

# VICS

IMPROVING PROTECTION OF  
VICTIMS' RIGHTS:  
ACCESS TO LEGAL AID



ADAM MICKIEWICZ  
UNIVERSITY  
IN POZNAŃ



Poznań, 24<sup>th</sup> of April 2014

*Dear Sir/Madame,*

The Chair of Criminal Procedure of the Adam Mickiewicz University in Poznań encourages you to participate in the International Conference *„Improving protection of victims' rights: access to legal aid”*, which will take place on 9<sup>th</sup> of June 2014 at facilities of the Faculty of Law and Administration of the Adam Mickiewicz University in Poznań (Auditorium Maximum).

The Conference will be a final activity of the project *„Improving protection of victims' rights: access to legal aid”*, co - financed by European Commission. Partners of the project are: Adam Mickiewicz University in Poznań (Poland) - the Leader, *Sabiedriskas Centrs PROVIDUS (Latvia)*, *Center for the Study of Democracy (Bulgaria)* and *Consortio Interuniversitario per la Formazione (Italy)*.

The event will bring together European experts on victims' rights – prominent scholars and practitioners delivering necessary help, protection and assistance to victims of crime. The main goal of the Conference is to consider the **European Legal Aid System**, and existence of legal aid system in Members States, i.a. in Bulgaria, England and Wales, Germany, Italy, Latvia, Poland and Spain. The Conference will also serve as an international platform of discussion about the challenges and recommendations of the legal aid system in Europe.

We would like to invite you to participate in Conference and take part in discussion. All interested in presenting commentary should register by **10<sup>th</sup> of May 2014** and submit an abstract by the closing date of the 9<sup>th</sup> of June 2014. Passive participants should register by **20<sup>th</sup> of May 2014**. Please send all applications and abstracts to following email address: [kpk.uam@amu.edu.pl](mailto:kpk.uam@amu.edu.pl)

Participation in the conference is free of charge. After the conference a publication is planned to be published. Please find more information concerning the VICS project on the website: <http://victimsrights.eu/>.

Please find the conference agenda.

**CONFERENCE PROGRAMME**  
**JUNE 9th, 2014, POZNAŃ, POLAND**

*Improving protection of victims' rights: access to legal aid*

**Venue:**

Collegium Iuridicum Novum,  
Al. Niepodległości 53, Poznań  
[www.prawo.amu.edu.pl/en](http://www.prawo.amu.edu.pl/en)

9.30-10.00      **Registration**  
10:00 – 10:30    **Introductions and welcome**

- JM Rector Prof. Jacek Witkoś, Adam Mickiewicz University (AMU)
- Prof. Roman Budzinowski, Dean of Faculty of Law and Administration (AMU)
- Prof. Paweł Wiliński, Project Scientific co-ordinator
- Representative of European Parliament, t.b.a.

10:30 – 11:30      **Access to legal aid for victims in EU member states**

- Piotr Karlik (AMU), *Access to legal aid in Poland*
- Miriana Ilcheva (CSD), *Access to legal aid in Bulgaria*
- Agnese Lesinska (Providus), *Access to legal aid in Latvia*
- Karen Hough (Coinfo), *Access to legal aid in Italy*
- Graciela Fuentes (AMU), *Increasing public awareness of victims legal rights*
- Prof. Paweł Wiliński, *Recommendations for European Legal Aid System*

11:30 – 11:45      **Discussion**

11.45-12.15      **Coffee break**

12.15-13.15      **Challenges for the Legal Aid System for Victims**

- Sara Chrzanowska, Procedural Criminal Law Unit Victims Team, DG Justice, European Commission, *EU Legislation in relation to victims;*
- Prof. Cezary Kulesza (Poland, Council for Victims), *Directive 2012/29/EU Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime*
- Prof. Louis Taylor (Nottingham Law School, UK), *Challenges for the Legal Aid System for Victims from British Perspective;*
- Prof. Ágata María Sanz Hermida (La Universidad de Castilla-La Mancha, Spain) *Challenges for the Legal Aid System for Victims from Spanish Perspective;*

13.15-13.45      **Comments and Discussion**

- Mikołaj Pietrzak, President of the Human Rights Commission, The Polish Bar Council, ECBA
- Michał Lewoc (Ministry of Justice, Poland)
- Representative of Helsinki Foundation, t.b.a.

13.45 – 14.45      **Lunch**

14.45-15.45      **Indicators for the development of the Legal Aid System for Victims**

- Prof. Hanna Paluszkiwicz (Adam Mickiewicz University, Poland), *Development of the Legal Aid System for Victims. Mediation;*
- Simone de Blasi (Italy), *Development of the Legal Aid System for Victims. Communication;*
- Hristo Botev (Bulgaria), *Development of the Legal Aid System for Victims. Education;*
- Diana Ziediņa (head of Reconciliation Department of State Probation Service of Latvia)
- *T.b.a.*

15.45-16.15      **Comments and Discussion**

- Sławomir Gembara (Police Department, Poland)
- Representative of Ombudsman (Poland)
- Agnieszka Lisek, Polish Center for Mediation
- *T.b.a.*

16.15              **Summary, Closing remarks**

**Programme may be subject to amendment. For updates see [www.victimrights.eu](http://www.victimrights.eu).**

**The Language of the Conference is English. Translation English-Polish will be provided.**

**Further information, registration, accommodation assistance:**

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*Dear Sir/Madame,*

Taking the opportunity and due to the interest shown in the project, I am kindly sending basic information concerning our latest undertakings within the project.

From 10<sup>th</sup> to 13<sup>th</sup> February 2014 in Poznan at the Faculty of Law and Administration an international workshop session was held for practitioners: judges, prosecutors, lawyers and police officers. The workshops were organized by the **Chair of Criminal Procedure at the Faculty of Law and Administration at the Adam Mickiewicz University in Poznan**. The workshops constituted one of the stages of the project *"Improving protection of victims"*

*rights: access to legal aid*", co-financed by the European Commission, which primary objective is to **increase public awareness of legal rights and procedural safeguards to the victims of crime**. University's partners in the project are: Sabiedriskas Politicas Centrs PROVIDUS from Latvia, the Center for the Study of Democracy of Bulgaria and the Italian Consorzio per la Formazione Interuniversitario.

The workshops were attended by experts and representatives from EU countries (Italy, Bulgaria and Latvia) as well as the representatives of the Chair of Criminal Procedure of the Adam Mickiewicz University. The training consisted of three modules conducted in English.

The first module was held on 10<sup>th</sup> and 11<sup>th</sup> of February. The two days' course was delivered by two United Nations representatives – **Mr. B.A. Nasir** (Standing Police Capacity, Police Division, Department of Peacekeeping Operations, United Nations) and a lawyer **Marie Pegie Cauchois**. The primary aim of this part of the workshops was to broaden the participants' knowledge concerning **international norms and legislation on protection of victims' rights**. This module also served as a platform of exchanging thoughts and experiences on the best practices concerning protection of the victims. The main topics which were analyzed concerned:

- Overview of the UN legal framework relating to the victims' rights.
- Overview of the EU legal framework relating to the victims' rights.
- EU Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime.
- Victims participation in trial proceeding.
- Challenges in the implementation of victims' rights.
- Mechanisms for cooperation amongst different segments of Criminal Justice System to ensure victim's rights.

During this module the participants analyzed the binding status of the implementation of the EU and UN legislation on the rights of victims and formulated the main challenges associated with the implementation of these instruments in the individual legal systems of EU countries. The second day of the workshops was devoted to the **practical application of the knowledge concerning the legal status of the victims of crime**. In that part the participants had the opportunity to hold a discussion on the mechanisms of judicial cooperation in order to ensure adequate protection of the rights of the victims. They could also play roles in a simulation of a criminal trial, perform short scenes and take part in a quiz prepared by the coaches.

The second module, delivered on 12<sup>th</sup> of February by a psychologist **Ms. Agnieszka Nowak-Młynikowska** was dedicated to **non-legal issues related to the help provided to the victims of crime**. The psychologist explained that the emotional and social issues as well as the methods of communication are extremely important factors in approaching victims of crime. This module addressed different ways of treating victims and assisting them during the procedural phase. Ms. Agnieszka Nowak-Młynikowska emphasized that only a victim that is treated with proper respect can cooperate with legal institutions and can get the due

compensation in a criminal proceeding. Nevertheless, many times in everyday practice the state authorities forget about the importance of non-legal aspects of the help given to the victims and focus their priorities on the proper performance of the legal procedures. The participants had the opportunity to share their own experiences, practices and ideas to provide psychological support to the victims of crime. The workshops included various interactive activities, lectures, team-working tasks, case studies including role-playing of a specific trial case and individual work.

The main topics which were analyzed concerned:

- Victimization as trauma in the victim's life and violation of the victim's inner balance.
- Psychological impact of crime, secondary victimization and how to prevent it.
- Individual differences in coping with victimization and victims' characteristics.
- Psychological support for victims of crime – systemic solutions, closing round, evaluation.

The final module was delivered by a mediator from the Polish Center for Mediation – **Mr. Marcelli Kwaśniewski**. He explained that **mediation is a great tool of reconciliation between parties of criminal proceeding**, however, it is still underestimated in many countries. During that last part of the workshops the speaker pointed out to some of the vital problems concerning mediation. This module demonstrated why mediation not only can shorten proceedings but also bring fast relief and compensation to the victim. The professional mediator enumerated also the most common mistakes made during mediation and the ways to avoid them. During this module the participants were also taught how to encourage parties of the criminal procedure to use this institution more often. Mr. Kwasniewski emphasized that mediation should be used much more frequently than it is now. The main topics which were analyzed concerned:

- European and Polish regulations on mediation.
- Workshop I - cases: direct violence in the family and punishable threats.
- Workshop II - cases: traffic accident, VIP involved, defamation and harassment, economic background.
- Workshop III - cases: burglary with theft and fight/battery.

The training methods involved working in groups, including role-playing of a trial (mainly from the perspective of a mediator), interactive activities, as well as parts of the lecture.

On the last day special thanks were addressed to the authorities of the Adam Mickiewicz University in Poznan and the Dean of the Faculty of Law and Administration for their kindness and help in organizing the event. All of the trainers and participants received certificates confirming participation in the workshop as well as training materials.



Workshop for professionals in Poznań

On 18<sup>th</sup> and 25<sup>th</sup> February 2014, as a part of the Crime Victims' Help Week, a community workshop session was held at the Faculty of Law and Administration in Poznan and in the Social Welfare Center in Murowana Goslina. The workshops covered the issues of legal and psychological aid to the victims of crime and were organized by **the Chair of Criminal Procedure at the Faculty of Law and Administration at the Adam Mickiewicz University in Poznan.**

The workshops constituted one of the stages of the project *"Improving protection of victims' rights: access to legal aid"*, co-financed by the European Commission, which primary objective is to **increase public awareness of legal rights and procedural safeguards to the victims of crime.** University's partners in the project are: *Sabiedriskas Politicas Centrs PROVIDUS from Latvia, the Center for the Study of Democracy of Bulgaria and the Italian Consorzio per la Formazione Interuniversitario.*

The workshops were attended by the employees of social welfare centers, psychologists, and school teachers who meet victims of crime on a daily basis and provide them with both psychological and legal assistance being often the only support those people have.

The workshops were conducted by **a prosecutor from the Regional Prosecutor's Office Ms. Magdalena Mazur - Prus (Spokesperson of the Regional Prosecutor's Office in Poznan), an advocate Mr. Mariusz Zelek, a psychologist Ms. Agnieszka Lisek and a mediator Ms. Halina Kutereba.**

The first module, which was conducted by the **prosecutor**, was devoted to the issues concerning **the rights of the victims of crime in the course of the criminal proceedings**, i.e. at the stage of the proceedings conducted by the prosecutor (police) and in the court. During this part the duties imposed on the victims and the consequences of non-compliance were also highlighted. The prosecutor explained who the victim in criminal proceedings is and what such person can expect as guaranteed in the course of a trial.

The second speaker **Mariusz Zelek**, a lawyer, focused on the issues related to **the role, tasks and responsibilities of a victims' proxy**, and pointed out where crime victims can seek help. The lawyer explained who can be a proxy in a criminal proceeding. He also emphasized the importance of the psychological aspect of assistance to the victims, and the need to support

them. In addition, he explained the procedure of granting legal aid to a crime victim and the circumstances when a victim may apply for such.

The third module was conducted by a psychologist **Agnieszka Lisek** and was dedicated to non-legal issues related to the help given to the victims of crime. The psychologist explained that **the emotional and social issues as well as the methods of communication are extremely important factors in approaching victims of crime.** This module addressed different ways of treating victims and assisting them during the procedural phase. The psychologist emphasized that only a victim that is treated with proper respect can cooperate with legal institutions and can get the due compensation in a criminal proceeding. Nevertheless, many times in everyday practice the state authorities forget about the importance of non-legal aspects of the help given to the victims and focus their priorities on the proper performance of the legal procedures.



Workshop for society in Murowana Goślina

The last module was devoted to the issue of mediation in criminal proceedings. The participants had the opportunity to learn what mediation is and what benefits it can bring to the victim. The speaker **Halina Kutereba** explained **why the institution of mediation is so significant both for the victims and for the criminal trial.** She also enumerated the most common mistakes made during mediation and the ways to avoid them. During this module the participants were also taught how to encourage parties of the criminal procedure to use this institution more often. Halina Kutereba emphasized that mediation should be used much more frequently than it is now.

In these workshops the participants took part in a discussion and asked questions which were answered at length by the speakers.

Finally, special thanks were addressed to the Dean of the Faculty of Law and Administration in Poznan and the Directorate of the Social Welfare Centre in Murowana Goslina for their kindness and help in the organization of the events.

Please find the report, which summarizes the course of conducted trainings and contains other information related to the project on the website: <http://victimsrights.eu/>.

We also greatly appreciate your encourage and engagement in the cooperation during the project as well as your time dedicated to our venture.

**Prof. UAM dr hab. Paweł Wiliński**  
Head of Chair of Criminal Procedure  
Coordinator of the project