

**Proposal For A Directive Establishing Minimum Standards On The Rights,  
Support And Protection Of Victims Of Crime**

**RESPONSE FROM EUROPEAN CRIMINAL LAW ASSOCIATION (UK)**

1. ECLA (UK) is one of a network of informal associations throughout the EU of legal academics, government and private criminal law practitioners and anyone interested in the wider emerging concept of a European criminal law. Our objects include promotion of the study of European criminal law and procedure; awareness of economic crime in Europe (including in particular fraud and corruption in relation to the Budget of the European Union) and we aim to provide a forum for practitioners, academics and professionals to discuss policies and developments in relation to European criminal law and procedure.
  
2. ECLA UK is an unincorporated association subsisting on membership fees. For more information on our composition and constitution please see:  
[www.eucrimallaw.com](http://www.eucrimallaw.com)
  
3. We welcome the proposals contained within the draft directive. We respectfully suggest that consideration should be given to the inclusion of the following minimum standard.

Victim Impact Statements.

4. We suggest that a victim of crime should have the right to tell a Court that passes sentence on an offender of the impact on them of the crime that has been committed. This right should be incorporated as a minimum standard.
  
5. In the criminal courts in England and Wales the victim of crime or the victim's family have the right to explain in a witness statement the effect on them of the crime of which the defendant has been convicted.

6. It is the experience of those who appear in the Criminal Courts that these statements are extremely important to the victims of crime. They represent their chance to impress upon a sentencing judge the personal effect of the crime. In cases involving the death of an individual they are of particular importance and represent, inter alia, a valuable opportunity to pay tribute to the life of the deceased. Often they set out the emotional and financial impact of the crime.
7. We suggest that to include such a right is wholly consistent with the aim of the directive. Further the inclusion of the right would emphasise the role of the victim within the criminal justice system.

#### Other

8. We think it important to mark all that has been done by the Crown Prosecution Service (who prosecute almost all cases within England and Wales) to seek to uphold the rights of victims during the course of criminal proceedings. For example there is Guidance issued on the care and treatment of victims and witnesses which governs the conduct of all those who prosecute. There is a Code of Practice for Victims of Crime which governs the services to be provided to victims of criminal conduct. There is direct communication between the CPS and victims of crime which includes telling them directly of any decision to discontinue or substantially alter the charge. Further a meeting must be held with the victim in any case involving a death, child abuse, sexual offence, the offence being aggravated by hostility on the grounds of disability, racially or religiously aggravated offences, cases with a homophobic, transphobic or sexual orientation element or if the offence was motivated by age. It is impossible to summarise all that the CPS seeks to do.
9. Full details of the guidance etc can be found at [www.cps.gov.uk/legal/v\\_z/care\\_and\\_treatment\\_of\\_victims\\_and\\_witnesses/#code](http://www.cps.gov.uk/legal/v_z/care_and_treatment_of_victims_and_witnesses/#code).

