

Victim support services in the EU: an overview and assessment of victims' rights in practice

Article 47 of the Charter of Fundamental Rights of the European Union recognises the right to access justice.

Policy context

The European Union (EU) and its Member States have undertaken many legislative and non-legislative initiatives in recent years to improve the situation of victims of crime. At the same time work to promote the rights of victims is still ongoing.

Victims of crime are entitled to access to criminal justice under the European Convention on Human Rights (ECHR) and to active participation in criminal proceedings under the Charter of Fundamental Rights of the EU, as well as under Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime (EU Victims' Directive). Other legislation covers compensation to victims of crime as well as specific vulnerable groups and certain types of crimes.

The 2011 EU *Roadmap for strengthening the rights and protection of victims of crime* outlines a package of measures proposed by the European Commission on victims of crime, including:

- A. the EU Victims' Directive (due date for transposition by late 2015 – three years after the directive enters into force);
- B. recommendations on practical measures and best practices in relation to the directive;
- C. a Regulation on mutual recognition of protection measures for victims taken in civil matters;
- D. a review of Council Directive 2004/80/EC (Compensation Directive);
- E. addressing specific needs of victims.

The new EU Victims' Directive should result in important progress at EU level and foster legal developments in the

support provided to victims and in the participation of victims in criminal proceedings at EU Member State level.

Key issues

Some of the key concerns in the field include the role of the victim in criminal proceedings and facilitating access to criminal justice systems: in other words, ensuring that victims are recognised as persons with rights. These rights should be respected and safeguarded by the criminal justice system.

A core component in meeting the rights and needs of victims is the provision of adequate victim support services throughout the EU. It is particularly important to recognise that access to victim support services is a fundamental right of victims. Such support services should provide victims with information and support at different stages after victimisation, which can range from practical advice about how to claim compensation through to support when going to court.

Victims' access to justice varies across the EU

Victims' access to criminal justice systems differs widely among EU Member States. Differences relate, for example, to: the legal means available to victims; the ability of criminal courts to compensate and provide redress to victims; the role offered to victims in proceedings; and the ability of court staff to interact with them sensitively and respectfully. The divergence of systems has its roots in the varying legal traditions and perceptions of the basic relations between victims and criminal justice systems across the EU.

Reconciling victims' rights

Victims' procedural rights need to be reconciled with their other rights and needs, such as those that protect against re-traumatisation, intimidation or retaliation. Furthermore, in light of current economic austerity policies and budgetary restraints, there is a risk that EU Member States will be reluctant to commit the resources required to improve victim support services. Funding for victim support structures has

recently been a matter of concern in some EU Member States as the financial crisis has led to funding cuts, for example, to the non-governmental organisation (NGO) sector, which provides core victim support services in many states. While victim support services are part of the requirements under the EU Victims' Directive adopted in October 2012, as well as under Article 13 of the 2001 Council Framework Decision on the standing of victims in criminal proceedings, there is a need to support this process with evidence-based advice, including promising practices across the EU.

Importance of supporting victims

What an incident of victimisation can mean to a victim in the long run hinges not only on the offence but also on society's reaction to victimisation. When a victim reports victimisation, the response of state authorities – such as the police, public prosecution services and the criminal courts – and of private actors, is of crucial importance to the victim, particularly in cases of severe, traumatic victimisation, or where the incident is less 'severe' but where the victim is vulnerable. Therefore, it is essential that victims are **aware of their rights**, know **where to turn for advice and support** and are sufficiently **encouraged and supported** in claiming their rights. Availability of and access to reliable, effective and **free victim support services are key** in this regard.

The FRA victim support services project

At the request of the European Commission, the FRA initiated a project on 'Victim support services in the EU: an overview and assessment of victims' rights in practice' in November 2011. The project aims to provide the first independent overview of targeted victim support services in the EU's 27 Member States and Croatia, including a review of practices and gaps in service provision at the national and regional levels. It will look at the provision of services by both the public and private sectors, with a view to developing an overview of the various models and features of victim support in existence across the EU.

The project's key objectives are to:

- **present an overview** of existing models and features of victim support across the EU, looking at the provision of services by both states and NGOs;
- **highlight promising practices** of victim support services that can serve as models for victim support and implementation across the EU in line with the requirements of the Victims' Roadmap, including the new EU Victims' Directive;
- **underscore the important role of victim support services** and the need to pay more attention to this area.

Methodology

Following a stakeholder meeting with the participation of about 60 representatives of victim support services, European institutions, governments and academia in late 2011, the FRA commenced research by gathering information on the type of support services available in the EU Member States and Croatia.

The data collection consists of a combination of primary research, desk-based research and interviews with selected experts.

Outputs

The FRA will issue in 2013 a report on generic victim support provision in EU Member States and Croatia. An interactive web-based 'Map of gaps' of victim support provision in the EU, including promising practices, is also under consideration. This would be coordinated with resources available on the European e-Justice Portal.

Further information:

An overview of FRA activities on victims of crime is available on the FRA website at: <http://fra.europa.eu/en/project/2012/victim-support-services-eu-overview-and-assessment-victims-rights-practice>

The *EU-MIDIS Data in Focus Report 6: Minorities as Victims of Crime* is available at: <http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime>

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