



# Rights of the victims of crime in the European Union

**European Commission, DG JUST.B2**

*These slides accompany the explanation of the acquis to Albania and North Macedonia and can only be used for that purpose. Their content is subject to further development of the acquis and interpretation by the Court of Justice of the European Union*



# Victims' Rights - EU Legislation:

## 1. Victims' Rights Directive 2012/29/EU -

Horizontal instrument **granting rights to information, protection, support and access to justice** to all victims (and their families) of all crime, irrespective of the victims' nationality. Applicable since 16 November 2015

## 2. Directive European Protection Order 2011/99/EU + Regulation 606/2013 -

Two instruments providing for **mutual recognition of protection orders**: persons who benefit from a protection order issued in one Member State can request a European Protection Order (in criminal matters) or certificate (in civil matters) that allows for protection also in other MS. Both apply since 11 January 2015

**3. Compensation Directive 2004/80/EC** – obligation to set up **national compensation scheme for victims of violent intentional crime** committed in the MS territories and **access to compensation for victims in cross-border situations**

## ***Victims' Rights Directive – Scope***

- Crimes committed in EU and criminal proceedings taking place in the EU
  - Irrespective of victims' residence status
  - Wide definition of victim
  - Certain rights (support services) to all victims' family members
- *Ensures minimum rights for all victims, all crimes*

## ***Rights to information include right to:***

- **understand** and be **understood** – communication in simple, accessible language adapted to victims' needs and right to be **accompanied**
- receive a **range of information from the first contact** with competent authorities and **written acknowledgment** of the complaint
- receive **information about the case** (i.e. a decision not to prosecute)
- free of charge **interpretation and translation**

## ***Participation in criminal proceedings include right to:***

- **be heard**
- right to a **review of the decision not to prosecute**
- **reimbursement of expenses and legal aid**
- **decision on compensation** in the course of criminal proceedings and **recovery of property**
- Rights of victims residents in another MS  
+ **safeguards** in restorative justice processes

## ***Victim support***

- **Right to access** victim support services (general and specialist support) in accordance with victims' and family members' needs. Victim support should be **confidential** and **free of charge**
- Support **not dependent** on a formal complaint
- MS must facilitate **referrals** to VSOs
- **List of minimum services** include advice on victims' role in proceedings , compensation and emotional (psychological) support
- **Specialist support** for victims with specific needs

## ***General protection measures - available to all victims of crime***

- **Protection measures including procedures for physical protection**
- Right to **avoid contact** between victim and offender
- **Keeping to minimum** number of interviews and medical examinations
- Right **to be accompanied** by legal representative and a person of their choice

## ***Special protection measures*** ***- available to vulnerable victims and children***

**(Q1) Does the person need special protection? if YES :**

**(Q2) What special measures should be applied to that person?**

- **during investigations** (interviews made in adapted offices by a trained professional, and of the same sex in certain cases)

- and **during trial** (use of technology to avoid contact with the offender or the public, hearing on distance or *in camera*, no questioning on private life not related to the offence)



# Training and cooperation for authorities

- **Art. 25 – Training**

- *Training compulsory for police and court staff*
- *Training to be available for judges, prosecutors and lawyers*
- *Training to be encouraged for victim support and restorative justice services*

- **Art. 26 – Cooperation, coordination and awareness raising**

- *MS should cooperate with each other*
- **Awareness raising** *actions, information, education*

## **Victims' Rights Directive - Best practice (1)**

- DG JUST guidance document on implementation of the Directive: [http://ec.europa.eu/justice/criminal/files/victims/guidance\\_victims\\_rights\\_directive\\_en.pdf](http://ec.europa.eu/justice/criminal/files/victims/guidance_victims_rights_directive_en.pdf)

### ***Examples of EU funded projects aimed at facilitating the implementation\* (JUSTICE and DAPHNE programs):***

- Individual assesment- EVVI project, 2015 - handbook for the practitioners, template and recommended practices [http://www.justice.gouv.fr/publication/evvi\\_guide\\_en.pdf](http://www.justice.gouv.fr/publication/evvi_guide_en.pdf)
- Protection of victims – national protection orders and mutual recognition of protection measures, 2015 - **POEMS** <http://poems-project.com>

*\*Results of funded projects do not represent the official views of the European Commission*

## **Victims' Rights Directive - Other sources and ideas for cooperation:**

### **- Fundamental Rights Agency - reports and studies, e.g.**

*"Victims of crime in the EU: the extent and nature of support for victims", 2015 [http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support\\_en\\_0.pdf](http://fra.europa.eu/sites/default/files/fra-2015-victims-crime-eu-support_en_0.pdf)*

*"Compendium of practices" 2016 collating practices on combating hate crime from across the EU:*

*<http://fra.europa.eu/en/theme/hate-crime/compendium-practices>*

**- Victims Support Europe** – handbook on implementation and offering capacity building support for organisations dealing with victims

*<http://victimssupporteurope.eu/>*