

Evaluation of the Swiss Victim Support Act

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Evaluation mandate

Under article 124 of the Swiss Constitution, federal state and regional states (cantons) shall provide support and appropriated compensation to individuals who have physically, psychically or sexually suffered from an offence, when they have encountered financial difficulties because of this offence. All elements concerning support and compensation are covered by the federal Victim Support Act (Opferhilfegesetz).

The Institute for Criminal Law and Criminology of the University of Bern has been mandated by the Federal Office of Justice to conduct an evaluation of the revised Victim Support Act (in force since 1 January 2009) and the norms relevant to victims that are in the Swiss Criminal Procedure Code (in force since 1 January 2011) in 2015.

The following issues were preset by the Federal Office of Justice:

1. Needs of various categories of victims
2. Influence of the new Criminal Procedure Code on victims
3. Usefulness and adequacy of financial support for victims
4. Cantonal organisation and implementation

Results and Conclusion

The evaluation has found that the evaluated norms and measures have been **mostly effective**. The rules and the implementation of these rules is principally assessed more satisfying by the questioned participants then the evaluation team would have guessed based on literature before the evaluation took place. Nevertheless, the evaluation team has found **potential for improvement** in several areas, and in some individual cases shortcomings have been identified and need to be tackled. The following figures show a selection of the findings.

Especially the **cost risk for victims** claiming interests and the possibility of concluding the criminal procedure with a participating victim through a **summary penalty order** is assessed negatively (see figure 1).

The questioned victim counsel offices and victim-of-crime-attorneys are as well sceptical concerning the **amount of the financial satisfaction** adjudicated by courts which are too low in pursuance of their opinion.

Principally the **implementation** of the evaluated rules in the cantons are assessed well-functioning (see figure 2).

However in **open answers** many questioned participants of all groups remark **points of criticism** and **improvement suggestions**. They especially expressed problems in the areas of data exchange and collaboration between the various agents in this field and the request for periodic knowledge transfers („round tables“, joint case monitorings etc.) between the participating authorities. Furthermore the role of the victim counsel offices in the criminal procedure is assessed as indetermined. This indistict situation would, among other things, lead to discrepancies between the participants and could have detrimental effects on victims.

Overall the **considerable cantonal differences** in the execution of the Victim Support Act are evident, p.e. concerning the grant of financial emergency aid or the collaboration between law enforcement agencies and victim counsel offices.

Methods

Qualitative analysis I

Partially standardised interviews with experts from different fields and professions.
Sample: victim counsel offices (n=20; face-to-face); compensation centres (n=19; telephone); victim-of-crime-attorneys (n=14; telephone)

Qualitative analysis II

Focus group interviews with experts in the field of child protection.
Sample: victim counsel offices (n=5); child protection and adult guardianship services (n=5); victim-of-crime-attorneys (n=4)

Quantitative analysis

Online survey with law enforcement agencies, first instance courts, victim counsel offices and attorneys.

<i>Sample:</i>	sample	adjusted sample	realised sample	response rate
Cantonal police corps	27	27	27	100%
Law enforcement agencies	50	46	41	89%
Juvenile law enforcement agencies	35	33	20	61%
Criminal courts	106	99	65	66%
Juvenile courts	61	54	24	44%
Victim counsel offices	38	36	32	89%
Victim-of-crime-attorneys	182	176	100	57%

Figure 1: Effects of the new Criminal Procedure Code on victims (simplified display of selected findings)

	CPC	JLEA	LEA	JC	CC	VCO	VCA
General assessment							
Protection of personality rights and safeguard measures							
Rights of information							
Rights of participation and other procedural rights							
Cost risks for victims							
Closure through summary penalty order procedure							
No contested civil claims within the summary penalty order procedure							

Figure 2: Assessment implementation of the Victim Support Act (simplified display of selected findings)

	CPC	JLEA	LEA	JC	CC	VCO	VCA
Implementation of the rules within own canton							
Offerings of the victim counsel offices							
Expertise of the specialists at the victim counsel offices							
Possibility to obtain a specialised counsel							

Legend

CPC = Cantonal police corps
LEA = Law enforcement agencies
CC = Criminal courts
VCA = Victim-of-crime-attorneys
JLEA = Juvenile law enforcement agencies
JC = Juvenile courts
VCO = Victim counsel offices

negative attitude
negative tendency
undecided / neutral
positive tendency
positive attitude

Report and Publication

Developed by the research team recommendations concerning cantonal and federal stakeholders were drawn up. The final report (incl. recommendations) will be published by the Federal Office of Justice during the year 2016.

