Freedom, security and justice: standing of victims in criminal procedures. Framework Decision. Initiative Portugal

2000/0813(CNS) - 15/03/2001 - Final act

PURPOSE: to establish provisions on the standing of victims in criminal proceedings. COMMUNITY MEASURE: Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings. The Council adopted a Framework Decision on the standing of victims in criminal proceedings, following an initiative of the Portuguese Republic. The Framework Decision provides in particular that : - Member States should approximate their laws and regulations to the extent necessary to attain the objective of affording victims of crime a high level of protection, irrespective of the Member State in which they are present. - Victims' needs should be considered and addressed in a comprehensive, co-ordinated manner, avoiding partial or inconsistent solutions which may give rise to secondary victimisation. The provisions of this framework Decision are therefore not confined to attending to the victim's interests under criminal proceedings proper. They also cover certain measures to assist victims before or after criminal proceedings, which might mitigate the effects of the crime. - Measures to assist victims of crime, and in particular the provisions regarding compensation and mediation do not concern arrangements under civil procedure. - The rules and practices as regards the standing and main rights of victims need to be approximated, with particular regard to the right to be treated with respect for their dignity, the right to provide and receive information, the right to understand and be understood, the right to be protected at the various stages of procedure and the right to have allowance made for the disadvantage of living in a different Member State from the one in which the crime was committed. ENTRY INTO FORCE: The Framework Decision entered into force on 22 March 2001. The majority of the provisions are required to be transposed into national legislation by 22 March 2002. However, the provisions relating to mediation procedures have to enter into force no later than 22 March 2006. The measures regarding communication safeguards and specific assistance to the victim shall enter into force no later than 22 March 2004. It should also be noted that this Framework Decision also applies to Gibraltar.