



Rights and protection for victims of crime

According to the EU Treaties and the Stockholm programme, criminal law should focus not only on repression, but special attention should also be paid to victims in the area of freedom, security and justice. While protection measures exist in specific cases, a May 2011 Commission proposal would extend protection to cover all types of crimes and victims.

Background

Since the entry into force of the Lisbon Treaty several EU Directives have dealt with victims' rights in specific contexts, such as the 2011 directives on the [European protection order](#), on [combating the sexual abuse and sexual exploitation of children and child pornography](#), and on [preventing and combating trafficking in human beings and protecting its victims](#). Building on these precedents, the Commission proposed a Directive of general scope to protect victims of crime on 18 May 2011.

A comprehensive proposal

The proposed [Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime](#) will replace [Framework Decision 2001/220/JHA](#) on the standing of victims in criminal proceedings. According to its legal basis (Article 82(2) TFEU) this Directive will lay down minimum rules, while Member States (MS) may extend the rights in order to provide a higher level of protection. The United Kingdom and Ireland have notified their wish to participate in the adoption and application of this Directive, whereas Denmark, due to its opt-out, will not be bound by it or subject to its application.

The objective of the Directive is to harmonise MS legislation by granting a core of rights to all victims of crimes. The focus has been placed on the rights:

- to understand and to be understood, to receive information about their case; to interpretation and translation as well as to have access to support services;
- to be heard during criminal proceedings, to a review of a decision not to prosecute the offender, to [restorative justice](#), to legal aid and to return of property.

Special treatment will be granted to victims with specific protection needs; these result from the type and nature of the crime, its circumstances or the victim's personal characteristics; this will mainly apply to children, women and persons whose relationship with the perpetrator makes them vulnerable. Particular attention should be paid to the risk of retaliation, intimidation, or repeat victimisation. In this context the right to privacy and personal integrity shall be ensured, notably for children, by preventing public dissemination of images or information, making possible their identification.

According to the draft Directive, MS shall grant appropriate training to judges and prosecutors involved in criminal proceedings and raise their awareness of the needs of victims. Lawyers, practitioners, public support services and victim support organisations should also be actively involved in its implementation. Moreover, MS shall take appropriate action, including through the internet by targeting groups at risk with information and awareness raising campaigns. Research and education initiatives could be also launched and financed, where appropriate, in cooperation with civil society and stakeholders.

After several rounds of negotiations with the Council, a compromise covering these aspects was endorsed on 10 July by the [LIBE and FEMM Committees](#) (meeting jointly under Rule 51) by 79 votes in favour and 1 against, with 1 abstention.

Transposition and implementation

The deadline for transposition in national law of the draft Directive would be three years after its adoption. MS should regularly collect comparable statistics showing how victims have accessed the rights covered by the Directive. These data as well as those concerning special protection needs will be taken into account by the Commission in its report on the Directive's implementation.