

Frida Wheldon

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EU Directive establishing minimum standards on the rights, support and protection of victims of crime

Victims' rights in Europe

- 27 EU Member States
 - 27 different criminal justice systems
 - Different role of victims
 - Different political, financial and operational capacity to deliver rights and services to victims

Review victims of crime in the EU

- Two main problems identified
 - Existing legislation was inadequate to improve situation for victims
 - Needs of victims were not sufficiently addressed by Member States
- Primary drivers for identified problem
 - Non-prioritisation of victims
 - Lack of knowledge of victims' needs
- EU action (Directive for victims' rights) required in order to
 - Improve and address identified challenges in victims' access to rights and services
 - Harmonise rights – equal access to rights and services across the EU



EU Directive establishing minimum standards
on the rights, support and protection of victims of crime

- 5 areas of victims' needs
 - Recognition and dignity
 - Protection
 - Support
 - Access to justice
 - Compensation and restoration

Objective (Article 1)

Ensure that **all** victims of crime:

- receive appropriate information, support and protection
- are able to participate in criminal proceedings
- are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner

A crime has been committed



Victims report crime

- Right to receive acknowledgement of report
- Right to receive information
- Right to understand/be understood
- Right to interpretation/translation
- Right to be referred to victim support
- Right to access support services

Victims do **not** report crime

- Right to receive information
- Right to access support services

Case goes to trial



Case is heard in court

- Right to be heard
- Right to legal aid
- Right to reimbursement of expenses
- Right to compensation from the offender
- Right to protection
- Avoid contact between victim and offender
- Right to individual assessment
- Right to special measures



Case is dismissed

- Right to receive information
- Right to review decision not to prosecute
- Right to access support services

Beyond the trial

- Right to receive information (release of offender etc.)
- Right to access support services
- Right to safeguards in restorative justice services
- Prevention of re-victimisation

Implementation phase

- Deadline Nov 2015
- EU Commission Explanatory Paper
- VSE EU Handbook for Implementation of Legislation and Best practice for victims of crime
- Implementation workshops
- Case law – European Court of Justice

Summary

- What does the Directive do
 - Covers all victims of crime
 - Harmonises minimum standards a range of rights
 - Individual assessments – victims seen as individuals
 - Improves clarity and expectations
 - Encourages change of behaviour and attitude for professionals working with victims of crime
 - Provides enforcement possibilities
- What does the Directive **not** do?
 - Harmonise the role of victims
 - Harmonise compensation practices, protection measures or use of restorative practices
 - Main focus on criminal justice proceedings – unreported crime
 - Wording – stronger but still contains ambiguities (training, special measures)
 - Access to right dependent on implementation in Member States

Summary cont.

- Cooperation is key
- Success requires actions to be taken at different levels in each Member State
 - » EU – Directive
 - » National – Legislation/policy/funding enabling implementation
 - » Locally (NGO, local agencies etc.) – Implementation
 - » Victims – Improved access to rights and services
- Think beyond legislation
- We're going in the right direction



Thank you!

Frida Wheldon

Head of Policy, Victim Support Europe

Frida.Wheldon@victimsupportsco.org.uk