



Questions & Answers – Victims' Rights: New Strategy to empower victims

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What are the current instruments protecting victims' rights in the EU?

The [Victims' Rights Directive](#) is the core instrument of the EU victims' rights policy. The objective of the Directive is to ensure that all victims of crime receive appropriate information, support and protection and are able to participate in criminal proceedings. According to the Directive, victims shall be recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner by all actors coming into contact with them. Special attention should be paid to victims with specific needs in view of protecting them from secondary victimisation, retaliation and intimidation. Such victims shall also have access to specialised support services. Moreover, the Directive requires that where the victim is a child, the child's best interest shall be the primary consideration.

The Directive provides victims with a right to information, a right to understand and to be understood, a right to access support and protection in accordance with their individual needs, as well as with a set of procedural rights.

For certain groups of victims, the EU has specific rules. These rules build on the Victims' Rights Directive but respond more directly to the specific needs of some victims. The EU legislation exists to provide protection and support for

- victims of [human trafficking](#),
- [child victims of sexual exploitation](#),
- victims of [terrorism](#).

There are also EU rules on mutual recognition of protection measures ([Directive on the European protection order \(EPO\) in criminal matters](#) and [Regulation on protection measures in civil matters](#)). Both instruments allow for a prolongation of national protection measures for persons in danger when they move or travel to another EU Member State.

What EU rules exist for ensuring that victims in the EU have access to compensation?

The EU has put in place legislation that facilitates access to compensation in situations where the crime was committed in an EU country other than the victim's country of residence.

[Directive on compensation to crime victims](#) allows people who have fallen victim to crime abroad to apply for state compensation. The Directive requires that all EU countries have a state compensation scheme which provides fair and appropriate compensation to victims of intentional violent crime.

[Directive establishing minimum standards](#) on the rights, support and protection of victims of crime provides the right to obtain a decision on compensation by the offender. It also encourages EU countries to set up mechanisms for recovering compensation payments from the offender.

What is the European Commission doing to ensure that victims' rights are implemented in the EU?

The Victims' Rights Directive was adopted in 2012, EU countries had to implement it by 16 November 2015. In 2013, the European Commission issued a [guidance document](#) to assist EU countries in this process.

On 11 May 2020, the European Commission adopted a [report on the implementation of the Victims' Rights Directive](#) and a [report on the implementation of the Directive on the European protection order](#). The reports show that these instruments have not yet reached their full potential. This is mostly because of the incomplete transposition and/or incorrect implementation of the EU rules into national legal orders. Regarding the Victims' Rights Directive, the Commission has currently 21 infringements open for incomplete transposition of the Directive.

The [European Network on Victims' Rights](#) was set up under an EU grant in order to assist the national authorities in implementation of the EU rules on victims' rights. The Network provides a forum of national experts who exchange best practices and discuss the correct application of the transposed law.

The European Commission is also monitoring and supporting Member States on the implementation of

EU rules for specific group of victims, such as [victims of child sexual abuse and exploitation](#).

New Victims' Rights Strategy 2020-2025

Why do we need a Victims' Rights Strategy?

The new Victims' Rights Strategy is the first-ever Strategy on victims' rights. It aims to empower victims of crime and to work together for victims' rights. To that end, it outlines actions to be taken at EU, national and civil society levels over the next five years.

The EU already has a solid legislation in place, but more needs to be done to ensure that victims can fully rely on their rights. The Commission will ensure correct implementation of the EU standards in all Member States. The Commission will continue to assess EU instruments and, where necessary, come forward with legislative proposals by 2022 to further strengthen victims' rights.

What are the key pillars of this Strategy?

The EU Strategy on victims' rights is based on a two-strand approach: empowering victims of crime and working together for victims' rights.

It presents five key priorities: (i) effective communication with victims and a safe environment for victims to report crime; (ii) improving support and protection to the most vulnerable victims; (iii) facilitating victims' access to compensation; (iv) strengthening cooperation and coordination among all relevant actors; and (v) strengthening the international dimension of victims' rights.

What are the core actions under the Strategy?

1. Effective communication with victims and providing for safe environment for victims to report crime

Some of the key actions for the European Commission:

- **Launch an EU campaign to raise awareness about victims' rights** and to promote specialist support and protection for victims with specific needs such as victims of gender-based, domestic violence or victims of hate crime;
- **Promote training activities for judicial and law enforcement authorities** through reinforced cooperation with the European Judicial Training Network, the European Union Agency for Law Enforcement Training;
- **Provide for EU funding** to national victim support organisations and relevant community-based organisations;
- **Ensure correct implementation of the legislative framework** through additional legal actions. If necessary, propose by 2022 legislative proposal to strengthen victims' rights, including victims' rights to physical protection.

Some of the key actions for the Member States:

- **Ensure full and correct implementation of the Victims' Rights Directive** and other EU rules on victims' rights;
- **Launch national awareness campaigns** about victims' rights, including support for victims with specific needs;
- **Support and include civil society** in strengthening victims' rights including with the help of available EU funding.

Some of the key actions for other stakeholders:

- Victim support organisations to engage with national authorities and participate **in mutual training activities**.

2. Improving protection and support of the most vulnerable victims

Some of the key actions for the European Commission:

- Promote actions that draw **lessons learnt from the COVID-19 pandemic**;
- **Promote an integrated and targeted EU approach to support victims with special needs** such as child victims, victims of gender-based or domestic violence, victims of racist and xenophobic hate crime, LGBTI+ victims of hate crime, elderly victims and victims with disabilities, by the relevant EU funding and through the EU awareness campaign on victims' rights;
- **EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence** (Istanbul Convention) or alternative legislative measures that achieve the same objective;

- **Assess introduction of minimum standards on victims' physical protection**, and where necessary present legislative proposals by 2022;
- **Assess tools at EU level to allow for reporting of crime for migrant victims and for victims in detention**, and where necessary present legislative proposals by 2022.
- Implement the guiding principles on **ensuring protection and support for victims of hate crime and hate speech**;
- Ensure a smooth functioning of the **EU Centre of Expertise for Victims of Terrorism**;

Some of the key actions for the Member States:

- Take actions that build on the **lessons learnt from the COVID-19 pandemic**, in particular actions aimed at ensuring that victims of gender-based and domestic violence have access to support and protection;
- Set up integrated and targeted specialist support services for the most vulnerable victims, including **Child Houses, Family Houses, LGBTI+ safe houses, disability inclusive and accessible services** and venues and independent detention bodies to investigate crime in detention;
- Facilitate cooperation and ensure a **coordinated approach to victims' rights** between judicial and law enforcement authorities, health care and social workers, among others.

Key actions for other stakeholders:

- Civil society organisations to provide support to victims in **cooperation with the relevant national authorities**.

3. Facilitating victims' access to compensation

Some of the key actions for the European Commission:

- **Monitor and assess the EU legislation on compensation**, including state compensation, offender's compensation, and the Framework Decision on mutual recognition of financial penalties, and if necessary propose measures to complement this framework by 2022.

Some of the key actions for the Member States:

- **Evaluate national compensation schemes** and, if necessary, eliminate the existing procedural hurdles;
- **Ensure that fair and appropriate state compensation** for violent, intentional crimes, including victims of terrorism is reflected in the national budgets;
- Take actions to ensure that victims are not exposed to **secondary victimisation during the compensation procedure**;
- **Cooperate with other Member States in cross-border cases** within the relevant EU structures.

Some of the key actions for other stakeholders:

- **The European Network on Victims' Rights and the European network of contact points for compensation** to explore how to improve their cooperation and increase the efficiency of the latter;
- The Victim support organisations to engage with the national compensation authorities to offer their **support, exchange of best practices and mutual training activities**.

4. Strengthening cooperation and coordination among all relevant actors

Some of the key actions for the European Commission:

- Set up the **Victims' Rights Platform** – gathering EU level actors relevant in the area of victims' rights.

Some of the key actions for the Member States:

- **Set up national victims' rights strategies** that take a comprehensive and holistic approach to victims' rights and involve all actors likely to come into contact with victims;
- Take actions aimed at building societies that are more resilient by **promoting higher involvement of the civil society into national actions**.

5. Strengthening the international dimension of victims' rights

Some of the key actions for the European Union:

- **Strengthen cooperation with international and regional partners**, such as the United Nations and the Council of Europe to promote high international standards for victims' rights, including rights of child victims, victims of terrorism, migrant victims, victims of sexual and gender-based violence, LGBTI+ victims of hate crime, victims of organised crime, victims of environmental crime and victims with disabilities;
- **Use EU funding and political dialogue to promote, advocate and protect victims' rights** and to ensure access to justice for victims in partner countries;
- **Strengthen cooperation between national authorities and support organisations of third countries** and consular authorities and support organisations of EU Member States to facilitate access to justice for EU citizens victimised in third countries.

What will be the added benefit of the new Platform on Victims' Rights and who will manage it?

The **Victims' Rights Platform** will bring together for the first time all EU level actors relevant for victims' rights. It will include the Commission and key actors such as the [European Network on Victims' Rights](#) (ENVR), the [European Network of Equality Bodies](#) (EQUINET) and relevant agencies such as [Eurojust](#), the [Fundamental Rights Agency](#) (FRA). A Commission's Victims' Rights' Coordinator will be responsible for ensuring its smooth functioning.

The Platform will facilitate continuous dialogue, exchange of best practices and cross-fertilisation between this strategy, the [European Gender Equality Strategy 2020-2025](#) and several upcoming strategies.

The Victims' Rights Platform will hold regular meetings to monitor the implementation of the Strategy and to update the actions under the responsibility of different actors.

How will the coordination on victims' rights within the European Commission be ensured in the future?

A Commission's Victims' Rights' Coordinator will ensure consistency and effectiveness of different actions in relation to the victims' rights policy. In particular, the Commission Coordinator will be responsible for ensuring a smooth functioning of the Victims' Rights Platform. The Coordinator will also synchronize the victims' rights related actions of other EU level stakeholders, notably if relevant to the application of the Victims' Rights Directive.

How does this Strategy fit in with other strategies, for example the Gender Equality Strategy and the upcoming LGBTI and Roma strategies?

The Victims' Rights Platform will facilitate continuous dialogue, exchange of best practices and cross-fertilisation between the Victims' Rights Strategy, the European Gender Equality Strategy 2020-2025 and several upcoming strategies, such as the LGBTI+ Equality Strategy and the Roma Strategy.

What will the EU do to help victims of hate crime, especially racist hate crime and violence?

Despite EU Member States efforts, hate crime in the EU is increasing. Concerns are rising over civil society organisations, activists and politicians becoming targets of hate crime. Hate crime also disproportionately affects certain communities such as Jews, Roma, Muslims, people of African descent, migrants and the LGBTI+ community.

In relation to victims' rights, the Commission's initiatives against racism and xenophobia aim at fostering reporting of hate crime, improving accurate investigation of bias motivations and support to victims of racism and xenophobia. The Commission will continue to implement the recently adopted guiding principles on ensuring justice, protection and support for victims of hate crime and hate speech.

How will the Commission ensure that this Strategy is implemented?

The implementation of this strategy will be regularly monitored, including through regular meetings of the Victims' Rights Platform to update on actions under the responsibility of different actors. In addition, the Commission will take stock of the strategy's actions at the mid-term of this strategy and update it where necessary. The Commission will also continue to assess EU instruments and their possible shortcomings and, where necessary come forward with legislative proposals by 2022 to further strengthen victims' rights.

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