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JUSTICE FOR WOMEN – Towards a more effective rights protection and access to judicial procedures for victims of crimes

JOINT LEGAL EXPERTS MEETING

A joint experts meeting was organized in Madrid, on 10 May 2019. The event organizer was Association Trabe Iniciativas para la Economía Social y Solidaria. At the event attended participants from Romania, Spain, Italy, Greece and Bulgaria. A total of 18 persons from coordinator and partners organizations as well as representatives of several Spanish stakeholders. Participants' professional profile: lawyers, director of law program, legal and policy officer, project coordinators, social workers and psychologists with expertise in assistance of women victims of violence, migration and human rights consultants.

The aim of the meeting was to discuss, exchange information on the existing legal framework and practices concerning financial compensation granted to victims, difficulties encountered by victims when requesting compensation for moral and material damages. Also participants used the event to agree on the publication's content that will be developed as part of work-package 3, the *Guide on indicators and standards to evaluate the damages, ensuring equitable compensation for women victims of crimes*.

In the first part of the event participants from each country made presentations on the current national context of granting financial compensation in domestic and/or cross-border cases to women victims of violent acts.

Problems commonly encountered in practice (which were discussed in the framework of the meeting) are: financial compensation for victims that do not have residence in EU countries is difficult to be granted; without a proper system for assessing damages, a proper compensation is not possible; the lack of objective and subjective indicators to assess the level of temporary and permanent damages suffered; many victims rarely join civil proceedings as civil claimants, one of the reason being the lack of proper information and legal assistance on the options they might have according with the law; notable differences between the amount of compensation that is granted, for example to a victim of gender-based violence (even if physical and / or mental sufferings are permanent) and other categories of victims (such

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as victims of terrorism); the long time duration to solve criminal cases discourage victims also to demand compensation; in certain countries there are some minimum thresholds on the level of compensation that can be granted.

In the second part of the event, participants agreed on the content of the publication that will be elaborate within the framework of project work-package 3. The following issues were agreed on this publication: the estimated time to have it ready will be September/October 2019, it will be a joint contribution of Romanian, Bulgarian, Italian, Greek and Spanish experts. The publication will contain information on the European and national legislation of the 5 countries involved in the project. The experts will focus on the relevance of several indicators that should be taken into consideration by judges and by other legal professionals that are involved in cases on compensation such as: the link/causality between the offence and the damage caused, the principle of “equity” in assessing damages; the socio-professional situation of the victims and how was affected as result of the offense; the relation victim-offender; the work inability /for how long the victim was deprived from her monthly income; the medical costs and the need for a third-person assistance due to a physical incapacity as result of the offense; other inter-sectoral factors that should be taken into account.

Experts agreed that the publication should also refer to several types of evidences that need to be considered by those who are competent to resolve files on financial compensation (whether it is compensation requested from the defendant or state compensation): forensic and psychological reports on the intensity and severity of physical and psychological trauma; witnesses and other family members’ testimony; experts’ opinions.

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