



VICTIMS' RIGHTS

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

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FRA Conference
"Justice in austerity" – Workshop II

Justice



Victims Directive 2012/29/EU

- **Replacing Council Framework Decision 2001/220/JHA** on the standing of victims in criminal proceedings
- Commission Proposal: 18 May 2011
- Adoption: 25 October 2012
- Entry into force: 15 November 2012
- **Transposition deadline: 16 November 2015**
- Commission Report deadline: 16 November 2017

Victims Directive - Content

- **32 Articles (Art. 1-26 operational)**
- **Comprehensive scope of victims' rights throughout criminal proceedings:**
 - Information
 - Interpretation and translation
 - Victim support (general and specialist support)
 - Protection / Individual assessment of protection needs
 - Participation in criminal proceedings
 - Training of practitioners
 - Coordination



Victims Directive compared to 2001 Framework Decision?

- **Legally binding and enforceable !**
 - Applies also to victims' **family members**
 - **Child sensitive** approach
 - **Accessibility** of information & communications
 - Extended right to **information** (from first contact throughout criminal proceedings)
 - Stronger obligation to provide **victim support**
 - Right to **review** decision not to prosecute
 - **Individual assessment** to identify vulnerable victims & special protection measures
 - **Training** of practitioners
- *BUT* some key rights limited to victims with **formal role!**



Implementation of the Directive

- Different **levels** of victims' procedural rights in the MS
 - Different **legal traditions** and **criminal justice systems**
 - Different **approaches** taken on victims (hard/soft law)
- **Commission's role:**
 - **Commission guidelines** on interpretation of Articles
 - **Consultation and cooperation** with MS and stakeholders (expert meetings and implementation workshops)
 - **Project funding** of accompanying measures (e.g. exchange of best practices, training, awareness raising, studies...)
 - **Recommendations** on specific issues (Budapest Roadmap)



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