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MJU-27 (2006) Resol. 1 Final

27th Conference of the European Ministers of Justice
(Yerevan, Armenia 12-13 October 2006)

RESOLUTION No. 1
on victims of crime

1. The Ministers participating in the 27th Conference of the European Ministers of Justice,
2. Having discussed the topic of “Victims – place, rights and assistance” and, in particular, assistance to categories of vulnerable victims;
3. Having regard to the extensive standards¹ developed by the Council of Europe in this field and underlining that these standards should be widely disseminated, promoted and concretely implemented;
4. Welcoming in particular Recommendation Rec (2006) 8 on assistance to crime victims, which provides for extensive and effective assistance measures for victims of all types of crime, including victims of terrorism and the most vulnerable victims;
5. Having regard to the progress report on future areas for the work of the Council of Europe in the fight against terrorism, prepared by the Committee of Experts on Terrorism (CODEXTER) and the decisions of the Committee of Ministers on the basis thereof;
6. Realising the growing public concern for victims of crime who are in a precarious situation, whether it be from a psychological, social, economic or physical point of view, so that their needs should be more fully taken into account;
7. Recognising that, in order to receive assistance or to assert their rights victims are obliged to undertake a number of procedures, which, if inappropriate or complex, can contribute to the phenomenon of secondary victimisation;
8. Convinced of the need to reduce the risk of secondary victimisation, in particular through simplifying procedures and facilitating access to the competent institutions which can help victims to obtain assistance;
9. Considering that, in addition to the measures provided under criminal procedure, civil and, where necessary, administrative or other remedies should be made available;
10. Underlining that the person committing the crime is the person primarily responsible for its consequences and for compensating the victim;

¹ Notably, the European Convention on the Protection of Human Rights and Fundamental Freedoms (CETS No. 5), the European Convention on the Compensation of Victims of Violent crimes (CETS No. 116), the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196) and the Council of Europe Convention on Action against trafficking in Human Beings (CETS No. 197); the Resolutions and Recommendations of the Committee of Ministers to member states (on various forms of caring of victims as well as on legal aid in civil, commercial and administrative matters) and the Guidelines of the Committee of Ministers on the protection of victims of terrorist acts.

11. Underlining further that insurance cover can be provided by both public and private schemes and that subscribing to appropriate optional insurance cover is the responsibility of the individual;
12. Aware of the important role of compensation schemes in expressing social solidarity towards victims and of the actual and potential role and impact of the insurance industry in covering damage to crime victims and the wide variety of ways in which compensation can be legally and institutionally structured and funded;
13. Conscious of the need to prevent and treat violence and welcoming the work currently underway to draft a convention against the sexual exploitation of children as well as the launching, in November 2006, of a new Council of Europe campaign to combat violence against women, including domestic violence;
14. Expressing particular concern about the extent of domestic violence, in particular violence against the partner, as well as concern for members of the family who witness such violence and determined to carry on with the action started by the Council of Europe in order to combat domestic violence, as demonstrated by Recommendation Rec(2002)5;
15. Concerned to increase the attention paid to the phenomenon of violence against the partner and aware that such violence can be based on discriminating prejudices in terms of inequalities resulting from gender, origins and economic dependency;
16. Referring to the Declaration and the Action Plan adopted during the Third Summit of Heads of State and Government of the Council of Europe;
17. Welcoming the national contributions and noting the proposals contained in these contributions;
18. AGREE that an effective and comprehensive protection of victims, in their role as witnesses, requires a multidisciplinary approach;
19. DECIDE to promote measures at a national and international level to improve assistance to victims and their protection from repeat and secondary victimisation as well as to ensure, as far as possible, their psychological, social and physical rehabilitation as well as adequate compensation for damage suffered;
20. RECOMMEND in particular that the Secretary General of the Council of Europe ensures that the activities of the Council of Europe in the field of training of police and personnel involved in the administration of justice include the question of the appropriate ways in which to deal with vulnerable persons, particularly victims;
21. INVITE the Committee of Ministers to promote further the standards developed by the Council of Europe concerning victims by taking them into account in Council of Europe work, in particular concerning persons and bodies having contact with victims such as judicial and law enforcement agencies;
22. INVITE the Committee of Ministers to entrust the European Committee on Legal Co-operation (CDCJ), in co-operation with other competent bodies of the Council of Europe, to study the question of civil, administrative and other remedies to be made available to victims of crime with a view to reducing the risk of secondary victimisation and contributing to their rehabilitation from crime suffered and adequate compensation for damage sustained, and to this end identify and analyse the existing best practices;

- i) concerning civil and administrative or other remedies, designed to protect the interests of victims, in particular provision of information on procedures, simplified procedures, legal aid and advice before, during and after the completion of criminal, civil administrative or other procedures bearing in mind the needs of categories of particularly vulnerable victims (for example, children, the elderly, disabled persons);
- ii) concerning the role of publicly or privately financed insurance schemes in ensuring compensation for damages sustained by victims;
- iii). concerning the role of the authorities, organisations and persons dealing with and representing victims, particularly with respect to vulnerable victims;

with a view to making proposals to the Committee of Ministers for possible follow-up action;

23. INVITE the Committee of Ministers to entrust the European Committee on Crime Problems (CDPC) to:

1° - Assistance to crime victims

examine and promote, in co-operation with other competent bodies of the Council of Europe, the implementation of Recommendation Rec(2006)8 on assistance to crime victims;

2° - Domestic violence, in particular violence against the partner

- a. examine, in co-operation with other competent bodies of the Council of Europe, the measures concerning violence against the partner contained notably in the appendix to Recommendation Rec (2002) 5 on the protection of women against violence in order to determine the feasibility of and the need for an additional Council of Europe legal instrument on violence against the partner taking into account the discussions of this Conference;
- b. report back to the Committee of Ministers on the results of this examination so that it can decide whether there is a need for the Council of Europe to carry out work in this field, possibly in the form of an international normative instrument to combat domestic violence, in particular violence against the partner;

3° - Crime prevention, restorative justice and mediation

taking into account the discussions of this Conference, envisage further activities dealing with the technical and legal aspects of the prevention of crime, in particular crime which targets vulnerable victims, as well as with restorative justice, including mediation (with a view notably to examining the implementation of the 1999 Recommendation on mediation in criminal matters No. R (99) 19);

24. ASK the Secretary General of the Council of Europe to report on the steps taken to give effect to this Resolution, on the occasion of their next Conference.