



SECRETARÍA DE ESTADO  
DE JUSTICIA  
SECRETARÍA GENERAL DE LA  
ADMINISTRACIÓN DE JUSTICIA



***Promoting cyberjustice in Spain through  
change management and improvement of data collection***

**WORKSHOP**

**IMPROVING THE ORGANISATION, EFFICIENCY AND QUALITY OF THE  
SPANISH SYSTEM FOR THE SUPPORT OF VICTIMS OF CRIME**

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Madrid, Spain

# Application of IT- Systems in the case management and statistical reporting with a view to improving the protection of victims of crime

View on case management and statistical reporting based on German Experience

# Personal background

- ▶ Personal information: public prosecutor and expert in German and European crime victim protection
- ▶ Independent of any government: retired

but

- ▶ Knowing the practical problems of federal systems from own experience in the work in the Ministry of justice of Lower Saxony and as a member of working groups with other members of ministries (including the Federal Ministry of Justice and Customer Protection and the Federal Ministry of Social Affairs, Seniors, Youth and Women) and practitioners of NGO's
- ▶ Special experience in the European Union Project Pro Victims Justice Nr. 760112
- ▶ Information gathered from Federal Ministry of Justice and Customer Protection, Ministry of Justice of Lower Saxony and Federal Office of Statistics in Germany - DESTATIS -

# For Understanding: special German organisation

- ▶ Germany has a Federal System
- ▶ The responsibility for all tasks is divided between the Federal Government and the governments of the national countries (Länder)
- ▶ Especially the Länder are responsible for justice, police and internal safety, and for social affairs including victim support services in the civil society
- ▶ In the governments of the 16 Länder in Germany
  - the Ministry of justice is responsible for all questions of prosecution, judges and courts, the last two are independent and not subordinated in their decision
  - the Ministry of Internal Affairs is responsible for the police
  - the Ministry of Social Affairs is responsible for victim support services which mostly are part of the civil society;the same diversity of responsibilities is to the data collection

# Support and Protection of Victims in Germany (1)

- ▶ Development started in the 1980s
- ▶ First organisations were women shelter and women support services against rape and domestic violence, in the eighties and nineties, in the civil society in responsibility of NGOs
- ▶ In the aftermath, the federal government and Länder discussed and developed measurements of victim support and protection including the existing resources of the organisations in the civil society
- ▶ Results were the different existing measures in the Länder due to their financial and political engagement, and their responsibility for justice, security and protection and social affairs

## Support and Protection of Victims in Germany (2)

- ▶ Since January 2017 there are specially trained counsellors called “psychosocial supporter”: state approved and assigned free of charge for victims of serious crimes and vulnerable victims due to the implementation of Dir. 2012/29/EU in the German procedural Law (§ 406g StPO) in all Länder (national countries of Germany) and beside the professionals working in NGOs mentioned before
- ▶ In some Länder (e.g. Lower Saxony “Stiftung Opferhilfe Niedersachsen”) in the responsibility of the government of the country there are professional counsellors subordinated to the Ministry of justice supporting all kind of victims of crime
- ▶ Protection of victims is to be ensured by police of the Länder in cooperation with professionals from NGOs, psychosocial support counsellors and professionals from the Länder as Stiftung Opferhilfe Niedersachsen
- ▶ Due to those different stakeholders there were local and regional networks necessary in the interest of support and protection of victims

# Statistic and evaluation

- ▶ The great diversity of responsibilities and organisations didn't result in a consistent data collection
- ▶ An overview on governmental and civil organisations/stakeholders can be consulted on: <https://provictimsjustice.prorefugiu.org/stakeholders-database/>
- ▶ Especially the stakeholders from the civil society have a lack of consistent data, due to different definitions and different understanding
- ▶ Institutions of (national or federal) governments are bound to legal acts of rules about data collection
- ▶ There are general rules in the Law on data protection

# Situation in Germany

- ▶ Implementation of the Dir 2012/29/EU was done by the **3. Act to Reform the Protection of Victims' Rights** of 2015 (Opferrechtsreformgesetz)
- ▶ Germany submitted a report on the implementation of the Directive, which stipulates that only some special points should be changed through the implementation act
- ▶ On the Topic of Art. 28 of the Dir. 2012/29/EU - transmission of available data showing how victims have accessed the rights set out in this Directive - the report of Germany pointed out that "In Germany, data can be taken from the Police Crime Statistics (PKS) and the Criminal Prosecution Statistics of the judiciary"
- ▶ Not included are specific data of victim support services due to the special German problem mentioned before



## e.g. domestic violence

- ▶ In Lower Saxony we had different definitions of domestic violence:
  - the Ministry of Justice, responsible for the prosecution offices, had a restrictive definition of violence in partnership, excluding violence against children and excluding special forms of crimes like homicides and attempted homicides, due to the distinction between the work field of public prosecutors in the prosecution office
  - the Ministry of Internal Affairs had a definition of violence in partnership including violence against children, due to their daily work with crimes in the field of domestic violence
  - the Ministry of Social Affairs had a definition of violence in partnership in the first view against women, due to the question of financing
- ▶ Solution:  
since Germany has ratified the Istanbul-Convention, we have Art. 3b of this convention with a very broad definition of domestic violence
- ▶ But: the consequences of this legal binding definition are still to be implemented, also in the data collection

# German problems referring to ... (1)

- ▶ Definitions of criminal law:  
e.g. domestic violence - other crimes are mostly defined in the criminal law;  
EU-wide solution by European Sourcebook (linked to measures of UN)
- ▶ Different systems of a vast number of victim support services:
  - a. victim support offices by government of the Länder, e.g. psychosocial victim support service (as founded in § 406g German Procedural Law due to implementation of Dir. 2012/29/EU) and in some Länder regional support offices (Stiftung Opferhilfe Niedersachsen/Lower Saxony); in both context we have statistics in Lower Saxony - but not in all other Länder
  - b. victim support by civil society stakeholders for special victims (women; children; victims of sexual crimes, human trafficking, child pornography, gender based violence, terrorism, domestic violence); field of scientific research with different results and surveys
  - c. online victim support - hotline in sponsorship of the State or Civil Society, mostly anonymised and strictly confidential

## German problems referring to ... (2)

- ▶ Compensation:  
given by the Länder, the Federal State (e.g. in case of right-wing crimes or terrorism) or on sponsorship by civil society organisation (e.g. WEISSER Ring e.V.);  
no data about compensation given by the offender
- ▶ Referral mechanism to victim support services:  
legally-based duty §§ 406 I - k of the German Criminal Procedure Code (StPO) on information for victims; in the responsibility of the police (Länder) IT-based, and in the responsibility of justice prosecution service and courts) not directly IT-based

## Current statistics of police and administration of justice

- ▶ Based on Federal Statistics Act (Bundesstatistikgesetz) = coordinated statistic of the Länder  
it's a procedural statistic and not a flow statistic; not linked to the statistic of prosecution service (not accessible for police and courts) and to the statistic of sentencing and punishment - there was a pilot project in Lower Saxony in 2015/2016 which ended without result
- ▶ Police Crime Statistic (Polizeiliche Kriminalstatistik) based on the data of the police of all Länder; responsible: Federal Criminal Police Office - FCPO - (Bundeskriminalamt); IT-based
- ▶ Referring to victim data available:
  - Federal Situation Survey Human Trafficking and domestic violence of the FCPO only on the state of ending the police investigations, including victim data;
  - based on the order of the statistic commission of the continual conference of the German Ministers of Justice from 2016 data on demanding and appointment of psychosocial support (available by law since 2017) of the Länder

# Problems of current data collection in Germany

- ▶ No flow statistics between police and justice due to different political responsibilities
- ▶ Status of flow statistics is difficult: the criminal, prosecution and judicial statistics are collected based on the hardest crime in every case, which can change during the procedure, whereas the police criminal statistic end in the status of ending police investigations with the transfer to prosecution
- ▶ Due to data protection it is not allowed to link all statistics together, especially personal data of victims are on the highest level of data protection
- ▶ European source book [http://wp.unil.ch/europeansourcebook/files/2018/03/Sourcebook2014\\_2nd\\_revised\\_printing\\_edition\\_20180308.pdf](http://wp.unil.ch/europeansourcebook/files/2018/03/Sourcebook2014_2nd_revised_printing_edition_20180308.pdf) is the basis of data collection for the statistic of the justice - not including victimization surveys, different field of research
- ▶ Knowledge of the situation in other European Countries?

Thank you very much  
for listening

