

ICCL CHARTER OF RIGHTS FOR VICTIMS OF CRIME

RIGHT TO INFORMATION

All criminal justice agencies have a responsibility to ensure that the victim of a crime and his/her family remain informed throughout the investigation and trial process. In general, the decision-maker should be the person to relay the information to the victim. A range of information exchange methods should be used including face-to-face communication to ensure that all victims understand the process and procedures.

RIGHT TO PROTECTION FROM HARM

Every victim has a right to protection from intimidation and harassment. The benefits of protecting the safety of victims are multiple: the DPP can prosecute the alleged perpetrator; the victim is likely to be more comfortable giving evidence; and community confidence in the justice system may increase. Witness/victim protection measures should include criminal court complexes which are safe and secure with separate access and waiting facilities for victims and witnesses; Garda escort for those who have a reasonable fear of intimidation; and the establishment of a statutory witness protection scheme.

RIGHT TO PRIVACY

Practical measures should be in place to protect the privacy of victims and their families. Victims should be afforded entry and exit to the court in a private fashion and separate waiting facilities should be made available. Video statements of those under eighteen years of age should always be permitted as evidence in chief and in certain circumstances, adults should also be allowed to submit prosecution evidence in this manner. Victims who are under eighteen years of age should be allowed to give further evidence by way of video link and vulnerable adults should be entitled to apply to the court for permission to do the same. These facilities should be available in every courtroom.

RIGHT TO PARTICIPATE IN A FAIR AND EFFECTIVE CRIMINAL PROCESS

An effective criminal justice process is a benefit to victims, the Gardaí, the courts and the community at large. Due to the particular nature of the offence, specialist sexual assault investigators should be available in every Garda district. Delays in criminal trials should be addressed. Furthermore, procedures guiding the operation of Victim Impact Statements should be set down in statute following consultation with relevant partners.



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RIGHT TO A REMEDY

The European Convention on Human Rights requires that people should have an effective remedy if their rights are violated. The Government must ensure that inquests and any other enquiries established to investigate suspicious deaths or the use of force by state agents comply with the standards set down by the European Court of Human Rights.

Sentencing guidelines should be introduced to ensure fair, consistent and effective sentencing. These could be developed by the proposed Judicial Council. The Government should bring forward legislation to establish the Council at the earliest possible opportunity.

For less serious offences and especially those that affect the wider community, restorative justice can be a useful and beneficial tool. In this respect, systems of restorative justice should be strengthened and supported.

RIGHT TO SUPPORT, RESPECT AND RECOGNITION

Upholding this right is fundamental to the experience of the victim throughout the criminal process. The victim and/or their family are entitled to be treated with respect and dignity by every actor who has a role to play in the criminal justice system. There may be a tendency for victims to be viewed as the reporter of crime or as a mere witness; however, state agencies should ensure that the victim is recognised as a legitimate participant in the process.

A statutory Victim Support Agency (or similar body) should be established to develop, monitor and co-ordinate policy regarding the victims of crime. Furthermore, support services must be adequately funded to ensure that suitable accommodation and adequate staffing is available. A dedicated strategy in dealing with the victims of sexual crimes should be developed. The establishment of additional sexual assault treatment centres and a system for the appointment of sexual violence officers to each victim of a sexual crime should be rolled out.



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