Victims' rights in the EU
Revision of Directive 2012/29/EU

This briefing is one in a series of implementation appraisals produced by the European Parliamentary Research Service (EPRS) on the operation of existing EU legislation in practice. Each briefing focuses on a specific EU law that is likely to be amended or reviewed, as envisaged in the European Commission’s annual work programme. Implementation appraisals aim at providing a succinct overview of publicly available material on the implementation, application and effectiveness to date of specific EU law, drawing on input from EU institutions and bodies, as well as external organisations. They are provided by the Ex-Post Evaluation Unit of the EPRS to assist parliamentary committees in their consideration of new European Commission proposals, once tabled.

SUMMARY

Directive 2012/29/EU (the Victims’ Rights Directive) establishes minimum standards on the rights, support and protection of victims of crime and ensures that persons who have fallen victim to crime are recognised and treated with respect. It also ensures that victims receive proper protection, support and access to justice.

The Victims’ Rights Directive has had a positive effect where implemented. However, the European Commission 2020 evaluation of the directive recognises, there are shortcomings when it comes to its practical implementation by Member States. These shortcomings originate, for example, from the lack of specificity in some of the directive's provisions. For instance, inadequacies in the provision of specialised expertise to meet specific victims’ needs, and in victims’ access to relevant information on their rights.

The revision of the Directive is part of the 2020-2025 EU strategy on victims' rights. This revision aims at strengthening the rights of victims of crime throughout the EU. The scope of the revision includes improving access to information and support for victims, ensuring that victims are treated with dignity and respect throughout criminal proceedings, and enhancing their rights to participate in them. Additionally, the revision aims at better protection for victims of gender-based violence, including sexual violence and domestic abuse, and to address the needs of vulnerable victims, such as children and persons with disabilities.
Background

According to the most recent report by the European Union’s Agency for Fundamental Rights (FRA), more than 22 million people in the European Union (EU) experienced physical violence in 2018. The European Commission’s [website](https://ec.europa.eu) states that every year an estimated 15% of Europeans, or 75 million people in the EU, fall victim to crime. Regarding recent trends, Europol (the EU Agency for Law Enforcement Cooperation) reports that the COVID-19 pandemic lockdowns saw a significant rise in domestic violence, child sexual abuse and cybercrime.

The Lisbon Treaty marked a milestone in the development of victims’ rights in the EU as it granted the EU the competence to legislate in matters related to justice and home affairs.

Article 82 of the Treaty on the Functioning of the European Union (TFEU) sets out the explicit legal basis for setting minimum standards on the rights of individuals in criminal proceedings and victims of crime.

The Lisbon Treaty also gave a new status to the EU Charter of Fundamental Rights, putting it at the same level of authority as a treaty. Solemnly proclaimed on 7 December 2000, the EU Charter became legally binding in December 2009.1


The VRD was adopted to strengthen the rights of all victims of crime, so that individuals can count on having the same basic level of rights, whatever their nationality and wherever the crime took place in the EU. It replaced Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings, which secured minimum rights for victims of crime. The VRD is the core EU-level instrument laying down a set of rights for all victims of crimes, and imposing corresponding obligations on EU Member States. The VRD entered into force on 15 November 2012 and EU Member States had until 16 November 2015 to incorporate it into national law.2

Other EU acts in the area of victims’ rights include Directive 2004/80/EC (relating to compensation to victims of crime), Regulation 606/2013/EU (on the mutual recognition of protection measures in civil matters), and Directive 2011/99/EU (on the European protection order). The EU has also adopted several instruments dealing with the needs of victims of particular types of crime (such as victims of terrorism, victims of human trafficking, child sexual exploitation or victims of non-cash payment fraud). On 8 March 2022, the European Commission adopted a legislative proposal on combating violence against women and domestic violence. These instruments complement and build on the VRD.

The VRD reinforces existing national measures with EU-wide minimum standards on the rights, support and protection of victims of crime in every EU country. The VRD sets out that victims must have the right to:

- understand and be understood during contact with an authority (for example through the use of plain and simple language);
 Victims’ rights in the EU

- receive information from the first contact with an authority;
- make a formal complaint and receive written acknowledgement;
- interpretation and translation (at least during interviews and questioning of the victim);
- receive information about the case’s progress;
- access to victim support services.

All EU Member States must ensure that victims of crime are recognised and treated in a respectful, sensitive and professional manner according to their individual needs and without any discrimination. The directive lays down minimum standards for all victims of all crimes regardless of victims’ nationality or residence status. As soon as a crime is committed or criminal proceedings take place in the EU, the victim must be granted the rights established by the VRD. Under the directive, family members of deceased victims are considered victims themselves.

In its 2022 work programme, the European Commission announced a possible revision of the victims’ rights acquis, to improve victims’ access to justice, enhance their rights to information about the compensation available and strengthen their physical protection. The Commission plans to adopt a proposal in 2023, which will take the form of a revision of the VRD. In June 2022, the Commission published its evaluation of the VRD, assessing the extent to which the VRD had achieved its objectives in terms of its implementation and practical application in EU countries.

European Commission evaluations, reports and initiatives

Implementation report on Victims’ Rights Directive, 2020

In May 2020, the European Commission published an implementation report on the VRD, as per Article 29 of the directive, assessing the extent to which EU Member States had taken the necessary measures to comply with the directive, and considering that the directive requires not only transposition into national legislation, but also non-legislative measures. Non-legislative measures include, for example, the setting up of general and specialist support services, and ensuring that practitioners and other people coming into contact with victims are effectively trained in victims’ rights and needs.

The implementation report showed that the VRD’s implementation 'had not reached its full potential', particularly due to incomplete and/or incorrect Member State transposition. The report also raised numerous concerns on the practical implementation of the VRD – as shortcomings in the implementation of some key provisions of the VRD, such as access to information, support services and protection in accordance with victims’ individual needs – were found in most Member States. According to the implementation report, provisions related to procedural rights and to restorative justice appeared to be less problematic.

The Commission stated that it is working closely with Member States to overcome the difficulties identified, including through financial support – for example, through the European Network on Victims’ Rights, set up under an EU grant, which provides a forum of national experts who exchange best practices and discuss the correct implementation of the VRD. The Commission also stated that infringement procedures for the incomplete transposition of the VRD were ongoing against most Member States.

Communication on the 2020-2025 EU strategy on victims’ rights

In June 2020, the European Commission published a communication on the 2020-2025 EU strategy on victims’ rights. According to the document, which refers to the Commission’s report on the implementation of the VRD, the strategy is based on a two-strand approach:

- empowering victims of crime;
- cooperation between the European Commission and all other actors relevant to victims’ rights.

The communication states that it is crucial to empower victims, for them to report crimes, to ensure they participate in criminal proceedings, claim compensation and ultimately recover – as much as
possible – from the consequences of crime. These objectives can only be achieved if the **Commission and all other relevant actors work together**, and through better coordination and cooperation.

The communication details action to be taken by the European Commission and Member States. It identifies **five priorities**: (i) effective communication with victims and a safe environment for victims to report crime; (ii) improved support and protection for the most vulnerable victims; (iii) facilitated victim access to compensation; (iv) strengthened cooperation and coordination among all relevant actors; and (v) strengthened international dimension of victims' rights.

According to the communication, these actions are **expected to improve the protection of victims' rights**, including taking due account of victims specific needs, and iny doing so increasing the security of all EU citizens.

**Commission evaluation of the Victims' Rights Directive, 2022**

In June 2022, the Commission published an ex-post evaluation in form of a staff-working **document (SWD)** assessing the **relevance, effectiveness, efficiency, coherence and EU added value** of the VRD, in line with the Better Regulation **guidelines**. According to the evaluation, since the adoption of the **implementation report** on the VRD in May 2020, progress had been made in the implementation of the directive. The Commission highlighted the Russian war of aggression against Ukraine, as EU legislation on victims' rights should ensure that the specific needs of victims' fleeing from war are met.

The evaluation shows that the VRD had a generally positive impact on the right to information, on access to victim support services, access to justice, protection measures and the provision of professional training. The evaluation also concluded that the VRD remained generally relevant and adequate, with its **scope and definitions considered fit for purpose**. However, the evaluation identified several limitations. For instance, victims could only benefit from the rights the VRD grants from the moment they reported a crime. Victims were also required to go through a process of formal recognition, which limited their access to certain rights in some Member States. The Commission also found that the VRD might not adequately address the needs of **victims of online crime or of crime enabled by new technology**.

Another issue the VRD does not address is the victims' **period of transition from childhood to adulthood**. There are also concerns about the rights of victims being limited to their role in criminal proceedings in different Member States. Evidence from the evaluation conducted by the Commission also suggests that the VRD 'may have overlooked the practical challenges in ensuring non-discriminatory treatment of victims'. On the VRD’s scope, the evaluation stated that evidence showed room for improvement on the role of the digital space and use of common technologies.

Further, evidence presented in the evaluation showed that the aspects of the VRD that are the most costly to implement differed greatly between Member States. This is due to the varied national laws and practices regarding victims' rights. The same conclusion was drawn regarding the availability of general resources and the costs associated with implementing specific provisions of the VRD. Certain limitations, such as the lack of complete Member State monitoring and reporting, affected the assessment of the VRD’s efficiency. For instance, by the time the Commission staff working document was published, some Member States had, as required by Article 28 of the VRD, provided only partial data and statistics to the Commission.

**Data on support services' resources were also scarce and fragmented.** There is a variety of budget streams in most Member States, linked to the fragmentation of competences across national authorities. The **under-funding** of the victim protection system from the public budget and the sporadic use of other resources were identified as a potential cause of inefficiencies in victim protection measures.
European Parliament legislative oversight and scrutiny

Texts adopted by the European Parliament

In 2016, the European Parliament’s Committees on Civil Liberties, Justice and Home Affairs (LIBE), and on Women’s Rights on Gender Equality (FEMM), started an own-initiative procedure on the implementation of the Victims’ Rights Directive, resulting in a report on the implementation of the VRD. Dated 14 May 2018, the report covered aspects of the directive’s application: the legal transposition measures at the Member State level, the practical implementation of the VRD on the ground, the benefits it has provided to victims, as well as the challenges encountered. It also provided a number of recommendations to the Commission and the Member States for further promoting the implementation of the VRD in the future.

These recommendations covered victims’ individual assessment, victim support services, training of competent authorities across Member States, the cross-border dimension of crime, victims’ procedural rights, and the institutional perspective of the VRD – namely issues which are the duties of the Commission and Member State authorities. For example, the report pointed out that in some Member States, victim support services had still not been set up, and stressed the importance of dealing with children and young victims in a manner that takes proper account of their vulnerability.

On 30 May 2018, the Parliament adopted a resolution, following the findings of the implementation report, calling the shortcomings in the implementation of the VRD to be addressed. In this resolution, among others, the Parliament called on the Member States to implement efficiently, with sufficient economic and financial resources and in full cooperation with the Commission and other relevant actors, including civil society, all provisions of the VRD. It also called on the Commission to include the priority of safeguarding personal security and the protection of all individuals from gender-based and interpersonal violence in the European Agenda on Security.

Members’ written questions

This section presents Members’ written questions, and the respective answers given by the Commission, in the 8th and 9th legislative terms.

Question for written answer by Miriam Dalli (S&D, Malta), 9 April 2015

Subject: ‘Victims of crime’

In this question, and in the context of the European Day for Victims of Crime (22 February), the Member asked whether stakeholders, such as victim support organisations were consulted during the creation of the VRD. Additionally, the Member asked if different levels of victim procedural rights in the Member States, their different legal traditions and criminal justice systems and the different approaches vis-à-vis victims, were an obstacle for the implementation of the directive.

Answer given by Commissioner Věra Jourová on behalf of the Commission, 23 June 2015

The Commission answered that stakeholders, in particular victim support organisations, were consulted during preparation of the VRD. The Commission also stated that it is in constant contact with stakeholders to help implement current legislation to ensure that victims’ needs are met in the EU. As to the second question, the Commission answered that the Member States have different legal traditions, criminal justice systems, and varying levels of procedural rights for victims. For this reason, the Commission was working with the Member States and key stakeholders to ensure that Member States comply with the minimum standards set out in the directive by the transposition deadline of 16 November 2015. The Commission had organised four implementation workshops with the Member States and issued a guidance document explaining all the provisions in the directive to help with the directive’s implementation.
Question for written answer by several Members, 9 December 2020
Subject: ‘Combating gender-based cyber violence’

The Members concerned noted that, according to research conducted by the World Wide Web Foundation during the COVID-19 pandemic, 52% of young women and girls have experienced online violence, including threats, sexual harassment and the sharing of private photos without their consent. Moreover, as many as 87% of the respondents believe that the problem of gender-based cyber violence is increasing. In the context of the 2020-2025 EU gender equality strategy, preventing and combating violence against women and of the 2020-2025 EU strategy on victims’ rights, the Members asked about the concrete steps the Commission has taken to protect the rights of victims of gender-based cyber violence.

Answer given by Commissioner Helena Dalli on behalf of the European Commission, 9 March 2021

The Commission answered that it launched the #DigitalRespect4Her campaign in 2019 against online violence targeting women in public life. It stated that it would also address gender-based violence in its forthcoming campaign on combating gender stereotypes. Under the European strategy for a better internet for children, the Commission provides financial support for the Safer Internet Centres network. The centres run awareness campaigns, provide training and resources on online harassment, and offer hotlines to identify and remove child sexual abuse material.

Question for written answer by Ciarán Cuffe (Greens/EFA, Ireland), 28 November 2022
Subject: ‘Restorative justice’

In this question, the Member stated that restorative justice helps victims of crimes to recover and to obtain reparations and satisfaction by giving them a voice in the judicial process. In this context, Council of Europe Recommendation CM/Rec(2018)8, agreed by European justice ministers, calls for the development of restorative justice services that are: (1) generally available throughout the Member States; (2) trained and resourced to a high standard; (3) operated in accordance with core principles (e.g. voluntariness, respect); (4) provided for in legislation that clearly states how they should be integrated into the legal system for the purposes of referrals, confidentiality, sentencing, etc.; and (5) continuously monitored and reviewed to ensure they are safely and effectively provided. However, legislation on restorative justice as set out in the VRD requires only that victims be informed of existing restorative justice services and that safeguards be in place. The Member asked how the upcoming revision of the VRD would better reflect the terms of Recommendation CM/Rec(2018)8 already agreed.

Answer given by Commissioner Didier Reynders on behalf of the European Commission, 20 January 2023

The Commission answered that it pays particular attention to the rights, support, and protection of victims of crime. The 2020-2025 EU strategy on victims’ rights called on the Commission to assess whether a revision of the VRD was necessary, and work was still ongoing – the adoption of the proposal is scheduled for 2023. Under the strategy, the Commission also aims to promote restorative justice in Member States, including through funding opportunities. Funding is awarded to projects promoting restorative justice through action grants under a dedicated call within the justice programme. In addition, the Commission provides support to the European Forum for Restorative Justice in the form of a multi-annual operating grant from the justice programme.

Council of the European Union
Justice and Home Affairs Council

On December 2019, the Justice and Home Affairs Council adopted conclusions on victims’ rights, following the discussions in October of that same year. The conclusions took stock of the comprehensive EU framework developed in this area, covering legislative and non-legislative instruments as well as cooperation at operational level. Their objective was to improve the
effectiveness and implementation of the framework, and to identify concrete actions and initiatives to be taken to further improve it.

The conclusions acknowledged that matters related to victims’ rights are **interinstitutional, cross-governmental, multidimensional, and require coordination**.

In developing EU-level coordination, it was stated that experience regarding tasks related to coordination needed to be evaluated before considering establishing new coordination structures or modifying existing tasks. In particular, any overlap with existing mandates and EU-level coordination frameworks established under EU law should be avoided. It was considered important for the EU to be active in fostering cross-border cooperation between Member States. National coordination structures should however remain under the sole responsibility of Member States.

The conclusions also noted that, despite substantial effort to ensure that rules are applied and rights upheld in cyberspace, all forms of **cybercrimes and harmful online behaviours** continue to rise, driving the need to provide protection for victims suffering a violation of their fundamental rights, economic losses, identity theft and damages against their reputation across borders.

### Case law on the Victims' Rights Directive

**Ruling in Case C-38/18**

Case C-38/18 concerned the interpretation of Articles 16 and 18 and Article 20(b) of the VRD. The request for a preliminary ruling was made in criminal proceedings brought against Mr Massimo Gambino and Mr Shpetim Hyka relating to offences of **fraud and money-laundering**. Mr Gambino’s lawyer had requested that, under Articles 511 and 525 of the Italian Code of Criminal Procedure, that all the witnesses examined up to that date be re-examined, including, in particular, the victims of the presumed fraud.

The referring court asked, whether the articles should be interpreted as precluding national legislation under which, where the victim of a criminal offence has been examined on the first occasion by a panel of judges of a first-instance criminal court and the composition of that panel is subsequently changed, that victim should, in principle, be examined again by the panel sitting in its new composition, where one of the parties to the proceedings does not consent to that panel basing its decision on the written record of that victim’s first examination.

The CJEU stressed that the victim’s right to protection from **secondary and repeated victimisation** is without prejudice to the accused persons’ defence rights and their right to a fair trial. It also refers to the case law of the European Court of Human Rights (ECtHR), highlighting the importance of questioning witnesses before the deciding judge.

However, ECtHR case law also indicates that the Member States must recognise particular circumstances that **may justify a waiver of witness examination** if it is not important for the conviction. Re-examination of the victim is therefore permitted if the court in the main proceedings does not identify specific protection needs that would make specific protection measures necessary.
pursuant to Articles 23 and 24 of Directive 2012/29. In this case, this was up to the referring Italian court to decide.

Research and EPRS publications

Shortcomings and challenges in the implementation of the Victims' Rights Directive across the EU

On 22 February 2023, the FRA published a report on support services, reporting and protection. The report focuses on two areas that are key to the effective implementation of the VRD in practice, which are also addressed by the European Commission in its evaluation of the VRD: support services for victims and protection from secondary victimisation. However, the report addresses a third area, only partially addressed by the Commission’s evaluation: reporting of crime. The report finds that evidence indicates that the reporting of crime needs to be further facilitated.

Under the VRD, every victim has a fundamental right to effective access to criminal justice. Accordingly, every victim has to be provided with an accessible, safe and effective complaints channel. Yet, as the relevant findings show, a third-party reporting avenue, for example, which could help to address some of the reasons for not reporting (as given in FRA's surveys and qualitative research) does not exist or is not systematically used in Member States. Where it does exist, there are often limitations. In cases of specific categories of victim, such as those living in institutional settings, there is a need to introduce a practical way to report their victimisation to the police, for example via proactive monitoring mechanisms.

According to an article published on 27 December 2022 in the European Journal of Crime, on the implementation of the VRD in Greece, Italy, Bulgaria, Cyprus, and Spain, one shortcoming in the implementation of the VRD is dependent on the characterisation of the 'ideal victim', which informs the prioritising of support. The article evidences how the 'hierarchisation of victims' is echoed in the unequal transposition and implementation of the VRD throughout the EU, from law enforcement agencies to prosecution, courts and victim support.

A chapter from a book on victims of crime in the area of freedom, security and justice, of 6 August 2021, states that the legal representation of any victim (whether cross-border or not) should be regulated by much more advanced provisions than those in force. Such regulations could be created – with the necessary variations – based on the minimum standards applicable to accused persons. The right of access to a lawyer, paid by the Member State where appropriate, as well as the rights to information and to interpretation and translation, are 'super-rights'. These precede not only the exercise of the victim's right to 'participate in the criminal justice system', which serves as an important symbolic form of compensation for the crime, but also the right to 'monetary compensation' from both the offender and the Member State. These essential components of the VRD will remain ineffective unless victims of crime are assured of the right to legal aid to exercise their rights, even when they are not a party to proceedings, in accordance with the legal traditions of a given national system of justice.

European Parliament publications

In December 2017, the EPRS published a European Implementation Assessment on the VRD, in the context of a request from the European Parliament's LIBE and FEMM committees to draw up an own-initiative implementation report. The assessment includes recommendations for the future implementation of the VRD, based on the research conducted. These recommendations pointed out that there is a need to do more to ensure that victims of crime are aware of their rights. There is a need for better signposting mechanisms within Member States, so that victims of crime are not only aware of their rights but also know where to go to obtain help to exercise them. The assessment also found that there is a need to heighten awareness of victims’ rights among the population at large, including in schools, but also among family and friends, to whom victims often turn in the first instance.
According to the study, more emphasis should be placed on capacity building and the training of practitioners with regard to implementation of key aspects of the directive. According to the analysis conducted, the directive's effectiveness is hampered in many Member States by a lack of financial resources committed to the implementation of key provisions. More effective ways should be developed in all Member States to reach victims of crimes that go unreported. The EU and Member States should ensure that the victims of all types of crime are treated equally when exercising their rights set out in the directive. Last but not least, there is a key role for the EU to play in ensuring that citizens who are victims of crime in another Member State or outside Europe are able to fully exercise their rights.

A study by the Policy Department for Citizens' Rights and Constitutional Affairs of the Parliament, requested by the LIBE committee, also notes that there is a clear need to reflect on how to improve cross-border protection of victims. It suggests that a debate could be initiated on the approximation of protection measures available for victims, with the final objective of pushing national laws towards higher degrees of homogeneity. This would clarify and fortify the link between approximation and mutual recognition instruments.

On combating cyber violence, particularly regarding gender-based violence, a study by the EPRS noted that, with the rise of new technology and social media, gender-based cyber violence is a constantly growing threat with impacts at individual, social and economic levels, on women and girls and on society generally. The study finds that action taken so far has been inadequate, and the cross-border nature of gender-based cyber violence has yet to be properly addressed. Still on the subject of gender, another EPRS study notes that, in an impressive number of resolutions, the European Parliament has, over almost 40 years, voiced serious concern about gender-based violence, calling for decisive action to prevent and combat it throughout the EU. Sadly, the issue remains as topical today as ever, with the COVID-19 pandemic and related lockdowns having worsened the situation even further.

Recommendations on the treatment of victims throughout the criminal justice procedure

The website of the United Nations Office on Drugs and Crime states that are numerous steps that states should take to ensure victims' rights and protection are respected during criminal justice processes. These include the provision of legal aid and assistance where appropriate to victims. As observed by the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, an effective legal aid system can reduce the amount of time victims (and offenders) spend in the trial process, can reduce re-victimisation and reoffending, and can also ‘contribute to the prevention of crime by increasing awareness of the law’ (paragraph 3).

Broadly speaking, victims should be treated with compassion and respect for their dignity. As stated in the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, victims of crime (including victims of trafficking) must be ‘entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm that they have suffered’ (paragraph 4). Inter alia, their views should be respected, their privacy must be ensured, and any unnecessary delays should be avoided throughout criminal justice procedures.

Similarly, the website of the Office for Victims of Crime (OVC) – one of six Program Offices within the Office of Justice Programs at the U.S. Department of Justice – states that the participation of a victim as a witness in the criminal justice system is always complex, often placing additional pressure on the victim and resulting in re-traumatisation. Among several recommendations for working with victims acting as witnesses, it states the importance of being prepared to provide additional support to victims post-trial. While the end of a trial often signals closure for investigators and prosecutors, many victim service providers notice a deterioration in victims’ emotional and physical wellness after a verdict or plea. Service providers would be wise to be aware of and prepare for this possibility, by engaging additional support for victim-witnesses.
Summary of key findings

Among the several shortcomings identified in the documents produced by EU institutions and bodies presented throughout this briefing, two issues were repeatedly mentioned. One is the incomplete or lacking provision of **appropriate support for victims** according to their specific and individual needs. The second is the failure by the relevant authorities to prevent **secondary and repeated victimisation of individuals** throughout the different stages of criminal proceedings.

EU Member States' effective implementation of the VRD is **key to ensuring access to justice** for victims of crime, as the 2020-2025 EU strategy on victims' rights underlines. Member States must adopt the measures provided under the VRD to ensure that all victims, including those who are vulnerable, can exercise their rights and gain effective access to criminal justice in practice.

However, in some Member States, **progress still needs to be made** towards guaranteeing victims' rights in practice. Member States should ensure that there is a state body responsible for ensuring that sufficient victim support organisations exist, that performance standards for such organisations are clearly defined, and that compliance with these standards is monitored to secure the delivery of victims' rights in practice.

Existing research indicates that **more could be done at the EU-level** to promote this type of capacity building in Member States. In this respect, the Commission, throughout its latest published documents, mentions cooperation between the EU and its Member States, as well as all competent authorities, to ensure the full and effective practical implementation of the VRD.

**MAIN REFERENCES**


European Commission, *Victims' rights in the EU*

European Commission, *EU Strategy on victims' rights (2020-2025)*

Fundamental Rights Agency, *Underpinning victims’ rights – support services, reporting and protection*, February 2023

European Parliament, IPOL, *Criminal procedural laws across the European Union - A comparative analysis of selected main differences and the impact they have over the development of EU legislation*, August 2018

ENDNOTES

1 The charter reaffirms – with due regard to the EU’s powers and tasks and to the principle of subsidiarity – the rights established based on the constitutional traditions and international obligations common to EU Member States. These include the European Convention for the Protection of Human Rights and Fundamental Freedoms, the social charters adopted by the EU and by the Council of Europe, and the case-law of the Court of Justice of the European Union and of the European Court of Human Rights. By making fundamental rights clearer and more visible, it creates legal certainty within the EU.

2 As per the website of the European Commission, on 25 July 2019, the Commission decided to send letters of formal notice to Czechia, Germany, Estonia, Italy, Hungary, Malta, Poland, Portugal and Sweden for ‘failing to completely transpose’ the VRD. The Member States receiving letters of formal notice had not implemented several provisions of this directive, such as the right to be informed about both the victims’ rights and the case, or the right to support and protection.

3 Restorative justice emphasises the principle of repairing the harm caused by criminal behaviour.

4 In July 2022, the Commission published a factual summary report of the contributions made by stakeholders to the public consultation on the revision of the VRD. According to the summary report published by the Commission, a total of 72 replies were received (EU and non-EU) – including 15 position papers. Among the 72 replies, 17 were from victims of crime and 3 from friends or relatives of victims of crime. A total 31 replies came from victim support services, of which 22 indicated they were non-governmental victim support services. In general, respondents stressed that the provision of information should be coordinated through a standardised system of communication. Several respondents provided further suggestions for the revision of the VRD. These included strengthening existing rights with clear, more detailed drafting; placing a stronger focus on vulnerable groups (e.g. inclusion of elderly people); and an explicit consideration of victims of torture.

5 Such as training professionals, providing support services for victims, translation, and restorative justice.

6 The follow up by the European Commission to the European Parliament’s resolution on VRD was given together in a document concerning the implementation of the European Protection Order Directive (SP(2018)401). The Commission stated that it was also carefully monitoring how Member States have transposed the provision of the VRD, requiring that victims must be informed about available protection – including in cross-border cases – from the first contact with the authorities. The Commission also stated that it was evaluating the implementation of the VRD, taking account of whether national laws and practices ensure that victims of crime receive the full range of information concerning their rights. This evaluation would also assess the compliance with the requirement to ensure that persons coming into contact with victims receive general and specialist training.

7 ECtHR, 26 March 1996, Doorson v Netherlands and ECtHR, 5 October 2006, Marcello Viola v Italy.

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