EU2022.CZ

Czech Presidency of the Council of the European Union

European Crime Prevention Award and Best Practice Conference Topic

"Working with a particularly vulnerable crime victim"

The aim this year's BPC ECPA is to exchange experiences and good practices, most importantly in the areas of early identification of victims of crime (especially those particularly vulnerable[1]), prevention of their secondary victimization and re-victimization and how to increase motivation to report crimes and thus to reduce the latency of crime. This can be achieved, inter alia, by improving the communication skills of law enforcement authorities (mostly, but not only, the police), increasing pro-client access to crime victims, witnesses and persons reporting crime. We can achieve our goal also by increasing trust in working with victims, by using new methodologies for identifying victims and for working with particularly vulnerable victims, and last but not least by raising legal awareness of risk groups (e.g. seniors), etc.

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[1] **EU law:**
DIRECTIVE 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012, **establishing minimum standards on the rights, support and protection of victims of crime**, and replacing Council Framework Decision 2001/220/JHA **(**Article 22, Individual assessment of victims to identify specific protection needs)
Member States shall ensure that victims receive a timely and **individual assessment**, in accordance with national procedures, **to identify specific protection needs** and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.
In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities shall be duly considered.
For the purposes of this Directive, **child victims shall be presumed to have specific protection needs** due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

Czech law:
45/2013 Coll., **Act on Victims of Crimes and on Amendment to Certain Acts (Crime Victims Act),** (as later amended)
A particularly vulnerable victim for the purposes of this Act:
a) a child,
b) a person who is elderly or with physical, mental or psychical disability or sensory impairment, if these facts may, with regard to the circumstances of the case and to the situation of the person, hinder full and effective functioning of this person in the society, compared with its other members,
c) a victim of the crime of human trafficking, the crime of rape, the crime of maltreatment of entrusted person, the crime maltreatment of a person living in common residence or the crime of terrorist attack,
d) a victim of a crime against human dignity in sexual area, of a crime that included coercion, violence or threat of violence, of a crime committed due to belonging to a certain nation, race, ethnicity, religion, class or other group of people, or a victim of a crime committed in favour of an organized criminal group, if in a specific case there is an increased danger of causing secondary injury mainly with regard to the victim's age, gender, race, nationality, sexual orientation, religious belief, health condition, intellectual maturity, capacity for self-expression, life situation, or with regard to his relationship to the person suspected of committing a crime or dependence on such person.

Justification:

In CZ, we have appropriate legislation for victims of crime with special rights for particularly vulnerable victims. We focus a lot on the police's treatment of particularly vulnerable victims (children, seniors, victims of sexual violence, etc.), for whom we have a unique project of Special Interrogation (Interview) Rooms and new methodologies for working with such victims. We are very interested in all proven methods that law enforcement agencies and other state institutions use to work with victims of crime, which increases their confidence in the work of these bodies and institutions, strengthen motivation to cooperate with them and help better identify victims as well as prevent their secondary victimization and re-victimization.

The issue of assistance to victims belongs to the mandatory Common Horizontal Strategic Goal of EMPACT 2022+ - CHSG7 „Prevention and harm reduction, assistance to victims, awareness raising“.

In the spring of 2022, the European Commission presented two important proposals addressing the status and protection of particularly vulnerable victims of crime: "Proposal for a Directive of the European Parliament and of the Council on combating violence against women and domestic violence" and "Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse". At the end of 2022, a revision of "Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime" and "Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims" is expected. Protecting victims of trafficking in human beings is also a priority in ongoing activities to help people fleeing the war in Ukraine.

Sharing examples of best practice and developing a toolbox in this area can be very helpful in creating and implementing the above-mentioned EU legislative and non-legislative priorities.