

***„Bielefeld Declaration of the
18th German Congress on Crime Prevention“***

von

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The German Congress on Crime Prevention and Congress Partners

Bielefeld Declaration of the 18th German Congress on Crime Prevention

Bielefeld, 22 and 23 April 2013

“More Prevention, Fewer Victims”

The 18th German Congress on Crime Prevention elected as its principal topic the victims of crime. This choice was based on a number of convictions and considerations:

Today’s visibly increased orientation towards the victim – in society, research, legal policy and legislation, in policing, criminal justice and crime prevention – seems in many minds to be natural or even imperative. In actual fact, however, this increased victim orientation is the outcome of a fairly recent trend. Lasting change in the understanding of victimisation only took hold in Germany towards the end of the 1970s, linked with the conviction that change was also needed at all levels in how crimes and their consequences for victims and others are dealt with. In a turn of phrase used from an early stage, the changes involved are aptly characterised as the ‘rediscovery’ of the victim.

Some 25 years after the inception of these changes, the time appears right for a review of the current status, problems and perspectives of victim orientation: What has since changed for victims in society and in the other areas mentioned? What problems recognised and named back then have been resolved or at least made less prevalent or severe? Are there new problems that need to be addressed? What perspectives currently have priority for a positive way forward? What do we now know for certain about victimisation and about the needs and wishes of victims and how best to address them? How can it be persuasively communicated to practitioners, policymakers, academics and the public that the best way to protect victims is to prevent crime?

In the light of the foregoing, and notably supported by the considerations and findings presented in the report by Dr. Wiebke Steffen, “Victim orientation in society, research, criminal justice and crime prevention: Status, problems and perspectives”, the German Congress on Crime Prevention and its congress partners – the German Federal Ministry of Family Affairs, Senior Citizens, Women and Youth (BMFSFJ), the German Association for Social Work, Criminal Law and Criminal Policy (DBH), the State of North Rhine-Westphalia, the German Police Crime Prevention Programme (Pro PK), the City of Bielefeld, the German Forum for Crime Prevention (DFK), and the WEISSER RING victim support organisation – hereby publish this **Bielefeld Declaration**.

The state of empirical knowledge on victimisation and victim needs is unsatisfactory

Even after a quarter of a century of increased victim orientation in society, research, criminal justice and crime prevention, the state of empirical knowledge on the victims of crimes and on their needs remains far from satisfactory. In particular, there is a lack of recent findings.

The *German Congress on Crime Prevention* urges:

- That victim-oriented crime statistics record more information on victims and victim characteristics than they include so far.
- To shine light on unreported victimisation, that representative victim surveys be conducted on a regular and also nationwide basis, and that additional research be carried out with a qualitative focus to gain more knowledge about the consequences of victimisation and the needs and wishes of victims.

Especially considering demands for greater victim autonomy, it is essential to know what victims' interests are and for the criminal justice and victim assistance systems to take that knowledge into account.

It is unproven whether victim orientation in criminal justice has done much for victims of crime

Victims' rights in criminal proceedings have been steadily enhanced since Germany's first Victim Protection Act (*Opferschutzgesetz*) of 1986. The status of victims has additionally advanced in practice with psychosocial measures provided by witness and victim support services. There is also broad ongoing debate about how criminal proceedings may place a burden on victims. Complaints nonetheless continue almost unabated that too little allowance is made for victim needs in criminal proceedings and – under the heading of secondary victimisation – proceedings are unreasonably traumatic for victims.

The lack of empirical knowledge means that this discrepancy cannot currently be explained. There is no data to show if Germany's victim protection acts have attained their express aim of protecting victims from adverse impacts in investigations and criminal proceedings; in some instances it is even unclear how far measures have been implemented. There is not even firm knowledge about the degree to which secondary victimisation arises in investigation and criminal proceedings in the first place and what the victims of crime actually want or need with regard to such proceedings.

The *German Congress on Crime Prevention* urges:

- That Germany's crime prevention acts be evaluated, notably with regard to the extent to which measures – such as video testimony – are actually put into practice, and to what extent and with what aims victims make use of their rights to participate in proceedings;
- That both quantitative and qualitative criminological and victimological research be carried out to identify the needs and wishes of victims with regard to criminal proceedings and what burdens such proceedings place on victims.

Evidence-based crime policy requires sufficiently reliable underlying data, and compiling such data is a matter of urgency.

In a criminal justice system based on the rule of law and the needs of citizens, the *German Congress on Crime Prevention* considers that it should be a matter of course for victims' wishes to be met in terms of information (in particular about the progress of proceedings), compensation and redress, acknowledgement of the wrong done to them, and respectful treatment.

The information obligations for judicial authorities introduced in recent reforms of the German Criminal Code must be fully complied with across the board and should be evaluated to identify the need for any improvements and additions.

Precisely because certain burdens on victims are unavoidable in proceedings based on the rule of law, the *German Congress on Crime Prevention* calls for requirements to be retained or introduced only if they are absolutely necessary to the conduct of a fair trial.

The *German Congress on Crime Prevention* further calls in this connection for 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 to be evaluated in light of the German legal situation and transposed as soon as possible into German law.

Social support, help and recognition for victims must primarily come from outside the criminal justice system

The criminal justice system is inherently unable to serve the interests of crime victims. Firstly, it is and remains offender-oriented; secondly, the role of the victim as a witness always places burdens on the victim; and thirdly, only a very small percentage of victims make it into court because reporting rates are low and most criminal investigations are dropped by the prosecution service. Only about 12 percent of criminal investigations involving known suspects or accuseds lead charges being brought. It also appears that victims' wishes in terms of punitiveness and redress are of comparatively minor importance. Instead, victims are far more strongly interested in acknowledgement of the wrong done to them and of their not being under any obligation to accept the offender's behaviour.

For all victims, including the few who come into contact with the courts, emotional encouragement, social support (including acknowledgement that they have been wronged), recognition and help must primarily come from outside the criminal justice system – from their immediate social environment and from victim support organisations.

The *German Congress on Crime Prevention* expressly recognises the services of victim support organisations for victims of crime: Care and support after a crime, arranging medical, psychological and legal help, making allowance for the fact that not all victims are the same – all of these things are decisive in helping victims find their way back as far as possible to their lives before the traumatic event.

The *German Congress on Crime Prevention* nonetheless considers that more needs to be done, notably for two specific groups of victims: Firstly, victims of non-violent crime – such

as burglary – deserve greater attention than they receive so far. Secondly, with regard to violent crime, it is frequently overlooked that not just the perpetrators, but also the victims of violent crime are often adolescent males or young adult males. Not infrequently, victims share this failure to perceive themselves as such, reflecting the stereotype that men cannot be ‘victims’. The outcome is that this group is served only poorly if at all by victim support organisations. Change is needed here, and not just to ensure equal support for all. It is also important to look at the problem of victim-offender role swapping, i.e. the risk, both for the individual and for society, of victims turning into offenders.

The problems of male victimhood in violent crime must be given greater attention in the public and academic discourse. In particular, qualitative victimological research is needed to find out how violent assaults against men ‘work’, what behaviours men perceive as violence – and how such behaviours can be prevented.

It should also be investigated whether victim support can or perhaps even should be improved using the Parallel Justice framework. Parallel Justice does not call the criminal justice system into question, but provides an additional, often simultaneous, cross-disciplinary, inter-agency response focusing on the victim and rooted in the conviction that help for victims in rebuilding their lives is a key part of justice. It would be possible to implement this framework through the local crime prevention units in place in many towns, cities and districts across Germany.

The best way to protect victims is to prevent crime

No matter how efficient and effective the criminal justice, victim protection and victim support systems, it is always better to stop crime and consequently victimisation from happening in the first place. No criminal justice system, however victim-oriented, and no victim support system, however well-established and capable, can hope to make good, let alone undo, the physical and material harm to victims and the often severe psychological consequences of crime. The best way to protect victims is therefore to prevent crime.

The *German Congress on Crime Prevention* calls for tried and tested crime prevention efforts to be continued and for those efforts to be appraised in particular with regard to the available empirical evidence on avoiding revictimisation and secondary victimisation, while at the same time being careful to avoid raising (unnecessary) fears and strictly to avoid allocating victims any part of the blame.

With regard to what crime prevention means, what is required of it, what it can achieve and what has already been accomplished, the 18th German Congress on Crime Prevention refers to the proceedings of the 12th, 13th, 14th, 15th, 16th and 17th German Congresses on Crime Prevention and to the demands and appeals set out in the respective declarations.

Bielefeld, 23 April 2013