



## **27th CONFERENCE OF EUROPEAN MINISTERS OF JUSTICE**

*Yerevan (12-13 October 2006)*

**VICTIMS:  
PLACE, RIGHTS AND ASSISTANCE**

*Address by Mr. Andrzej DUDA,  
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**Ladies and Gentlemen,  
Dear Colleagues,**

**First, I would like to thank the Armenian Minister of Justice for hosting this Conference- as well- as the Council of Europe for its support and tireless struggle to keep European Ministers of Justice together focused on key legal questions that bother our societies.**

**The topic of the Conference – “Victims: place, rights and assistance” is one of such questions for my country;**

**Last years have brought new significant developments to the Polish legal system;  
The most important and challenging are:**

- **the new law on compensation for victims of violent crimes of July, the 5<sup>th</sup> 2005,**
- **the draft law on state-funded legal aid, which improves the status of a victim by providing free of charge legal assistance to all who can't get it by themselves;**
- **programs and actions like: setting up practical and suitable rules to interview children in criminal proceedings,**
- **seminars, trainings, workshops and leaflets addressed to judges, prosecutors and police officers,**
- **establishment of a governmental task force to draw up the National Program for the Victims of Crime, which shall create the system of coordination, monitoring and evaluation of victims' protection mechanism,**
- **Annual ‘Week of Victims of Crimes’ when free of charge counseling is provided to victims and victims interests are promoted in the society at large.**

**These are only recent developments. I should also mention a Polish initiative of 1999, when due to the efforts of Minister of Justice supported by NGOs,**

**Ombudsman and law academics the Polish Charter of Rights of Crime Victims was drawn up.**

**The Charter is not a binding law itself but it sums up all legal, administrative, civil, procedural and social rights of victims which were scattered all over the legal system before. However, since the Charter was adopted it has served the role of not only a handy guide for victims, but it has also inspired the process of the development of the overall protection system for victims.**

**Ladies and Gentlemen,**

**The remedies of victims protection are actually the measures that protect human rights and freedoms, and, although indirectly, they do it in the spirit of the core articles of the European Convention of Human Rights and its Protocols.**

**Poland welcomes the adoption of the new Recommendation No 8 on assistance to crime victims. We are convinced that the Recommendation significantly upgrades existing legal standards for the protection of victims and their human rights, but its final success depends on fair implementation of the provisions to the legal systems. Therefore, calling member states to make a good use of this new instrument, we would suggest to this Conference and to the Council of Europe to consider establishing a monitoring mechanism of its implementation and application. In my opinion, such an intention should be reflected in our closing resolution.**

**It seems especially crucial that in the recent time the European Court of Human Rights has decided in a number of cases on violation of procedural rights in criminal proceedings related to persons who suffered damage or lost their life as an effect of crime. However, in those cases, the Court pointed out that there are no adequate articles of the Convention that directly safeguard rights of victims. The Court fills this gap by practical substitution with the language of articles 2 and 3 of the Convention.**

**This leads us to another important consideration that in the nearest future we would need to have a binding legal instrument to set direct guarantees for crime victims –**

**in form of additional protocol to the European Convention for the Protection of  
Human Rights and Fundamental Freedoms.**

**Thank you.**