to the secretariat by 9th December 2005. After consultation with the Chair, the revised document will be sent on 15 December to the CDPC and to the CODEXTER for their opinion. Such opinions should be available to the Committee by 13 January 2006, in order for it to prepare its next meeting (18-20 January 2006).
 11. At that meeting the Committee should then be in a position to finalise the draft Recommendation and its explanatory memorandum.
 12. The draft Recommendation and its explanatory memorandum should be submitted to the CDPC for consideration at its plenary session in April 2006.

V CONTRIBUTION TO THE DISCUSSIONS ON THE COUNCIL OF EUROPE'S PARLIAMENTARY ASSEMBLY RECOMMENDATIONS

13. As requested by the CDPC the Group considered two Parliamentary Assembly Recommendations, namely:
 - Rec [1673 \(2004\)](#) on counterfeiting : problems and solutions. The Group's opinion is set out in Appendix III to this report;
 - Rec [1681 \(2004\)](#) on the campaign to combat domestic violence against women in Europe. The Group's opinion is set out in Appendix IV to this report.
14. These PC-S-AV opinions would be transmitted to the CDPC, as requested, for its next plenary session in April 2006.

VI EUROPEAN CONFERENCES OF THE MINISTERS OF JUSTICE: FOLLOW-UP TO THE 26TH CONFERENCE IN HELSINKI (2005) AND PREPARATION OF THE 27TH CONFERENCE IN YEREVAN (2006)

15. The Group was informed on the status of preparation of the next Conference of the European Ministers of Justice, which will take place in Yerevan in October 2006 and will deal with victim issues.
16. The Group decided to come back to this question at its next meeting, with a view to identifying proposals to be considered in the preparation of this Conference. The need to update the Council of Europe recommendations on the position of victims in the framework of criminal law and criminal procedure (1985) and on mediation in criminal matters (1999) were mentioned.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DE PARTICIPANTS

SPECIALISTS / *SPECIALISTES*

Ms Christa PELIKAN, Researcher, Institut für Rechts-und Kriminalsoziologie, Austria

Mme Michèle BERNARD REQUIN, Magistrate, Conseillère à la Cour d'Appel de Paris, France

Mr Lászlo SÖMJÉNI, Section Leader, Department of Legal Administration, Ministry of Justice, Hungary - Apologised / Excusé

Dame Helen REEVES, Director, **Chair of the PC-S-AV**, Victims Support National Office, United Kingdom

Ms Cristina SOEIRO, Assistant Professor, Institute of Judicial Police of Criminal Sciences, Bureau of International Relations, Ministry of Justice, Portugal

Mr Daniil ZUYKOV, Prosecutor, International Law Department, Office of the Prosecutor General of the Russian Federation, Russian Federation

Ms Anna WERGENS, Lawyer, Project Leader, Sweden

EXPERT CONSULTANT

Dr. Professor Marc GROENHUIJSEN, Tilburg University, Department of Criminal Law, the Netherlands

Dr. Michael KILCHLING, Senior Researcher, Manager of public relations and administrative affairs, Germany - Apologised / Excusé

REPRESENTATIVES OF OTHER COMMITTEES / *REPRESENTANTS D'AUTRES COMITES*

Representatives of the Steering Committee for Human Rights (CDDH) / *Représentant du Comité directeur pour les Droits de l'Homme (CDDH)*

Mme Deniz AKÇAY, Conseillère juridique, Adjointe au Représentant Permanent de la Turquie auprès du Conseil de l'Europe, France - Apologised / Excusée

Mr Martin EATON, Legal Consultant, United Kingdom

Representatives of the Committee of Experts on Terrorism (CODEXTER) / Représentant du Comité d'Experts sur le terrorisme (CODEXTER)

Ms Ann Marie Bolin PENNEGÅRD, Ambassador, Ministry of Justice, Division for Criminal Cases and International Legal Cooperation (BIRS), Sweden

Mrs Mar PREUS, Conseillère technique du Cabinet, Ministère de l'Intérieur, Spain

INTERNATIONAL ORGANISATIONS / ORGANISATIONS INTERNATIONALES

European Commission / Commission européenne

No nomination

Council of the European Union / Conseil de l'Union européenne

No nomination

International Criminal Court (ICC) / Cour Pénale Internationale (CPI)

Ms Michaela BAUER, Support Officer, Victims and Witnesses Unit, International Criminal Court (ICC), The Netherlands;

United Nations Interregional Crime and Justice Research Institute (UNICRI)

No nomination

United Nations Office on Drugs and Crime / Office contre la drogue et le crime (UNODC)

Ms Claudia BARONI, Crime Prevention and Criminal Justice Officer, Legal Advisory Services/DTA, United Nations Office on Drugs and Crime (UNODC) Austria

Office of the United Nations High Commissioner for Human Rights (OHCHR-UNOG) / Haut Commissariat des Nations Unies aux Droits de l'Homme (HCUUDH)

Ms Lucie WIERSMA, Service de la Recherche et du Droit au Développement, Haut Commissariat aux Droits de l'Homme - Apologised / Excusée

COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE

Ms Bridget O'LOUGHLIN, Head of the Criminal Justice Division, Department of Crime Problems

Mr Humbert de BIOLLEY, Programme Adviser, **Secretary to the PC-S-AV**, Department of Crime Problems, DG I - Legal Affairs

Ms Dominique WULFRAN, Assistant, Department of Crime Problems, DG I - Legal Affairs

INTERPRETERS / INTERPRETES

Mr Derrick WORSDALE

Mr Jean SLAVIK

Mme Jennifer GRIFFITH

Mr Robert SZYMANSKI

APPENDIX II

AGENDA / *ORDRE DU JOUR*

2. **Opening of the meeting / *Ouverture de la réunion***
3. **Adoption of the agenda / *Adoption de l'ordre du jour***
4. **Adoption of the report of the 2nd meeting of the Group / *Adoption du rapport de la 2^{ème} réunion du Groupe***
5. **Reactions to the “report on victims of terrorism to the CODEXTER and the CDPC”: presentation by the Secretariat and discussion / *Réactions au “rapport sur les victimes du terrorisme au CODEXTER et au CDPC”: présentation par le Secrétariat et discussion***
6. **Preparation of a draft Recommendation on the assistance to victims and the prevention of repeat victimisation, on the basis of a working paper presented by the Secretariat / *Préparation d'un projet de Recommandation sur l'assistance aux victimes et la prévention de la victimisation répétée, sur base d'un document de travail élaboré par le Secrétariat***
7. **Contribution to the discussion on the Council of Europe's Parliamentary Assembly Recommendations: *Contribution aux discussions sur les Recommandations de l'Assemblée Parlementaire du Conseil de l'Europe :***
 - **1681 (2004) on the campaign to combat domestic violence against women in Europe / *1681 (2004) sur la campagne de lutte contre la violence domestique contre les femmes en Europe***
 - **1673 (2004) on counterfeiting : problems and solutions / *1673 (2004) sur la contrefaçon : problèmes et solutions***
8. **European Conferences of the Ministers of Justice: follow-up to the 26th Conference in Helsinki (2005) and preparation of the 27th Conference in Yerevan (2006) / *Conférences européennes des Ministres de la Justice : suivi de la 26^{ème} Conférence (Helsinki, 2005) et préparation de la 27^{ème} Conférence (Yerevan, 2006)***
9. **Miscellaneous / *Divers***
10. **Closing of the meeting / *Clôture de la réunion***

APPENDIX III

**Opinion of the Group of Specialists on Assistance to Victims (PC-S-AV), adopted at its 3rd meeting (23-25 November 2005),
on the Parliamentary Assembly Recommendation 1673 (2004) on
Counterfeiting : problems and solutions**

At its last plenary meeting (March 2005), the European Committee on Crime Problems (CDPC) requested the PC-S-AV to give its opinion on the on the Parliamentary Assembly Recommendation 1673 (2004) on “Counterfeiting: problems and solutions”. The PC-S-AV submits the following elements for consideration by the CDPC:

1. The Group of Specialists on the Assistance to Victims (PC-S-AV) welcomes the recommendation on “Counterfeiting: problems and solutions” adopted by the Parliamentary Assembly in September 2004.
2. The PC-S-AV fully endorses the Recommendation’s statements in §§ 2, 3:

“2. The image of counterfeiting as a harmless activity must be challenged. Council of Europe member states should improve data collection on the linkage between counterfeited goods and injuries or deaths, in particular as regards products such as pharmaceuticals, spare parts, toys, personal care products, household items, foodstuffs, alcoholic drinks and tobacco.

3. Policies for better surveillance, control and prevention of counterfeit-related risks to public health and well-being should be developed, as should communication with the public and industry. Special regulations are also needed to oversee the sale of medicines and other sensitive products over the Internet.”
3. The Group considered also the material used at the conference on “counteract the counterfeiters!” which took place in the Council of Europe in September 2005. This seminar confirmed the damages already caused to victims as well as the great risks of potential future damages caused by counterfeit products, in particular counterfeit medicines, on public health in general.
4. In its work, the PC-S-AV is considering various forms of assistance and compensation to victims of crimes. These measures will apply to the victims of crime in general, including the victims of counterfeit, or otherwise illegally produced goods. The PC-S-AV believes that victims of counterfeit goods should in principle benefit from the same assistance as victims of other crime.
5. In some cases, particularly where the crime of counterfeiting is committed by a legal person such as a corporation and/or may lead to mass and possibly cross-border victimisation, particular advice and support should be foreseen for victims as to how to report such a crime and how to exercise any civil claims.

6. The Group also encourages the organisation of awareness campaigns to emphasise the criminal character of counterfeiting as well as the potential danger of such goods for all consumers, with a view to heighten individual sense of responsibility when buying potentially counterfeit products.
7. The PC-S-AV encourages further attention to be given by Member States to this matter and to the protection and assistance of the victims of this phenomenon. It shares the conclusion of the September seminar encouraging the Council of Europe to elaborate a legal instrument dealing with this serious problem.
8. The PC-S-AV discussed, at its 3rd meeting (23-25 November 2005) the elements to be incorporated in a draft Recommendation on the assistance to victims and prevention of repeat victimisation. A final draft could be submitted to the CDPC at its next plenary session, in April 2006.

APPENDIX IV

Opinion of the Group of Specialists on the Assistance to Victims (PC-S-AV), adopted at its 3rd meeting (23-25 November 2005), on the Parliamentary Assembly Recommendation 1681 (2004) on the “Campaign to combat domestic violence against women in Europe”

At its last plenary meeting (March 2005), the European Committee on Crime Problems (CDPC) requested the PC-S-AV to give its opinion on the on the Parliamentary Assembly Recommendation 1681 (2004) on the “Campaign to combat domestic violence against women in Europe”. The PC-S-AV submits the following elements for consideration by the CDPC:

1. The Group of Specialists on the Assistance to Victims (PC-S-AV) welcomes the recommendation on the “Campaign to combat domestic violence against women in Europe” adopted by the Parliamentary Assembly in September 2004.
2. In its work, the PC-S-AV is considering various forms of assistance and compensation to victims of crimes. These measures apply to the victims of crime in general, including the victims of domestic violence. As these victims belong to a category of particularly vulnerable victims, the Committee will however envisage encouraging Member States to adopt specific measures of assistance and protection for them.
3. The Group underlines that, when addressing domestic violence, Member States should
 - a. ensure that adequate support services are established and made easily accessible to the victims of domestic violence
 - b. ensure that women are informed of their rights and of the assistance which is available to them;
 - c. organise adequate training for all services and agencies which come into contact with such victims. Such training could deal with the awareness of the particular circumstances of domestic violence (and notably the reasons why women stay in abusive situations), the civil remedies available (such as custody of children, the right to occupy one’s home) as well as the other measures (protection, health care) and legal assistance available to them.
 - d. ensure that competent organisations and services are aware of the risk of repeat victimisation and able to suggest concrete measures to limit victims’ exposure to this risk and prevent repeat victimisation. The victims should receive information on the services available to help in preventing repeat victimisation.
 - e. develop programmes and measures for abusers.
4. In the framework of a campaign, as advocated by the Parliamentary Assembly Recommendation, collection of best practices and research should be promoted, in particular on the organisation of training of persons and agencies which come into contact with victims of domestic violence, on measures and treatment for abusers (such as the possibility to ask the author of domestic violence to leave the home of the victim for a

certain period of time) and on methods of risk assessment of both the offender and the victim.

5. The Group also underlines that such a campaign should encourage research to address issues of domestic violence in a broad sense, e.g. situations where men are victims or where the author of such violence no longer co-habits with the victim.
6. The PC-S-AV discussed, at its 3rd meeting (23-25 November 2005) the elements to be incorporated in a draft Recommendation on the assistance to victims and prevention of repeat victimisation. A final draft could be submitted to the CDPC at its next plenary session, in April 2006.
