Implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime

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The European Parliament adopted by 517 votes to 74, with 72 abstentions, a resolution on the implementation of Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime.

As a reminder, Directive 2012/29/EU seeks to place the victim of a crime at the centre of the criminal justice system, and aims to strengthen the rights of victims of crime so that any victim can rely on the same level of rights, irrespective of where the offence took place, their nationality or residence status.

In a considerable number of cases, the victim is the most important witness in the trial and needs to be protected from possible retaliatory or threatening behaviour from the offender, including by preventing repeated or secondary victimisation.

Victims are often not well informed of trials and their outcomes and are all too often victims are unexpectedly informed of the release of an offender through media or other external factors, instead of by competent authorities.

Assessment of the implementation of the directive: Parliament criticised the Commission's failure to submit a report to it and to the Council on the application of the Victims' Rights Directive by November 2017. It called on the Member States to cooperate and send all relevant data and statistics to the Commission in order to facilitate its assessment of the implementation of the directive.

23 out of 27 Member States have transposed the Victims' Rights Directive into national legislation as of September 2017. The Commission has started 16 infringement procedures against Member States that are still not fully compliant in practice.

Parliament noted the successful implementation by some Member States of certain provisions of the Victims' Rights Directive, namely: the right to interpretation and translation, the right to be heard, the protection of child victims, the rights of victims when making a complaint, the right to receive information from the first contact with a competent authority.

Despite many changes introduced in Member States, victims still often **lack awareness of their rights**, undermining the Victims' Rights Directive's effectiveness on the ground and in particular the access to information requirement.

Members deplored, however, the remaining important shortcomings in the transposition and implementation of the directive in many Member States, in particular as regards:

- the complexity of procedures for accessing support services;
- the victim support system, including insufficient access to legal aid and compensation, lack of financial support and coordination between support services, and inconsistent referral mechanisms,
- the fact that clear information is often not provided in more than one language, making it difficult, de facto, for victims to seek protection abroad in another Member State;

- the lack of a legislative foot-hold in cross-border cases and the rights of victims resident in other Member States, and failure to take measures to ensure that the lack of or uncertain residence status poses no barrier to victims' ability to assert their rights under this directive.

In this regard, Member States are called on to:

- promote easy access to justice and adequate **legal aid free of charge**, as this contributes greatly to breaking the silence and increasing the victim's trust in the criminal justice system;
- implement and effectively enforce the right to **information** for all victims and potential victims;
- guarantee access for **non-resident victims** of crime to support services and information concerning their rights, and to adopt specific measures that focus in particular on the rights of all victims to compensation and within criminal proceedings;
- reinforce the rights of victims of hate crimes, including those against LGBTI persons or with racist motives;
- properly implement in their legislation timely **individual assessments** of the victims, including during their initial contact with a competent authority if necessary, as an essential procedural step for recognising and identifying a victim's specific needs, to then grant specific protection in accordance with those needs, and to prevent secondary and repeat victimisation, intimidation and retaliation;
- provide adequate support for vulnerable groups, such as children, women victims of gender-based violence, the victims of human trafficking, LGBTI people and people with disabilities;
- increase the number and improve the accessibility of, **women's shelters and women's centres**, assisting the female victims of all types of gender-based violence, and to ensure that women survivors of violence are never declined a place; women's shelters should help all women facing violence in close relationships, and should be available 24/7 and free of charge for women and their children, so that women can feel safe and able to report gender-based violence;
- pay particular attention to the individual assessment of **children and the child victims** of any form of crime, in particular human trafficking, including for sexual exploitation, of gender-based violence and of sexual abuse and exploitation;
- **ensure that the 112 emergency hotline is fully accessible to disabled persons and that campaigns are launched to raise awareness of it.**

Training: Parliament stressed that ensuring further training programmes at EU level is of paramount importance for the harmonisation and standardisation of procedures across the Member States and for ensuring equal treatment for European citizens.

Specialised training should be provided for those responsible for assisting the victims of terrorist acts, and to grant the necessary resources to that effect. In this regard, Member States are encouraged to adequately use EU funding for these training purposes.

Cross-border dimension: Parliament called on the Member States to provide financial and legal aid to family members in the event of a serious crime taking place in a different Member State to where the victim is resident, particularly in cases where the family cannot afford to travel to that Member State to attend court, to pay for psychological support or to bring the victim home.

Institutional perspective: Member States are called on to establish coordinated mechanisms for collecting information on the victims of terrorist attacks taking place in their territory, and, through the creation and development of a **one-stop shop**, to provide victims with a **web portal and emergency telephone line** or other means of communication, such as e-mail or multimedia messaging tools, giving access to secure, personalised, specific and relevant information in accordance with the user's needs, with a confidential, free-of-charge and easily accessible support service.

In the event of a terrorist attack, a **coordination centre** should be established in order to bring together organisations and experts with the necessary expertise to provide information, support and practical services to the victims and to their families and relatives. These services should include specialist emotional and psychological support and vocational rehabilitation services.

The resolution called on the Commission to propose the creation of a **European fund for assistance to the victims of terrorism**.

Member States are called on to establish a **permanent dedicated website** on which all public information on the support services established following a terrorist attack that has taken place in that Member State can be accessed, and which should include information regarding the attack, getting in touch with missing victims and measures to help victims to return home, on how to obtain financial assistance, compensation or government benefits, etc.

Lastly, Parliament called on the Member States to implement efficiently, with sufficient economic and financial resources and in full cooperation with the Commission and other relevant actors, including civil society, all provisions of the Victims' Rights Directive.