

Statement by Claire Loftus, Director of Public Prosecutions, on the EU Victims Directive

I welcome the EU Victims Directive which comes into effect in Ireland today [on 16 November 2015]. The implementation of the Directive is a very positive step forward. I understand that it will be underpinned by legislation in the coming months.

Victims come into contact with the criminal justice system through unfortunate and often tragic circumstances. For the first time, victims will now have rights to information. They will also have procedural rights during court proceedings. A victim is defined in the Directive as a person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family member of a person whose death was directly caused by a criminal offence and who has suffered harm as a result of that person's death.

Since October 2008 my Office has, on request, given reasons for decisions not to prosecute to the families of victims in fatal cases only. Under the Directive victims will now have, upon request, a right to a summary of reasons for a decision not to prosecute in all our decisions made on or after 16 November 2015, subject to some limited exceptions. The Directive will also entitle a victim to ask for a review of a decision not to prosecute. The review will be carried out by a lawyer who was not involved in making the original decision. This will underpin the policy which my Office has adopted for many years of giving victims the opportunity to ask for a review of a decision not to prosecute.

The Gardaí will continue to be the victim's first point of contact with the criminal justice system. Coordination and cooperation between agencies involved in implementing the Directive will be crucial. My Office has been liaising with the Gardaí, the Courts Service and the Department of Justice & Equality in preparation for the Directive.

The Directive also acknowledges the vulnerability of some victims who may require enhanced protection during criminal proceedings. In addition, the Directive extends to a broader category of victims the right to tell a court at sentencing of the effect of the crime on them and their families. I and my staff will continue to work with other criminal justice agencies to assist victims through the criminal process and to give effect to their information and procedural rights.

Prosecuting lawyers will continue to offer pre-trial meetings to victims and their families to introduce themselves and explain the trial process. While prosecutors cannot discuss the

evidence in the case, I have emphasised to them the continuing need to communicate clearly and sensitively at these meetings. I hope these meetings will alleviate a little of the stress caused by attending court or giving evidence.

In July this year I established a new Communications and Victims Liaison Unit in my Office to prepare for implementation of the Directive and to ensure we have systems and procedures in place to enable us to meet our obligations. The unit will write directly to victims who request reasons and reviews. We have also published Plain English information booklets on '[How We Make Prosecution Decisions](#)' and '[How to request reasons and reviews](#)'. I would like to thank the National Adult Literacy Agency for assisting us in making the booklets as clear as possible. Other useful information is available on the Victims and Witnesses section of our website http://www.dppireland.ie/victims_and_witnesses/. To assist victims further the unit will have a dedicated telephone line which will operate during office hours and will provide information for victims seeking reasons or reviews of decisions.

I am conscious that in prosecuting on behalf of the People of Ireland, my duties must extend to ensuring the rights of the accused or suspected persons. In this regard I understand that decisions made by my Office may not always satisfy the wishes of the victim. The right to the presumption of innocence and the right to one's good name are protected both by the Constitution and the EU Charter of Fundamental Rights. I also have to take account of the accused's constitutional right to a fair trial. In the interests of fairness there will be time limits within which victims can request reasons or reviews. Details of these time limits are provided in the booklet on "[How to request reasons and reviews](#)".

I hope that in providing these enhanced services my Office will assist in alleviating the difficulties that many victims encounter in the criminal justice system. Today marks an important development, encouraging a more compassionate and consistent approach to assisting victims and their families and is to be warmly welcomed.

Claire Loftus
Director of Public Prosecutions

16 November 2015