Rights, support and protection of victims of crime: minimum standards

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The Commission has presented a communication seeking to **strengthen victims' rights in the EU so that victims are properly recognised and that their rights are respected without any form of discrimination throughout the EU**.

Need for new measures in favour of victims: seeking to consolidate the area of freedom, security and justice, the Commission has identified as a strategic priority based on the Stockholm Programme and its Action Plan the need for action to strengthen the rights of victims of crime and to ensure that their need for protection, support and access to justice is met.

The EU has already acted on the rights of victims in criminal proceedings (see Council Framework Decision 2001/220/JHA; Directive 2004/80/EC relating to compensation to crime victims) and most Member States have some level of victim protection and support in place. However, the needs of victims in criminal proceedings are still generally not sufficiently addressed and **the level of victims' rights continues to differ significantly across the EU**.

- According to Eurostat data, around **30 million crimes** against persons or property are recorded annually and many crimes are never reported. Crime often affects more than one victim and those close to the victims also suffer indirectly. This leads to a qualified estimate that there is likely to be up to 75 million direct victims of crime every year.
- Each year, many people are victims of road accidents. There are more than a **million road accidents** recorded in the EU and around 31 000 people are killed each year on the roads, including 850 children under the age of 14, while 250 000 get serious injuries and 1.2 million suffer minor injuries.
- People in Europe are constantly moving across borders, and the risk of becoming a victim is just as great when abroad. Of an estimated **1.4 billion journeys** made by Europeans in 2008, about 90% were within the Union.

The Commission discusses the **gender dimension**, noting that women are particularly exposed to hidden forms of violence. The Council of Europe estimates that 20-25% of European women experience physical acts of violence at least once during their adult lives, 12-15% find themselves in a relationship of domestic abuse, and more than 10% suffer sexual violence.

The Commission presents a legislative package, the core objective of which is to deal with victims' needs in a comprehensive manner. The proposals address the needs of both direct victims of crime and indirect victims, such as the family members who also suffer from the consequences of the crime. Immediate family or dependents of direct victims will therefore, where appropriate, benefit from the support and protection proposed in this package.

The main points are as follows:

- **Recognition and respectful treatment**: human dignity of individuals is a fundamental right and the foundation for proper treatment of victims. Individuals who have suffered from crime therefore expect to be recognised as victims, to have their suffering acknowledged and to be treated in a sensitive and professional manner.

- **Protection:** to avoid harm caused by inadequate procedures, such as repeated and insensitive interviewing, it is important to ensure protection of victims throughout criminal investigations and court proceedings. This protection is essential for particularly vulnerable victims, such as children. Even after a crime, victims are vulnerable to further harm, intimidation or reprisals from the offender. To protect people who exercise their right to free movement, the Commission is proposing for the first time the mutual recognition of protection measures.
- **Support:** appropriate and timely support is essential to help victims overcome emotional, practical, administrative and legal obstacles and to recover. Despite the work done by existing victim support services, such assistance is currently not always easily accessible.
- **Access to justice**: information for victims on their rights and on key dates and decisions is an essential aspect of participating in proceedings, and it should be given in a way that victims understand. Victims should also be able to attend the trial and follow their case through. Victims across the EU do not always get access to these basic elements of justice.
- **Compensation and restoration**: persons who have suffered harm because of the acts of others often expect to get some form of financial compensation, whether from the State or the offender. Restorative justice, which is a relatively new concept in criminal proceedings, goes beyond purely financial compensation to focus on the recovery of the victim. As an alternative to, or in combination with formal justice, it aims to restore victims to the position they had before the crime by giving them, if they so wish, an opportunity to confront their offenders face to face and for the offenders to take responsibility for their acts.

The Commission is proposing the following package of legislative instruments to respond to these needs and to ensure that victims in Europe receive a minimum level of rights, protection, support, access to justice and restoration. The Commission will propose:

- **a Directive establishing minimum standards on the rights, support and protection of victims of crime**, replacing the 2001 Framework Decision. The Directive will ensure that victims are treated with respect and that the special needs of vulnerable victims are properly addressed. It will also ensure that victims receive the support they need, that they can participate in proceedings and receive and understand relevant information, and that they are protected throughout criminal investigations and court proceedings;
- a Regulation on mutual recognition of protection measures in civil matters, which will help preventing harm and violence and ensure that victims (of domestic violence, for example) who benefit from a protection measure taken in one Member State are provided with the same level of protection in other Member States should they move or travel there. Such protection should be awarded without the victim having to go through additional procedures. This measure complements the proposal for a Directive of the European Parliament and of the Council on the European Protection Order which is currently being discussed in the European Parliament and Council.

Looking to the **future**, for the next phase of action on victims' rights the Commission will:

- review Directive 2004/80/EC on compensation of crime victims and Regulation "Rome II" (to address the question of the law applicable to limitation periods for cross-border traffic accidents) ;
- carry out further studies and action on victims, in particular in relation to specific categories of victims such as victims of terrorism, organised crime and gender-based violence, including female genital mutilation, with a view to improving the situation of such victims;
- implement a range of flanking measures that will be crucial to ensuring that victims obtain effective rights in practice, and not necessarily only when involved in criminal proceedings. This will include training and capacity building, exchange of good practices, prevention of crime and violence (such as raising awareness and providing information), data collection and research ;
- continue to give financial support under existing financing programmes to promote issues relevant to victims' rights and needs.

These measures will allow the EU to make victims’ rights and needs a central part of securing justice.