

# THE RIGHTS OF CRIME VICTIMS

A MANIFESTO FOR BETTER  
TREATMENT OF VICTIMS IN THE  
CRIMINAL JUSTICE SYSTEM

The Civil Liberties Trust

LIBERTY

## 1. INTRODUCTION : THE RIGHTS OF VICTIMS - APPROACHES TO CHANGE

Awareness within the criminal justice system of the rights and needs of victims of crime has gradually grown over the last 20 years. Alongside this welcome development has grown the argument that the civil liberties and rights of those accused of a crime are protected at the expense of the victim. In seeking to redress this perceived imbalance, it has all too often been claimed that by taking away the rights of defendants we can somehow deliver greater rights to victims.

But ensuring that victims have genuine and substantial rights does not necessarily mean a consequential sacrifice of the rights of defendants. In 1994 we argued that the rights of victims were being ignored and put forward our views on the possible content of a charter of rights. This is therefore not the first time that Liberty has called for greater rights for victims. We see no conflict between campaigning for the rights of defendants and campaigning for those of victims.

At the same time, the need to provide a stringently fair and just trial must remain a core principle any criminal justice system reform. Safeguards that protect the rights of defendants maximise the chances of successful, fair prosecutions and decrease the likelihood of miscarriages of justice. Avoiding errors and ensuring the right result is clearly in the interests of the victims and families concerned.

The European Convention on Human Rights provides some limited protection for victims. It imposes a positive duty on the police to protect individuals, particularly the young and other vulnerable people, from serious breaches of their personal integrity such as violent crime. There must also exist an adequate system of criminal law to protect victims and a proper and effective system for the investigation of crimes. Furthermore, public authorities are responsible for failing to take action to protect victims. But victims should have more rights than those reflected in the Convention.

This paper outlines Liberty's manifesto for meeting the needs of victims of crime. It assesses the current framework of rights for victims of crime, identifying areas in which their needs are not being met. And it makes recommendations on what more can be done for victims: what is deliverable on a practical level, and what is achievable without compromise of fundamental principles which lie at the heart of our criminal justice system.

Much of the rhetoric on criminal justice reform through 2002 focused on improving the rights of victims and witnesses: yet ultimately the much-anticipated Criminal Justice Bill did not tackle this issue. The Government instead published a leaflet, and said this issue would be tackled in a separate bill in 2003.

The leaflet, *A Better Deal For Victims and Witnesses* (November 2002), sets out the approach that is to be adopted and the possible content of this bill. Some of the proposals, if implemented fully, do indeed offer the possibility of real change, and we hope that the Government delivers on these promises. In this hope – and in the hope, indeed, that the Government will go beyond its current proposals, as it needs to – this paper offers our manifesto, outlining the rights we believe all victims of crime are entitled to and should be provided with.

## 2. CLEARER RIGHTS, BETTER TREATMENT FOR VICTIMS OF CRIME IN THE JUSTICE SYSTEM: OUR MANIFESTO

The treatment of victims within the system clearly can and should be improved. But the focus needs to be on practical measures, that can genuinely improve their situation. These need not and should not have the effect of compromising the rights of defendants – a point that the Government’s approach too often fails to comprehend.

Liberty has prepared its own manifesto, to highlight the improvements that can and should be made and that would genuinely improve the treatment of victims in the criminal justice system. Many of these proposals, rather than concerning the technical rules of our legal system, require an increase in and better use of resources by the police, courts, and other criminal justice agencies.

And surely the single biggest issue for victims of crime – and one the Government consistently fails to address directly – is the fact that only a fraction of crimes are ever followed by an arrest. Victims are most conspicuously failed not in the court system, but in the failure of under-resourced police forces to catch criminals in the first place. For approximately 77%<sup>1</sup> of crimes, no-one is arrested. This situation could surely be improved by allocating increased resources to policing and the investigation of offences.

The focus of this paper, however, is on the direct treatment of victims by the criminal justice system. In this context, we call for the following important changes:

### **1. The creation of legally enforceable rights**

The Victim’s Charter is a well-intentioned document which seeks to address some of the issues and problems faced by victims of crime<sup>2</sup>. But its impact is severely limited by the absence of a supporting legislative framework. There is no legal duty or obligation imposed upon service providers to accord victims the treatment outlined in the Charter. It is a document of broad principles, rather than defined and enforceable rights.

As, for example, Koffman has noted, while the Charter is a highly commendable attempt to establish an integrated framework of good practice, “... these general statements of concern and support ... can be criticised for failing to develop enforceable rights for victims and for leaving too much to the discretion of professional groups within the criminal justice system.”<sup>3</sup>

### **2. The right to receive an explanatory guide to these rights, and information about the criminal justice system, as soon as is practicable after the reporting of an offence**

Under the Charter, the police should give victims a leaflet called ‘Victims of Crime’, as soon as the crime is reported in person at a police station. In other cases, the leaflet is sent to the victim within five working days. However, feeling ill-informed is a common dissatisfaction voiced by victims; there are suggestions that even the leaflet provision may not be operating as well as it ought to. Codification of the law

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<sup>1</sup> Home Office: Crime Statistics, England & Wales 2001

<sup>2</sup> See Chapter 3 for more detail

<sup>3</sup> *Crime Surveys & Victims of Crime*, Koffman, University of Wales Press, 1996

concerning victims' rights could ensure a smoother, more effective means of providing information to victims. Thought should also be given to making this information available in different formats, besides that of a leaflet.

### **3. The establishment of a Commissioner for Victims - with more powers than those proposed by the Government**

The Government has proposed the creation of an independent Commissioner. The Commissioner would ensure organisations develop policies and practice to help victims of crime, or would ensure that existing policies are sensitive to their needs.<sup>4</sup>

We, along with Victim Support, believe this welcome proposal should go further. The Commissioner needs the power not merely to advise but also to enforce change.

The state should appoint an independent Commissioner whose role it is to protect and advocate the rights of victims. To be truly effective, the Commissioner must have wider-ranging and more effective powers to enforce change. As outlined in the Victim Support Manifesto 2001, the Commissioner would:

- ensure that agencies implement changes to their policies or procedures where these have proved not to have taken full account of the interests and needs of victims;
- advise victims on how to seek redress, giving assistance in important test cases and initiating proceedings in the Commissioner's own name;
- deal with individual complaints where resolution at an earlier stage has not been successful;
- scrutinise proposed legislation which will affect victims of crime;
- conduct enquiries into issues of public concern that would not be resolved through the outcome of individual cases;
- seek to reduce secondary victimisation.<sup>5</sup>

We fully endorse this proposed model for an independent Commissioner. The proposed Code of Practice outlined in *A Better Deal For Victims and Witnesses* is to be supported by a right of complaint to a Parliamentary Ombudsman (but not a dedicated Victims' Ombudsman) where the Code's standards are not met. However, the creation of a Commissioner with powers such as those outlined above would significantly reduce the likelihood of problems and complaints arising in the first place; and we, like Victim Support,<sup>6</sup> see benefits in the creation of a specific Victims' Ombudsman.

### **4. Action to eliminate insensitive treatment of victims by criminal justice agencies**

This needs to cover the police, criminal justice agencies and other relevant professionals that the victim comes across, such as hospital staff. It is also suggested that the judiciary ought to be educated about the particular issues and concerns arising in relation to victims and witnesses.

Whilst such action must be wide-reaching, and provoke changes in attitude across the board, the police are possibly the most important body in this context. Their role in terms of making the process as

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<sup>4</sup> Page 10, *A Better Deal for Victims and Witnesses*

<sup>5</sup> Victim Support Manifesto 2001

<sup>6</sup> Victim Support Magazine Summer 2002: *Justice For All Falls Short For Victims*

bearable as possible for the victim is crucial, especially since the police are in most cases the first port of call for the victim: "... the effects of crime might be long lasting but the evidence shows that for most victims, the initial impact is the greatest. What happens then - how different agencies and their representatives react to the immediate crime situation - is of crucial importance in underpinning the victim's experience."<sup>7</sup>

There is much anecdotal testimony from victims that the police can appear dismissive or indifferent when dealing with them. Due to the nature of their work and the fact that they deal with crime on a day-to-day level, there is a high risk that members of the police force may become to some degree desensitised to the effects of crime upon the ordinary individual. The police have taken steps to address the issue, and the treatment of victims forms part of police training in many forces. However, greater emphasis needs to be placed on this, with active encouragement of a more sensitive and personalised approach across all police forces. As Van Dijk comments, insensitive treatment by the police amounts to a form of secondary victimisation: "... police officers must be taught that their desk side manner is as important to victims as the bedside manner of doctors is important to patients."<sup>8</sup>

Fenwick also discusses secondary victimisation, pointing to shortcomings in the system such as having to wait long periods at the courts before and during hearings, the lack of segregation between the victim and the defendant, and the lack of court facilities: "... harm done to the victim as a private individual should not be forgotten even though the state takes on the responsibility of prosecuting the offender in the public interest."<sup>9</sup> Providing separate court facilities for witnesses would go some considerable way towards making the experience easier and less daunting. Again, however, this is about increasing the resources available.

Further specific consideration needs to be given to supporting the victims of racist crime. The 1990 Trust has argued that this should include anti-racist training for police and criminal justice staff - to include the ability to trigger immediate support and help from relevant agencies. Workers supporting victims for other voluntary and statutory agencies should also be (well-resourced and) trained to be aware of the specific issues surrounding racist crimes and their victims.

Police forces appoint specifically-trained Family Liaison Officers in some more serious criminal cases - with the role of maintaining strong links between the police and victims' families and providing a channel for information, communication and guidance. The Metropolitan Police, for example, currently employ 282 FLOs<sup>10</sup> and are understood to have an ongoing training programme to give more officers these skills.

We recognise the value of FLOs in the process and welcome the positive steps being taken in some areas to increase their numbers. At the same time, we believe that resources for the training and use of FLOs could valuably be increased across the country, and that the ambit of offences that trigger their involvement could usefully be expanded.

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<sup>7</sup> Critical Victimology, International Perspectives, Mawby & Walklate, Sage 1994, at Chapter 5 'Intermediate Help for the Victims of Crime'

<sup>8</sup> Critical Victimology, International Perspectives, Mawby & Walklate, Sage 1994, at Chapter 5 'Intermediate Help for the Victims of Crime'

<sup>9</sup> *Procedural "Rights" of Victims of Crime: Public or Private Ordering of the Criminal Justice Process* MLR May 1997 Vol 60 No 3 317 at 322

<sup>10</sup> Metropolitan Police website: [www.met.police.uk](http://www.met.police.uk)

**5. A right to be fully informed about the progress of any criminal proceedings and to be given advance notification of hearing dates, adjournments, and grants of bail to the defendant**

There are clear guidelines in place in the Victim's Charter to ensure victims are kept fully updated. However, this process needs to flow more smoothly than it does at present. As it currently stands, the language of the Charter places emphasis on the victim seeking out information, rather than it being offered to them as part of the process.

*Justice For All* notes that over £11 million has been invested to help the CPS communicate prosecution decisions direct to victims and that by 2005 victims should be able to track 'their' cases online.<sup>11</sup> The improvements of course need to be seen in practice (and not only for those with online access).

Again, we support the more widespread and consistent use of designated (police) liaison officers responsible for keeping the victims or relatives informed about the investigation, who can answer any questions they may have, and who can to an extent represent the interests of the families to investigating officers during investigations.

The onus should be on the police and relevant criminal justice agencies to keep victims informed, in line with mandatory standards. As for point 2 above, codification of the law in this area would go some way to improve the situation.

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<sup>11</sup> Introduction to the Criminal Justice Process Gibson & Cavadino, Waterside Press 2002 at p.177

### 3. EXISTING RIGHTS

The gradual increase in the importance accorded to victims of crime over recent years has gone hand-in-hand with a shift in how they are perceived.

In the past, the relationship between victims and criminal justice professionals has overwhelmingly been defined in terms of the needs of one agency in particular – the police. The focus has been almost wholly on the victim reporting crimes, identifying offenders and providing evidence.

However, the emphasis has progressively moved away from this focus solely on what the police need from victims, and more towards recognition that the latter not only have needs of their own but also have positive rights. Commentators have suggested that now, for the first time, “... victims and witnesses are genuinely central to people’s thinking on criminal justice... not merely regarded as a source of evidence.”<sup>12</sup>

#### **The Victim’s Charter**

The Victim’s Charter was first published in 1990, and revised in 1996. The document sets out the fundamental rights that every victim of crime is entitled to. The original charter was seen as a major innovation;<sup>13</sup> the 1996 revision is also credited with substantially improving the status of victims. The current Charter sets out what victims of crime can expect from the criminal justice system and the agencies operating within it, what will happen during the process, and where they can complain if dissatisfied. Some of the issues covered by the Charter include:

*You can expect:*

- ... a crime that you have reported to be investigated and to receive information about what happens. The police will give you a name and a contact number for the relevant police officer or crime desk dealing with your case
- to be told if someone is caught, cautioned or charged. If you wish to receive further information, you will be informed of whether the charges have been dropped or altered, and the date and result of trial. Victims of serious crime may receive extra help. In the cases of rape or those involving a young victim, specially trained police officers will be available if required
- ... a chance to explain how the crime has affected you, and for your interests to be taken into account
- ... in the event of having to go to court as a witness, to be treated with sensitivity. You may ask to see the courtroom beforehand, can reserve a seat for anyone accompanying you, and can ask to be seated separately from those involved in the case. This may not always be possible due to lack of court space and limited facilities
- ... to receive practical and emotional support.

*What will happen:*

This section of the Charter contains details regarding help available from Victim Support, from the Witness Service if relevant, as well as from a helpline. There are also details regarding special help at court for children, and those in fear of attack.

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<sup>12</sup> *Integrating a Victim’s Perspective Within Criminal Justice*, ed. Crawford & Gooding, Ashgate 2000, at Chapter 6 ‘New Status of Victims in the UK: Opportunities and Threats’, Reeves & Mulley

<sup>13</sup> *Critical Victimology, International Perspectives*, Mawby & Walklate, Sage 1994, at Chapter 8 ‘The Principles of Critical Victimology’

It also explains that in the case of life sentences being passed, or in the case of other serious sexual or violent offences, the Probation Service will contact the victim within two months of the sentence being passed, to establish whether they wish to be told about any subsequent plans for release. When considering release, the Probation Service makes plans and arrangements for supervising offenders. The concerns of the victim will be taken into account when making these plans.

### **Victim Personal Statements (VPS)**

In addition to information provided by victims to the police upon reporting an offence, victims can make a victim personal statement (VPS), should they choose to do so. Such statements outline any support they may need, and the way in which the crime may have affected them emotionally, physically or financially. This document then forms part of the case papers.

The current VPS scheme was launched in October 2001 (previous versions of these statements were known as Victim Impact Statements). According to Home Office guidelines<sup>14</sup> the information provided in the VPS may only be used by the courts when deciding if a defendant is to be given bail.

Furthermore, when deciding whether it is in the public interest to prosecute an offender, the CPS will consider the consequences for the victim and will take account of the views of the victim or the victim's family. When determining an offender's punishment, the court will take account of how the offence has affected the victim, but will not consider the victim's opinion on sentencing.

There have been calls for the increased use of VPSs, and for the opinion of the victim to play a far greater part when it comes to the issue of punishment. It could be argued, for example, that the victim may well benefit from this increased role: that participation at this level may perhaps help him or her, if they have suffered any emotional effects from the crime, to cope with the situation more easily.

However, such use of VPSs would present considerable dangers. There is a clear risk that increased input from the victim would lead to a disparity in sentencing: the same crime can affect two individuals in completely different ways. The same assault on a confident physically resilient person, for example, may well have a less serious impact both emotionally and physically than it would on someone of the same age etc but with poor health and a nervous disposition. Similarly, two individuals may well have completely different views as to the severity of punishment which fits the crime. In both cases, the risk of inconsistency in sentencing would be increased.

Further, Victim Support notes that in its experience, "victims expect their views to be considered but do not want to have a 'say' in the conduct of 'their' criminal case. The prosecution and the courts must be guided by the public interest; to require victims to make decisions is an abdication of their responsibility" and is not what most victims want.<sup>15</sup>

Any defendant is entitled to a fair trial before an unbiased and objective court. The greater use of VPSs in sentencing decisions, and thus the increased influence of the subjective views of the victim, would jeopardise this. It remains more appropriate for victims' views to be taken on board at earlier stages in the process, as currently happens. These mechanisms should be enhanced and improved; but victims' input

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<sup>14</sup> [www.homeoffice.gov.uk/cpd/pvu/victimstate.pdf](http://www.homeoffice.gov.uk/cpd/pvu/victimstate.pdf)

<sup>15</sup> Victim Support's comments on this paper, November 2002

into sentencing should not be increased.

### **Recent legislation on the rights of victims and witnesses**

There have been a number of positive recent steps taken by governments towards meeting the needs of victims and witnesses. These include the following:

- **The Youth Justice and Criminal Evidence Act 1999** contains some of the measures outlined in the *Home Office's Speaking Up For Justice*.<sup>16</sup> The measures seek to help young, vulnerable or intimidated witnesses give evidence. Examples include the use of screens so that the victim cannot see the accused; the ability to give evidence by live television link; the restriction, in certain cases, of defendants without representation being able to personally cross examine the witness; and the further restriction of the publishing or reporting of material which could lead to the identification of witnesses. While there remain serious issues of concern about any possible extension of the use of these provisions, there is a minority of extreme cases for which these measures represent a positive step.
- **The Protection from Harassment Act 1997** arose principally from concerns regarding stalking, although other issues are dealt with within its provisions. The Act created two criminal offences and allows the civil courts to grant injunctions and to award damages.
- **The Family Law Act 1996** concerns the occurrence of stalking by someone known to the victim. The Act provides for the granting of non-molestation orders, and allows the courts to attach a power of arrest to these in the event of an order being breached.

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<sup>16</sup> Report of the Interdepartmental Working Group on the Treatment of Vulnerable or Intimidated Witnesses in the Criminal Justice System, June 1998

## 4. CURRENT PROPOSALS FOR REFORM

### **Background: the Government's plans to 'rebalance' the system**

The perceived shortcomings of our criminal justice system have been much-debated in recent years, and particularly during the extended lead-in to the Criminal Justice Bill (see below). In June 2002, the Prime Minister made the remarkable statement – echoed by ministers since – that there are now ample protections against wrongfully convicting innocent defendants, but “...it's perhaps the biggest miscarriage of justice in today's system when the guilty walk away unpunished.”<sup>17</sup> It is an assertion which effectively turns one of the fundamental principles of our system – the need to imprison only the guilty and prevent wrongful convictions – on its head. Mr Blair sees a need to “re-balance the system so that we restore the faith of victims and witnesses ... so that we restore their confidence that a criminal will be brought to justice.”

The Government says there is an imbalance between the rights of victims and defendants. But considering the rights of victims and of defendants in terms of a balancing act is extremely misleading and inaccurate. It assumes that one must be weighted against the other until a fair level is struck – that increasing the rights of one group necessarily decreases the rights of the other and vice versa. This assumption is utterly flawed.

Providing many of the rights that victims have called for would have no corresponding effect whatsoever upon those of defendants. The treatment of victims in terms of their right to information, for example, is commonly argued as being wholly inadequate. However, improving the provision of information for victims would have no knock-on effect on the right of the defendant to a fair trial.

The Government's approach blurs a crucial distinction. There is a fundamental difference between victims' *rights* and victims' interests, and an understanding of this difference must underlie any proposals for change. Unfortunately, this is a distinction which the Government, in its attempts to be seen as being tougher on criminals and defendants, has to a large extent obscured.

There is no doubt that a victim of crime is entitled to certain rights as they engage state agencies and the criminal justice system. The victim's right to be fully informed about the progress of their case (see more below) is an obvious example and one that has no curtailing effect on the rights of defendants.

However, there are other areas in which the victim can be said to have an interest rather than a right. Sentencing offers a clear example: victims may be said to have an interest in the sentence imposed on a defendant found guilty of a crime against them, but not the right to determine what the sentence is.

Public confidence in the system is certainly a real issue. The 2002 British Crime Survey found that whilst 77% of the public are confident that the criminal justice system respects the rights of the accused and treats them fairly, only 32% are confident that the system meets the needs of victims.<sup>18</sup>

The BCS also found that people who have reported a crime to the police tend to be less confident in the

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<sup>17</sup> Blair: *Radical action to drag criminal justice system into the 21st Century*, The Independent 18 June 2002

<sup>18</sup> 41% are confident that the system is effective in bringing people who commit crime to justice and 37% are confident it deals with cases promptly and efficiently. The findings of the BCS can be found on the Home Office Research Development and Statistics website, [www.homeoffice.gov.uk/rds](http://www.homeoffice.gov.uk/rds)

system. Generally, it appears that contact with the criminal justice system at some point tends to decrease confidence in it. For instance experience of the court system, as a witness, juror or spectator, is predictive of lower confidence in the efficiency of the system.

Many senior police officers have called for changes in the treatment of victims. The Commissioner of the Metropolitan Police, Sir John Stevens, points to a survey that found 83% of witnesses who appeared in a court wanted no more to do with the system: "... we let the very people to whom the whole system of criminal justice owes its existence and upon whom it relies, get treated with what most people would regard as utter contempt."<sup>19</sup>

However, whilst such surveys are revealing and important, it is at the same time not surprising that witnesses describe their experiences in such a way. Having to take part in the criminal justice system is an almost inevitably unpleasant experience – but one that should be made as bearable as possible.

Victims' interest groups have also welcomed the prospect of reforms – but question whether the Government will go far enough. The most prominent and respected group in this area, Victim Support, published a report in early 2002<sup>20</sup> arguing that the inadequacies in the treatment of victims extend to their wider social needs, such as housing, healthcare and financial support.

### **The Criminal Justice Bill**

In July 2002, the Government published its White Paper on criminal justice reform, *Justice For All*, based in part on the conclusions of Lord Justice Auld's Review of the Criminal Courts (October 2001). In November 2002, the Criminal Justice Bill itself was published. Despite the rhetoric that preceded it, it contained no measures to improve the treatment of victims.

The Bill proposes radical reforms to the criminal justice system – driven by the Government's claim that the system's scales are currently tipped in favour of the perpetrators of crime, rather than of victims.

Despite its portrayal by Government as a Bill for victims, however, the Criminal Justice Bill offers no direct improvements in their treatment. And indirectly (and despite a superficial appeal), some of its core reforms actually threaten victims' interests. Eroding the protections for a fair trial will certainly not give the victims of crime the rights for which they have been waiting and to which they are entitled.

There are a handful of very positive measures in the Bill: we welcome measures to make it harder to evade jury service (the White Paper notes that less than half of those summoned for jury service actually take part<sup>21</sup>).

However, other measures such as those to reduce the number of trials tried before a jury; make information on a defendant's previous convictions and conduct available to juries; reform the rule against double jeopardy; and allow hearsay evidence are a cause for the gravest concern.

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<sup>19</sup> *Yard Chief: Justice System is 'Appalling'* The Independent 7 March 2002

<sup>20</sup> *Criminal Neglect: No Justice Beyond Criminal Justice* 19 February 2002

<sup>21</sup> At paragraph 7.2.4

### *A Better Deal For Victims and Witnesses*

This Home Office leaflet outlines the areas and issues which are apparently to be addressed in the forthcoming Victims and Witnesses Bill – to fulfil the Government’s pledge to put the needs of victims and witnesses at the heart of the criminal justice system.

There are some very positive measures amongst these proposals. For instance, the duty to provide information for victims and witnesses is identified as an area which clearly must be improved. It is noted, for instance, that witnesses are not kept fully informed of what is happening with a case, up to and beyond a court decision, and that warnings of court dates sometimes come too late.<sup>22</sup> Further, the practical needs of victims of crime are also addressed to a certain extent. Areas such as the provision of help to prevent further victimisation, or in respect of repairs to victims’ homes, or in making an insurance claim<sup>23</sup> are all important and have rightly been highlighted for attention.

Before the introduction of the new Bill, the leaflet proposes the creation of a statutory Code of Practice to replace the existing Charter and to form a key element of the future legislation. This will be backed up by an independent ombudsman. There are also proposals for a commissioner who will champion the rights of victims and witnesses, and the establishment of an advisory panel.<sup>24</sup>

The proposals comprise a welcome first step, but fall short of fulfilling their potential. Victims’ rights must be firmly enshrined in statute; the independent commissioner should be granted more powers and complaints should be referred to an Ombudsman dedicated to the issues around victims’ rights.

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<sup>22</sup> Page 6

<sup>23</sup> Page 6

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## 5. CONCLUSION

As stated at the outset of the paper, Liberty strongly supports an increase and enhancement of the rights of victims of crime. There is a particular need for rights such as those in the Victim's Charter to be put in an enforceable statutory framework.

Some of the Government's proposals in *A Better Deal For Victims and Witnesses* outline extremely valuable ways in which the needs of victims can be better met. We hope to see these firmed up as soon as possible in the promised Victims and Witnesses Bill. Other proposals fail to go far enough but, if taken a step further, could offer real progress.

But against these hoped-for positive steps in the promised Bill must be weighed the measures already published in the Criminal Justice Bill which - whilst claiming to improve the rights of victims - are actually targeted at reducing defendants' rights to a fair trial. This does nothing to enhance victims' rights - in fact, by increasing the risk of miscarriages of justice, it worsens the situation.

There are practical areas where the needs of victims can be met without compromising the fundamental principles of fair trial. Some of these are highlighted in our manifesto; some, too, in the Home Office's leaflet. We urge the Government to take these on board - in tandem with tackling the serious policing resource issues behind the failure to arrest anyone for around three-quarters of all crimes. This would be a real, effective way to improve the position of victims and witnesses in the criminal justice system - and do some genuine, lasting good for the protection of victims in the criminal justice system.

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**The Civil Liberties Trust exists to:**

- provide legal advice, assistance and representation on human rights and civil liberties to those unable to pay for it
- provide educational material and information on civil liberties and human rights
- undertake and promote research into civil liberties and human rights.

The Trust commissions Liberty to carry out much of its work. Liberty is one of the UK's leading civil liberties and human rights organisations.

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