

# New Labour policies for victims

**Paul Rock** describes the changing representation and status of victims of crime under this government.

New Labour's policies for victims were initially defined by a field of forces that was itself framed by the politics and practices of the new performance management. Under the workings of joined-up government, no proposal could be forwarded to Cabinet until it had been approved 'trilaterally' by the Lord Chancellor's department, the Home Office and the Attorney-General, each department being able to modify and block proposals drafted by the others. At some distance from that central troika, but scrutinizing and driving almost everything that was done, was the office of the Prime Minister and the Treasury. And on the boundaries of the criminal justice system, neither wholly private nor wholly public, was Victim Support, the major non-governmental organization in the area, and its officials who were seconded to all the major committees that touched

and it could be accomplished by increasing victims' readiness to report crime and to testify effectively in court. Victims were in that sense treated almost exclusively as complainants and witnesses. And there were other, lesser definitions that took their colouring from political developments that had little to do with the demands and needs of victims proper.

First there was the setting of targets and objectives that is integral to performance management. The criminal justice system became likened to a virtual market for services. How that market could be modelled was not wholly clear but, for a number of practical purposes, the victim as needy citizen came to stand as a consumer of services delivered by agencies, and his or her satisfaction became a gauge of their effectiveness. Rational markets require information, and what

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on victims' policies.

Victim Support monopolized the representation of victims in the late 1990s and early 2000s, activist victims and their organizations being kept at bay. Although there were exceptions, the stereotype of the victim it conventionally promoted was that of an Everyman who had typically suffered from a mundane offence such as theft or burglary, and who was best assisted by being eased out of the status of victim as soon as was practicable. In an early policy statement, it observed "Anyone can be a victim of crime, and victims should not be regarded as a new 'problem group'. . . People should not be encouraged to be 'victims' for longer than necessary."

For some considerable while, Victim Support and the successive governments with which it dealt were in accord, but, compared with the great departments and agencies of the State, it was always small, its budget was modest, it had no unambiguously formal standing, and it was often overshadowed by the larger and more powerful institutions about it. It may have championed arguments about how victims should be managed, but it was not always heeded. In particular, it could not moderate ideas flowing from New Labour's overriding priority to reduce the volume of crime: to reduce crime, it was said, would be to reduce the number of victims – that was the policy for victims –

was at first the 'One Stop Shop' and then Witness Care Units would purvey it. Rational markets relay information to service-providers, and the Victim Personal Statement was the medium by which that could be done. Satisfaction with the quality of service delivery was to be recorded first by an *ad hoc* *Witness Satisfaction Survey* and then by what became annual *British Crime Surveys* acting as market surveys. So it was that victims became the bearers of what were weak consumer rights.

Second was the *Human Rights Act, 1998*, which conceived a victim to be one oppressed by abuses of State power, and the conventional victim of volume crime did not qualify as a bearer of explicit rights unless he or she were a citizen treated oppressively by some institution. But rights were also supposed to seep diffusely into the culture of the nation, and victims were as eligible as any other to be treated as citizens. Moreover, in the wake of a statement by Jack Straw (then Home Secretary), that victims were as entitled to protections under the Act as suspects, defendants and prisoners, officials were obliged to work hard to establish quite how that might indeed be made the case. Questions were raised within the Home Office about whether victims' rights should not become the subject of legislation.

Third, there was restorative justice, one of Jack Straw's big ideas, that would oblige young offenders to confront the consequences of their

wrongdoing and expose the fragility of their excuses. Victims at first appeared to play little more than an instrumental role in the redemption of offenders but protections were progressively built into the conduct of restorative processes. Victims' participation was to be voluntary; they could be supported; and they could withdraw if they wished to do so. In the instituting of these safeguards, they had begun to acquire what was tantamount to a set of procedural rights.

Fourth, there was the outrage excited by the prosecution in 1996 of Ralston Edwards for the rape of Julia Mason. Edwards elected to waive his right to counsel and, in a much publicised trial, subjected Mason to a prolonged and prurient cross-examination that incited both the then Home Secretary and Shadow Home Secretary to promise greater protections for intimidated or vulnerable witnesses. The definition of vulnerability and intimidation swelled as a committee prepared for legislation, and the outcome was a bundle of new measures for child witnesses, women, intimidated witnesses, people with learning disabilities and rape victims. But it had been the organised politics of gender which had originally spurred the process into being.

Fifth, there was the politics of race, animated by the failure to secure a conviction for the murder in April 1993 of a young black man, Stephen Lawrence. The inquiry into the police investigation into his death concluded that institutionalised racism had been at work, and the police were roundly faulted for their discriminatory response to his death and his grieving family. New measures, including better liaison with the families of victims, were to be instituted, but, again, they were instituted in the name of race, not that of homicide or the victims of crime.

By 2001, there was such an accumulation of new, *ad hoc* and sometimes inconsistent measures for victims that it was thought prudent to review and give order to what had been achieved. The Lord Chancellor and senior judges had adamantly opposed the awarding of statutory rights and a formal place to victims in criminal procedure, and the culmination was a compromise that conferred elliptical near-rights. The *2004 Domestic Violence, Crime and Victims Act* provided for a statutory code of service for criminal justice agencies, the right of victims to have recourse to the Parliamentary Commissioner, a Victims' Commissioner and a Victims' Advisory Panel set down in the heart of government and chaired by ministers. But no formal rights had been ceded directly to the victim.

Stagnant trench warfare about victims' rights under the first two New Labour administrations had not permitted much movement. But then, in 2005, came a sea change. The field of forces shifted. There was a new Lord Chancellor, Lord Falconer, and the politics and style of the Lord Chancellor's department shifted. With the drive to modernise, government departments moved from a reliance

on paper files to the 'electronic office', ephemeral emails supplanted written memoranda, and an institutional forgetfulness set in. Administrative structures were repeatedly reformed. Personnel were changed and changed rapidly. An older generation of senior civil servants was sent into retirement. Officials became managers and service-deliverers rather than advisors and policy-makers. And there was a concomitant loss of knowledge, continuity and hesitancy.

In the midst of that new, fluid and amnesiac system had been implanted a Victims' Advisory Panel composed chiefly of activists. Half its members were 'homicide survivors' (bereaved through homicide), and they confronted new ministers with new demands. The iconography of victims changed in proportion. Victims were no longer 'ourselves' but those who had suffered from the most appalling harms. There was a new conversation about trauma, violence and bereavement, and a new conversation based on the homicide survivor's moral economy of paired oppositions: a Ministry of Justice that should be matched by a Ministry for Victims; a lost life by life imprisonment; legal advice to the defendant by advice to the victim; defence lawyers by lawyers assisting the victim; and mitigation statements by Victim Impact Statements. Part of that conversation has now been heeded and it is currently embodied in a pilot experiment providing 15 hours legal advice, the introduction of victims' advocates, and the inauguration of a form of Victim Impact Statement in homicide trials in five Crown Court centres. An evaluation of those pilots is now being conducted and a draft report is due in September 2007.

At the very least, the new measure promises to give the secondary victims of the most harrowing crimes a voice, a presence and an expressive role, which they have long sought and long been denied. Although they will speak after conviction but before sentence (and their involvement in sentencing is still perhaps a little too ambiguous), it does point to some victims retrieving a presence which they forfeited with the establishment of the office of Director of Public Prosecutions. And, despite the robust resistance of some, it may herald the beginning of the end of their pariah status, and of what Jan van Dijk has described as the "blaming and marginalisation of those wronged by crime".

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