

EU for victims of crime 2009

Manifesto for Europe



Victim Support Europe

EUROPEAN
FORUM FOR
Victim Services

Victim Support Europe calls for:

● **The inclusion of the protection and promotion of victims' rights in the next five-year programme for Freedom, Security and Justice**

● **Ensuring full implementation of the Council of Europe Recommendation Rec(2006)8 on assistance to crime victims and the EU Framework Decision on the Standing of Victims in Criminal Proceedings**

● **Establishment of national victim support organisations in every Member State**

● **Structured funding for Victim Support Europe to develop quality standards and best practice for all national victim support organisations within the EU**

● **Provision of additional support for the least developed national victim support organisations and effective support for those that already exist**

● **Full and appropriate implementation of the EU Directive 2004/80/EC relating to Compensation to Crime Victims**

● **Funding for a European Centre of Excellence within victimology**

Victim Support Europe

VICTIM SUPPORT EUROPE is a network of non-governmental organisations which provide assistance and information to victims of crime. Founded in 1990 as the European Forum for Victim Services, Victim Support Europe promotes the establishment and development of victim services throughout Europe. The organisation also produces victim policies, both in the context of criminal justice and in the wider social environment. The participating countries in Victim Support Europe are: Austria, Belgium, Bulgaria, Czech Republic, Denmark, England & Wales, Estonia, Finland, France, Germany, Hungary, Malta, Netherlands, Northern Ireland, Portugal, Scotland, Serbia, Slovakia, Sweden and Switzerland.



A message from the President

FREE MOVEMENT is one of the key principles of the European Union. That also imposes on the EU a duty to ensure that people moving within its borders are safe. Beyond protecting its own citizens, the EU needs to guarantee the safety of the increasing number of foreign nationals coming to travel, work or study within the Union.

Democratic societies have an obligation to alleviate the effects of crime, including the adverse consequences of victimisation. Being a victim of crime affects all aspects of life and often leaves the person feeling anxiety, depression or in some cases post-traumatic disorders.

Experience has shown that victims are more likely to cope effectively with the emotional consequences of crime and make a good recovery if they are provided with an early opportunity to talk openly and in confidence about their reactions to people who have been trained to offer suitable support.

According to the latest International Crime Victim Survey, conducted in 2005, about 15% of the EU population fell victim to a crime the previous year. However, many victims choose not to report incidents to the police.

Victim support organisations provide assistance to all victims of crime, regardless of whether or not the incident has been reported to the police, but the coverage rates of specialised support agencies varies across the European Member States.



**Jaap Smit, President
Victim Support Europe**

Calculations show that only about 16% of all victims with expressed needs in the EU are provided with support in the aftermath of crime. There is a clear gap between the supply and demand of victim support and more effort is needed to expand the service provision to victims of crime across the whole EU region.

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Victim Support Europe calls on the European Union to:

- **Include the protection and promotion of victims' rights in the next five-year programme for Freedom, Security and Justice**

The Treaty of Amsterdam established the EU as an area of Freedom, Security and Justice. When developing the first operational conclusions and policy guidance in light of the Treaty, victim issues were prioritised within the EU and subsequently included in the first work programme (Tampere programme 1999-2004). In regard to victims, the programme called for minimum standards to be drawn up "on the protection of the victims of crime, in particular on crime victims' access to justice and on their rights to compensation...In addition, national programmes should be set up to finance measures, public and non-governmental, for assistance to and protection of victims". In light of the Tampere programme, the EU brought victims' issues forward.

In 1999 the European Commission adopted a communication entitled "Crime Victims in the European Union – standards and action" and in 2001 the Council adopted the legally binding Framework Decision on the Standing of Victims in Criminal Proceedings. In the following Hague programme (2004-2009), the focus on victim issues was somewhat lost, which has negatively affected victims' rights and access to support across Europe.

The EU is currently undergoing a modernisation process to face the challenges of the 21st century. In line with the ongoing modernisation, Victim Support Europe calls on the European Union to revive the commitments made in the Tampere Programme and to put victims' issues back on the EU agenda in the next five-year programme (2009-2014) within Freedom, Security and Justice.



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- **Ensure full implementation of the Council of Europe Recommendation Rec(2006)8 on assistance to crime victims and the EU Framework Decision on the Standing of Victims in Criminal Proceedings**

Europe has created several legal documents to protect and promote the rights of victims. In 2006, the Council of Europe adopted the Recommendation Rec(2006)8 on assistance to crime victims. The recommendation is extensive and proclaims that States should identify and support measures to alleviate the negative effects of crime, and make sure victims are assisted in all aspects of their rehabilitation in the community, at home and in the workplace. The document goes on to highlight victims' rights to protection, information and compensation as well as States' duty to co-operate in fighting transnational crimes.

Another important document in establishing rights for victims of crime is the 2001 EU Framework Decision on the Standing of Victims in Criminal Proceedings. The Framework Decision establishes legally binding demands on all Member States, with a view to harmonising basic rights for victims of crime within the EU.

The Framework covers a large number of areas such as victims' rights to receive information, communication safeguards, right to protection,

cooperation between Member States and assistance to victims resident in another Member State.

In 2004, the European Commission published an evaluation report on the implementation of the EU Framework Decision, which concluded that implementation had not been fully satisfactory in any of the Member States. In fact, the proportions of victims contacted by Victim Support after they had reported a crime to the police have not gone up since the issuing of the EU Framework Decision.

Victim Support Europe calls on the European Union to ensure that the Council of Europe Recommendation on assistance to crime victims and the EU Framework Decision on the Standing of Victims in Criminal Proceedings are fully incorporated and implemented throughout all EU Member States, giving all people victimised within Europe specialised support and service in the aftermath of crime.



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● Establish national victim support organisations in every Member State

The European Union is founded on four fundamental freedoms, including freedom of movement of persons. With more and more people travelling, living and studying abroad, many people are victimised in States other than their own. However, support offered to victims varies depending on in which country the crime is committed and in which country the victim resides.

The legally binding EU Framework Decision on the Standing of Victims in Criminal Procedures declares that each Member State shall establish "victim support systems responsible for organising the initial reception of victims and for the victim support and assistance thereafter". The Council of Europe has further affirmed, through Recommendation Rec(2006)8 on assistance to crime victims, that "States should provide or promote dedicated services for the support of victims and encourage the work of non governmental organisation in assisting victims". The recommendation goes on to state that such services should:

- be easily accessible;
- provide victims with free emotional, social and material support before, during and after the investigation and legal proceedings;
- be fully competent to deal with the problems faced by the victims they serve;
- provide victims with information on their rights and on the services available

National victim support organisations are vital to the victims who live in the Member State as well as victims who are victimised in the Member State, although habitually resident in another. Victim Support Europe believes that a victim of crime has an

equal right to support and information, regardless of which country the crime took place and in which country the victim is resident. We therefore call for the establishment of a national victim support organisation in every EU Member State.

● Give structured funding for Victim Support Europe to develop quality standards and best practice for all national victim support organisations within the EU

All over Europe, organisations are working locally, regionally and nationally to assist people in the aftermath of crime. However, the level of resources, experience and expertise differs between the different Member States and some lack a specified victim support organisation altogether.

To prevent victimisation, the European Commission advocates the exchange of best practice between Member States and the development of training for staff. Victim Support Europe serves as a network of non-governmental organisations that provides community and court based services for victims of crime. One of the organisation's main objectives is to exchange experience and information between member organisations in order to share best practice and knowledge.

Through the VSSNET project, Victim Support Europe assists in the development of national networks of victim services in EU Member States and compiles standardised training programmes and

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manuals on a limited scale. However, to ensure that victims receive the best possible care and support, more work is needed.

In the criminal justice area, several trans-national agencies have developed across the EU region. For instance, Europol is the European Union law enforcement organisation, created to improve the effectiveness and co-operation between the Member States' law enforcement agencies. The European Court of Justice ensures that EU legislation is interpreted and applied in the same way in all Member States, so that the law is equal for everyone. Similarly, there should be an EU funded organisation, responsible for safeguarding victims' interests in all Member States and facilitating cross border co-operation regarding victim issues. Victim Support Europe has started this work, but more resources are required to ensure that quality standards are developed and upheld in all Member States.

To complement and advance the work already started, Victim Support Europe calls on the EU to provide structured funding for the development of quality standards and the establishment of best practice for all victim support organisations within the EU.

- **Provide additional support for the least developed national victim support organisations and effective support for those that already exist**

The Victim Support movement has been supporting victims of crime in Europe for more than 20 years. However, while some EU Member States have long established national victim support organisations, others have not yet organised their support for victims of crime.

Victim Support Europe believes that every victim has a right to information and support in the aftermath of crime and that all European countries have a corresponding duty to develop suitable services to meet this need.

In addition to the development of quality standards and best practice, Victim Support Europe calls on the European Union to provide additional support to the least developed national victim support organisations, as well as effective ongoing support to the national organisations which already exist. This will help to even out the differences between countries and fulfil victims' rights to support and information. Improving the services in the aftermath of crime will help rebuild the lives of the millions of people who fall victim to crime in Europe each year.



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- **Demand full and appropriate implementation of the EU Directive 2004/80/EC relating to Compensation to Crime Victims**

Victims' right to compensation has been stressed in several international documents, such as the Council of Europe Convention on the Compensation for Victims of Violent Crimes; UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power; and the EU Framework Decision on the Standing of Victims in Criminal Proceedings.

In 2004, the European Union adopted the Directive 2004/80/EC relating to Compensation to Crime Victims. The preamble highlights the European Council's commitment in the Tampere programme to victims of crime and "the drawing-up of minimum standards on the protection of the victims of crime, in particular on crime victims' access to justice and their rights to compensation".

The Directive goes on to state that "crime victims in the European Union should be entitled to fair and appropriate compensation for the injuries they have suffered, regardless of where in the European Community the crime was committed".

By implementing the Directive relating to Compensation in all Member States, victims will receive the same right to compensation regardless of which

State the crime takes place in. Victim Support Europe stresses the importance of equal rights to all victims of crime and therefore calls on the European Union to scrutinise the national implementation of the Directive, to ensure that victims' rights to compensation is upheld and respected in all EU Member States.

- **Supply funding for a European Centre of Excellence within victimology**

For national and regional victim support organisations to be able to provide the most effective and appropriate support to victims of crime, it is essential that up-to-date research and information on the needs of victims is available. Unfortunately, knowledge in this area is limited.

Not even a common definition of a "victim" has been fully affirmed. Victimology is a relatively new area of understanding. More information is needed regarding the physiological trauma of victimisation and victims' experiences of participating in the criminal justice system, along with the development of guidance to practitioners working with victims. Victim Support Europe calls on the European Union to support the establishment of a European Centre of Excellence within victimology.

The Centre will provide professional victimology research on topics of interest to the Member States, which would benefit the establishment and development of victim support nationally, regionally and globally.







Victim Support Europe

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