Area of freedom, security and justice: compensation to crime victims. Green Paper

2002/2022(COS) - 24/09/2002 - Text adopted by Parliament, single reading

The European Parliament adopted the resolution by Roberta ANGELILLI (UEN, Italy) on the Commission's Green Paper. (Please refer to the document dated 12/09/02.) It welcomed the Green Paper, by means of which a consultation was launched on possible ways forward at Community level for improving the possibilities of compensation to victims of crime in the EU. It supported the initiative with regard to first establishing minimum standards, before achieving harmonisation which should remain the long-term goal. Parliament made a number of recommendations on the content of minimum standard, inter alia: -it should contain a clear definition of the types of crime liable to give rise to compensation; -it should establish a list of injuries for which compensation will be awarded, which includes physical, and psychological personal injury, as well as the material losses suffered as a result of the crime; -the degree of proof that the victim must provide with regard to having been a victim, when the offender is unknown; -a common definition of immaterial damages, such as damage to day to day relations; -it would be more appropriate for the compensation for immaterial damage to be determined and calculated in accordance with the national laws governing such cases; -the determination of compensation should be without reference to the financial situation of the victim; -the minimum standard should not lay down the possibility of the crime victim being awarded an advance payment on their compensation; -there must be criteria related to the victim's behaviour in relation to the crime. The mutual assistance model in the Commission's Green Paper contains all the components needed to facilitate cross-border victim's access to state compensation, since on the one hand it applies the principle of territoriality. This means that the State responsible for paying the compensation is the one in which the crime was committed. On the other hand it facilitates victims' administrative dealings from their State of residence, which is the one responsible for communicating with the State responsible for payment. However, the Commission should propose a system of mutual assistance between Member states to give cross-border victims the right to assistance from a competent authority in his Member State of residence.