

# Victim Support Europe Contribution

---

ROADMAP FOR THE VICTIMS' RIGHTS STRATEGY 2020-2024



## About Victim Support Europe

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 58 national member organisations, providing support and information services to more than 2 million people affected by crime every year in 30 countries.

Founded in 1990, VSE has been working for almost 30 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not.

We work towards this mission through advocacy to improve European and international laws, through research and knowledge development and through capacity building at the national and local level.

## Summary of VSE's Position

Over the last thirty years, policies and rights for victims have developed on the international and European stage. Much progress has been seen including through the adoption of a range of European Union (EU) legislation benefiting victims.

Nevertheless, progress has been characterised by start-stop action, with initial momentum often quickly lost to other political priorities, by a failure to connect the many and varied fields relevant to victim action in a coherent response, and by focussing on a limited number of crimes or fields without also ensuring a long term development of cross cutting policies to benefit all victims of crime.

This is why **VSE strongly welcomes the European Commission proposal for an EU Strategy on victims' rights for 2020-2024**. It is clear that an EU Victims Strategy, which supports long term planning and proper, co-ordinated implementation of policies across a wide range of sectors whilst ensuring that no victim is forgotten, is critical and long overdue.

Nevertheless, it is essential that this Strategy does not join the list of EU strategies which became paper documents with limited implementation success. We call on the European Commission to **maximise the benefit and impact of the Strategy by establishing:**

- **A clear vision of the results and outcomes it expects over the next five years with this Strategy.** This means the EU should know and set out what it expects to have changed for victims in the five years of the strategy. What should be different and what should be the direct impact and benefit on victims.
- **A detailed action plan setting out how objectives will be achieved, according to what time frame and by whom.**
- **A clear, inclusive process of consultation** to ensure the highest quality of input, and to maximise buy-in and support for implementation by all stakeholders. Such a process should include the establishment of permanent consultation and co-ordination mechanisms that include, state actors, civil society and the private sector. It is critical that victims themselves are listened to, through meetings, focus groups, interviews, or surveys. Consultation needs to begin early in the policy development cycle recognising that some issues may require years of development. Consultation should also factor in sufficient time for organisations to provide

responses. Not only will this promote high quality legislative and non-legislative action, it will create greater buy in, support and legitimacy for the action.

With respect to the Strategy's content, whilst recognising the efforts of the EU to enhance victims' rights and service, there remain a number of **fundamental gaps and problems**. Amongst the most important ones are the following:

- A large proportion of victims **never report the crime or never reach the services** they need because they are not identified as victims or because of barriers to coming forward;
- For those who report the crime or seek help, **many are subject to secondary victimisation** by a wide variety of actors both inside and outside the justice system, and by society itself – due to lack of knowledge and understanding, lack of protection, poor treatment, and lack of co-ordinated efforts.
- For those who are identified as victims and require support, in many EU countries **generic and specialise victim support services do not exist or are insufficient, are not accessible or are not of a high quality**. The consequence being that many victims are not able to cope and recover from the trauma.

It is for these reasons that VSE has long called for a EU Strategy and welcomes this initiative. VSE supports the overall approach of the Roadmap proposed by the European Commission on the EU Strategy on victims' rights for 2020-2024 whilst highlighting **some key priorities**:

- **All victims of crime** benefit from EU actions and policies, this include the most vulnerable, specific groups of victims who may not be regarded as vulnerable, and all victims as a whole. No victims should be forgotten in EU action;
- **All existing EU legislation related to victims are fully implemented in practice and evaluated**;
- A **fully inclusive approach** to ensure civil society and State actors are part of the solution and **cooperation between them** is supported;
- **Comprehensive systems of support**: the EU must act to ensure that in every Member State victim support services exist across those countries, that they operate effectively and that the public and victims are informed of these services and have easy access to them;
- **Access to safe justice and compensation**: the EU must act to ensure that victims are supported in seeking justice, are properly protected in the system and that compensation schemes are accessible and victim friendly.
- Victims issues are **mainstreamed** across all sectors of the EU such that EU policy areas such as education, health, foreign affairs, economic activities actively incorporate victims issues into their priorities;
- **Funding** mechanisms are adjusted to cover victims issues in all EU policies. This should be considered as a priority within the Multi-annual financial framework;
- **Research and training** better covers victim priorities to ensure better understanding of problems and gaps, evaluation activities, develop innovative solutions and carry out longitudinal studies;

## Chapter I – VSE Recommendations for Tools to Implement the Thematic Priorities and Supporting Actions

European and international institutions have been acting on the situation of victims of crime for more than 35 years. There has been an extensive development in legislation related to victims, recognising their needs and rights under EU and international legislation. Despite all of these laws, a number of fundamental gaps and challenges remain for victims of crime: information on their rights remain inaccessible, generic victim support services are not established in all EU Member States, in many cases Member States are failing in their duty to provide training on victims’ rights, lack of funding available to deliver support, etc.<sup>1</sup>

It is crucial that the EU Strategy focuses on thematic priorities, but success is also dependant on maximising the use of implementation tools that have a genuine and positive impact on victims, in particular: **mainstreaming victim agenda across all sectors, funding, training and education, and research and innovation**. It must be understood that whilst EU legislative action can be essential to success, the EU has many other tools at its disposal to improve the situation of victims. Equal priority should be placed on those tools.

### 1. Mainstreaming Victim Agenda across All Sectors

#### Summary of VSE Recommendations

- Mainstream victim agenda into all EU policy areas
- 7 SDGs would benefit from a more victim focused intervention

Ensuring appropriate mainstreaming of victims’ rights policy into all other victims’ related policies is crucial. Many different aspects of the life of the individual will be impacted after a victimisation. It is insufficient to only improve the way in which victims are supported in the justice system, all sectors of life should be addressed such as the health system, the education system, the work place, etc.

Not only is such an approach critical to achieving specific victim objectives, but those same actions are fundamental to achieving broader social welfare and economic objectives as set out under the Sustainable Development Goals. Notably there are at least 7 SDGs which prima facie would benefit from victim focused interventions:

SDGs	Relation to victims’ field
<b>SDG 1 - No poverty</b>	Better recovery improves work and life results. Individuals with low incomes are amongst the most vulnerable to crime and to its impacts
<b>SDG 3 - Health</b>	Addressing the psychological impact of crime on victims (direct and indirect) will improve health outcomes. Direct action on resilience and recovery is relevant for the health of society in general.

<sup>1</sup> For more detailed information, see VOCIARE Synthesis Report, Victims of Crime Implementation Analysis of Rights In Europe, Project VOCIARE, Victim Support Europe & APAV, 2019, available at: [https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE\\_Synthesis\\_Report-web.pdf](https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOCIARE_Synthesis_Report-web.pdf)

<b>SDG 4 - Quality education</b>	Victimisation has a significant impact on education outcomes. Education offers opportunities to address crime and its impacts and should be considered from primary school through to lifelong learning.
<b>SDG 5 - Gender equality</b>	Core aspect of Gender based violence, also individualised responses which reflect gender issues e.g. different needs of female victims in court
<b>SDG 8 - Decent work and economic growth</b>	Private sector has a critical role in developing solutions to help victims, including safety in the work place – harassment etc., victim oriented work place (identifying if staff are victims and responding correctly), private sector identifying criminality (e.g. hotels trained to identify trafficking)
<b>SDG 10 - Reduced Inequality</b>	Different impacts of crime on different communities, ensuring inclusive responses
<b>SDG 16 - Peace, justice and strong institutions</b>	Formal and informal justice for victims, building communities, improving victim focused institutions

Such mainstreaming will require that each policy area actively considers how victims issues should be reflected and explicitly named in policy actions, laws, and funding programmes. To support this, officials working in those fields should receive relevant training to understand better the victims' field.

## 2. EU Funding

<b>Summary of VSE Recommendations</b>	
<ul style="list-style-type: none"> <li>• Mainstream victims' agenda into all EU funding programmes, including EU funds managed at the national and international level</li> <li>• Specific funding should be allocated for the set up and running of 116006 victims helplines</li> <li>• Improve access to EU funding programmes through 100% funding, reduce administrative burden and focus on high quality project implementation</li> <li>• Improve knowledge of EU funded projects to better access results and make use of them</li> </ul>	

Only a negligible fraction of the EU's budget is spent on victims' issues. This contrasts with the cost of crime on victims and society. Having in mind the importance and cross cutting nature of victims issues, the European Commission should **develop a strategic approach to victims funding** that identifies areas most likely to benefit from EU funding and which co-ordinates incorporation of victims' priorities across the various EU funding programmes including those operating at the national and international level.

Victim priorities should as a result be explicitly added to funding programmes priorities which will help prevent victimisation, improve victim centric responses of authorities, and develop recovery and support systems. In particular, specific funding should be allocated to support organisations **to set up and run 116006 helplines for victims of crime**. It should ensure that civil society, research institutions and state actors can all benefit from such funding.

EU funding should continue to **improve on efficiency of administration to minimise burdens on recipients**. Approaches should also minimise the cost burdens on organisations. The higher the

contribution requirements on recipients the more difficult it is for civil society organisations to participate. This runs contrary to broader EU priorities to support civil society. Whilst in some funding programmes e.g. H2020, 100% funding is provided, in other programmes – notably Justice – funding is at the 80-90% level. Equally, the level of funding to those programmes should be adapted so that any reductions in contributions does not reduce the number of projects that can be funded.

The Commission should develop tools to assist organisations, governments and individuals **to identify all EU funded projects focused on victims' issues**, to access the results of funding and to make use of those results. A web based interface which enables quick access to information on what projects were funded, their objectives and access to the actual deliverables would be essential. In addition, the Commission should develop its ability to ensure projects deliver high quality results. A move from administrative processing to examining content would be beneficial.

### 3. Training and Education

#### Summary of VSE Recommendations

- Develop training Training at all levels (from primary school up to university, vocational training and lifelong learning)
- Provide training for general population, professionals working with the general population and professionals engaging with victims
- Focus training on knowledge and understanding on safety, impact of crime, victims' needs and how to address them, and soft skills required to support victims

Success in the victims' field requires a fundamental shift in attitudes particularly amongst law enforcement and justice officials but also across society as a whole. This means developing training and education at **all levels from primary school up to university, vocational training and lifelong learning**.

Training should **improve knowledge and understanding on safety, impact of crime, needs of victims, how to address needs and the soft skills** required to work with victims or support them in a general sense. We believe that there are different aspects and different recipients of training that are important to highlight here:

First, the EU and Member States should develop actions which ensure that **the general population** is educated about crime issues and victimisation issues. Since every person can have a role in helping victims, society as a whole needs more training and knowledge on how to do this. One example is the development of EU psychological first aid training which can be provided to members of the public which they could use to interact with anybody who has been traumatised e.g. victims, someone in a road accident, someone who is diagnosed with an illness. In addition, it is important to start developing education systems to include victims' issues and victimisation in curricula of professions where individuals can be in contact with victims: law degree, teacher degree, medical degree, etc.

Second, the EU and Member States should ensure that **professionals working with the general population** receive training and education related to victims and victimisation, including identifying

and supporting those victims. This can be applied for example to teacher who should be able to recognised violence or abuse against a child.

Third, the EU and Member States should ensure that **professionals who engage with victims** as part of their job receive appropriate training and education, in particular on areas related to understanding victimisation and its impact, effective and empathetic communication with victims, respectful and appropriate treatment, secondary victimisation.

Finally, the EU and Member States should ensure that **professionals who engage with victims** receive appropriate training and education about strengthening themselves and keeping them safe, in particular **to avoid vicarious trauma**.

#### 4. Research and Innovation

##### Summary of VSE Recommendations

- Carry out research, consultations, and evaluations to support the adoption of new laws and policies
- Reduce the impact of or remove differences in the definitions of the most serious cross-border crimes and support actions on new and emerging crimes
- Improve the collection of disaggregated data on victims of crime at EU and national level
- Incorporate victims' priorities into EU research and innovation actions

The EU must strengthen its ability to bring forward appropriate **new legislation and policy innovation**, by carrying out **extensive research, consultations and evaluations**. For example new approaches to helping victims be identified and to come forward, new systems within criminal proceedings that support victim centric practices in police stations, courts and other institutions, the acceptance of court facility dogs to help victims give best evidence<sup>2</sup>. Research and studies must be carried out to support these innovative solutions.

Importantly, over the next years, the European Commission must examine **what additional victim focussed legislation is required** to support the EU Victims' Rights Directive. In particular, whilst many improvements in implementation rely on Member State action, a number of rights within the Directive could benefit from further EU legislation which would ensure a more even and predictable implementation which would overcome large differences in rights across the EU. As with the rights of the defence, this might require specific laws on e.g. information, translation, access to a lawyer etc.

Across the EU, Member States have developed their own definitions of crimes. In some cases, not all actions which are criminalised in one country are also criminalised in another. For the most serious crimes, particularly where those crimes have a cross border element, these differences can have a significant impact on victims and on the way law enforcement and justice authorities respond.

---

<sup>2</sup> Burd, Kayla & Mcquiston, Dawn, (2019), Facility Dogs in the Courtroom: Comfort Without Prejudice? Criminal Justice Review. 10.1177/0734016819844298

We therefore support a **review of the most serious crimes** which might necessitate a harmonised approach across the EU – in particular those relating to gender based violence such as stalking<sup>3</sup>. At the same time, recognising the potential barriers to adopting such laws, it must take a realistic approach to this work and ensure that such legislative priorities do not reduce practical actions which can sometimes be achieved more easily and have a more immediate impact.

The EU is well placed to have a high level perspective on **new and emerging crimes**, risks and problems. Often such issues will start to be addressed by a limited number of States early on with others playing catch up. The EU must gather pan-European and global knowledge on key risks and best practices to develop solutions faster and better than Member States acting alone. In doing so, it must actively consider which issues require European solutions through minimum standards and potentially harmonisation of legislation.

We deplore the fact that there is a significant **lack of victim relevant statistics** within the justice sector in particular. For too long the absence of data has been used to argue that no action is necessary. Data are crucial to understand where the gaps are and whether the actions taken are effective or not.

The EU must work with Member States to press for the **collection of disaggregated data** on victims of crime based on e.g. age, type of crime, residency status, and disability etc. Such data should focus on how rights are implemented and to what extent, whether victims are receiving and able to act on their rights, and what the outcomes and impacts of victim centric actions are. Any disaggregation should not put at risk the rights of victims or fundamental rights to equality and non-discrimination.

The EU should continue to **develop its own data through its agencies**, such as the Fundamental Rights Agency and Eurostat. Longitudinal studies which look at the impacts of crime on victims are also very important.

Traditionally, EU research and innovation activities have not included victims' priorities. Not only should the EU focus on new legislation and policies but it must also ensure the use of **new technologies** to support the implementation of victims' rights and services. For example, cutting edge technologies developed in other sectors could be adapted to the victims area. New specific technologies to improve support services, both face to face and at a distance, are also required.

---

<sup>3</sup> For more details, see VSE contribution to the Roadmap on the Gender Equality Strategy, available at: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12114-Gender-equality-in-the-EU/F506148>



## Chapter II - VSE Recommendations for Thematic Priorities and Supporting Actions

The European and international institutions have been acting on the situation of victims of crime for more than 35 years. There has been an extensive development in legislation related to victims, recognising their needs and rights under EU and international legislation. Despite all of these laws, a number of fundamental gaps and challenges remain for victims of crime.

VSE supports the five priorities proposed under the EU roadmap with some recommendations for changes, in particular, we believe that:

- The first thematic priority of the Strategy should be **the implementation and evaluation of relevant EU laws**.
- The objectives on vulnerable victims should cover a wide range of specific groups of victims, whether they are defined as vulnerable or not, to avoid EU actions focusing on only one or two groups of victims.
- The compensation priority should be extended to include **enhancing justice**, since the EU has a clear legal basis to act in this field, and effective and safe justice is critical to victims.

For each of the thematic priorities, VSE has identified what is considered to be the most important supporting actions to be taken in the next five years.

### 1. Thematic Priority 1 - Ensure Full Implementation and Evaluation of Relevant EU laws

#### Summary of VSE Recommendations

- Assess legal transposition and practical implementation of EU victims legislation to ensure victims' rights are a reality
- Follow up on infringement proceedings against Member States
- Promote and carry out implementation activities to support the implementation of EU laws
- Review EU legislation such as GDPR to examine its impact on victims' rights and services and develop solutions

Crime has a significant impact on millions of people in Europe. The European Union has acknowledged this and has adopted a number of EU laws relevant to victims' rights<sup>4</sup>. Despite wide ranging legislation,

---

<sup>4</sup> In particular : Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, Council Directive 2004/80/EC relating to compensation to crime victims, Directive 2011/99/EU on the European Protection Order (EPO), Regulation (EU) No. 606/2013 on mutual recognition of protection measures in civil matters, Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography, Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, Directive (EU) 2017/541 on combating terrorism and the Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data.

many of these rights are not operational or are far from accessible and well-functioning. It is therefore critical that the **existing laws are fully and effectively implemented**.

We believe that this first priority is critical to ensure victims' access to their rights under EU law. An important step is to **assess the legal transposition and practical implementation** of EU legislation related to victims and identify actions to reduce gaps and improve implementation. We encourage the European Commission to **follow up on infringement proceedings** against Member States reluctant to abide by their obligations under the different EU legislation. To be successful, this also requires setting out best practices and determining where legislation is not sufficiently clear to achieve objectives and how such legislation needs to be amended.

Whilst legal transposition is essential, the EU needs to go a step further and ensure that the rights established at the EU level are practically implemented in the Member States. The European Union should **promote and carry out implementation activities** to support the implementation of EU laws. The EU has a wide range of tools at its disposals, including:

- The use of structural funds available for Member States and european projects available for NGOs.
- The development and publication of guidance documents to support Member States in implementing EU legislation, and the funding of research;
- The development of capacity building activities through the organisation of conferences, training events, and workshops and through project funding;
- The improvement of knowledge exchange through the set-up of specific networks, working groups to conduct research and studies;
- The creation of specific funding schemes, such as one for the establishment and running of the 116006 helplines for victims of crime
- The better coordination of the EU agencies such as FRA, EIGE, CEPOL, etc.

Other EU legislation should also be developed, interpreted and implemented in a manner inclusive of victims' needs. For example, as of 2019, we have heard from a range of frontline organisations working with victims that the EU General Data Protection Regulation (GDPR) and its interpretation by national authorities is impacting on the ability of those organisations to support victims. While we are fully appreciative of the need to protect victims' privacy we firmly believe that overly formalistic approach to the GDPR implementation in the victim support sector, may impede the support process and at times lead to secondary victimisation.

In reviewing the EU GDPR, the EU should examine its impact on frontline services providers and support research and dialogue, including through the support of the EU Data Protection Supervisor, to ensure that the **GDPR is interpreted to maintain data protection for victims whilst maximising the ability of organisations to support victims**. Data protection should not inhibit support, it should be a way of ensuring higher quality of support.

## 2. Thematic Priority 2 – Empower Victims

### Summary of VSE Recommendations

- Empowerment to cover both victims and those working with victims
- Improve safety, awareness and resilience in victims, professionals and the general population
- Ensure full access to high quality generic and specialist victim support services
- Develop tools that help connect victims to the services they need
- Promote cooperation between State and civil society actors and reduce risk of exclusion of civil society in the delivery of victims' right and services

A critical factor in the harm that victims experience is disempowerment – the loss of control over their lives. That disempowerment is felt not only as a direct result of the crime (primary victimisation), but also, frequently, through other negative impacts that are secondary to the incident and that occur during contact with the criminal justice and other associated systems (secondary victimisation).

We believe that the EU must focus on two aspects of empowerment over the coming years:

- **Empowerment of victims:** the empowerment of victims is essential for them to recover from the crime;
- **Empowerment of organisations and professionals** which help victims to recover.

The national framework for support developed by VSE reflects well this approach<sup>5</sup>. The framework shows the role played by various sectors in ensuring victims receive the help they need. The EU should ensure that over the next five years, it's empowerment agenda helps these different actors to develop their victim support mechanisms.

### **Victims and social support network**

As a starting point, victims and their social network should be assisted. In most situations, **individuals are largely resilient** and do not need the help of professional organisations. Much can be done to increase resilience within individuals before and after crime, to help them cope better, and reduce the need for external support. **The EU should actively support the development of personal resilience actions.**

Where victims do need help, they will usually turn first to their **social support network** – family, friends, colleagues, the local community or any combination of those. It is therefore essential to **strengthen a victim's network** both in terms of those within the network but also their ability to support the victim. This entails helping them understand the impact of crime, the needs of victims as well as the most appropriate responses to help the victim.

---

<sup>5</sup> VOIARE Synthesis Report, Victims of Crime Implementation Analysis of Rights In Europe, Project VOIARE, Victim Support Europe & APAV, 2019, available at: [https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOIARE\\_Synthesis\\_Report-web.pdf](https://victimsupport.eu/activeapp/wp-content/uploads/2019/08/VOIARE_Synthesis_Report-web.pdf)

Building **greater awareness in society** of its role in helping victims and how it can help, can already have an important impact. For example, incorporating victim oriented themes into school education, into private sector training, into community centres and sports clubs can be a direct action to increase knowledge and awareness. The objective is develop a community wide **self-resiliency and ability to provide basic, non-harmful assistance** to people before professionals arrive at the scene and when helping victims within the social support network. Ultimately, our communities should be **informed, resilient and caring** about victims and victimisation issues.

In some cases, the network alone will not be sufficient or will not be able to offer certain forms of assistance the victim needs. In other cases, a victim may not have such a supportive network and will need a range of professional help.

### **Victim support professionals**

**Victim support organisations** should also be provided with all the tools to better support victims. We call on the European Commission to **ensure full access to high quality generic and specialist victim support services for all victims of crime**. Actions should focus in particular on:

- Supporting the **establishment and development of support services** in Member States to ensure such services are fully accessible;
- Ensuring **high quality support services** guaranteed by standards and evaluation schemes. Victim support services need to be of a satisfactory level of quality, with the introduction of a system of standards and accreditation to ensure that victims are well taken care of and to reinforce the trust between the national authorities, support services and the general public. These standards should be developed by experts in the field such as victim support organisation. Standards should not be developed in such a way as to impose undue administrative pressures on organisations, which could effectively force many smaller NGOs out of the field. **The EU must be aware of and act against measures to impede civil society support of victims.**
- Developing tools that help **connect victims to the services** they need, including through effective referral mechanisms between police and victim support services, improved co-ordination and networking between support organisations, awareness raising campaigns on victims' rights and services, and online support (helplines, chat, emails...)
- Exploring **new psychosocial support techniques and therapies** and improving existing ones. Cutting edge technologies developed in other sectors could be adapted to the victims area, such as virtual and augmented reality. EU wide support for the development of state of the art therapies will ensure not only the best is available but that it is accessible to all.

Civil society contributions have been at the heart of delivering support over the last 35 years. With the adoption of EU laws and with changing attitudes in some Member States, the EU must be mitigate the risks of that civil society is excluded from this field including by promoting close cooperation between national authorities and civil society organisations.

### 3. Thematic Priority 3 - Ensure the Needs of Specific Groups of Victims

#### Summary of VSE Recommendations

- Ensure balance between prioritising vulnerable victims and acting for wider groups of victims
- Ensure that professionals are able to identify and communicate with specific groups of victims in accordance with their needs
- Address barriers that different groups of victims face in accessing justice and wider services
- Collect data on specific groups to understand their experiences, challenges and best practices
- Ensure coordination between the Gender Equality Strategy and the EU Victims' Rights Strategy

Whilst we call for the EU to ensure that its actions cover all victims of crime, we also emphasise that it should **adapt its response and priorities to meet the needs of different groups**, some of whom may be particularly vulnerable to crime or particularly impacted by crime. It is important to recall that each individual is different and will react differently to a crime, the response has to be individualised and needs of specific groups should be taken into account.

We believe that the EU's priorities and actions should support and promote a wide range of victims and not only the vulnerable groups that are commonly known. These means having sufficient action not just for victims of gender based violence, human trafficking, child abuse and terrorism but also for other groups such as the elderly, people with disabilities, migrant victims, victims of hate crime, families of murder victims etc.

**We call on the EU and Member States to develop procedures and processes which ensure that less obvious groups are not forgotten and that their particular needs are also addressed.** An example is family members of a murdered victim. Whereas they do not enter in the commonly recognised vulnerable group, they still have particular needs that needs to be met. In some countries, for example, the role of the police family liaison officer has been recognised to better support families who have lost a loved one. Others have developed specialist units or established specialised support organisations.

It is crucial to ensure that **professionals who are contact with victims of specific groups understand their situation and know how to communicate with them.** Specialised communication strategies and skills are particularly important for children victims, people with disabilities and learning difficulties and those speaking foreign languages.

Overcoming barriers in the **accessibility of justice** and support services is a major priority that the EU and Member States should look into. Actions and procedures should be put in place to ensure that victims of specific groups are treated with respect, that they have access to justice according to their specific needs, and that professionals use understandable language.

A number of these different groups will have a range of limitations which inhibit their ability to participate in proceedings. The EU needs to support Member States to put in place systems which overcome the different barriers (cultural barriers, language, disability etc.).

To support action for these different groups, sufficient **data must be gathered** on the experiences of victims from specific groups, the barriers and challenges they face and best practices to overcome those problems.

VSE would also bring attention to its submission under the Equality Strategy Consultation. We fully support the EU Commission's focus on gender based violence and its commitment to ratify the **Istanbul Convention**, to encourage non-ratifying Member States to ratify and implement this important instrument in its entirety. Should ratification by the EU not be possible, VSE supports the development of a separate EU legislative act, rather than the adaptation of the Victims Directive.

#### 4. Thematic Priority 4 – Enhance Justice and Compensation for Victims

##### Summary of VSE Recommendations

- Support effective and safe access to justice for all victims irrespective of nationality or residence status
- Prioritise the problem of unreported crime
- Support a victim centric approach in all criminal, civil and administrative proceedings through accessibility, communication, respectful treatment, and protection
- Develop high quality alternatives to formal justice whilst minimising the risks to victims
- Examine minimum standards and evaluate EU legislation on protection orders
- Support better accessibility of national compensation schemes and compensation in cross-border cases

Among the five basic needs of victims of crime, justice and compensation are important ones for victims to recover and cope with victimisation. Here it is important to note the EU FRA's recent research that the outcome of criminal proceedings is not restricted to the punishment of offenders, but comprises: finding the truth, convicting the offender, sentencing, and sanctions, including compensation to victims."<sup>6</sup>

It is essential that the EU supports **effective and safe access to justice** for all victims of crime in the EU irrespective of nationality or residence status. Whilst efficiency of justice and successful convictions have to be general priorities for justice, a key issue for victims is that they are able to fully and safely participate in the process.

The EU must prioritise the problem of **unreported crime**, including through actions to help identify victims and help them come forward – whether to report the crime or to seek help. For example, research and data should be conducted and collected on barriers to reporting, including best practices and solution. Education on how to identify signs of victimisation and how best to react should be

---

<sup>6</sup> Sanctions that do justice, Justice for victims of violent crime Part III, FRA, 2019, available at: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-justice-for-victims-of-violent-crime-part\\_3-sanctions\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-justice-for-victims-of-violent-crime-part_3-sanctions_en.pdf)

developed. The Covid crisis is already showing the wide range of professions which can be part of the solution. Technological solutions should also be developed to help people come forward as easily as possible and anonymously where appropriate.

The EU should support Member States to adopt a **victim centric approach** in all criminal, civil and administrative proceedings including by:

#### **Victims' Rights in all justice proceedings**

- Ensuring **appropriate connections between them**, including by having comparable victims' rights and treatment in all proceedings, in particular respectful treatment, effective communications and protection measures. Many measures that are applicable for victims in criminal proceedings should also be applicable in civil proceedings, e.g. protection of victims regarding contacts with the offender.

#### **Effective and safe participation in justice**

- Ensuring **high quality of communication** between justice practitioners and victims through respectful treatment and accessible communication. Legal jargon can be particularly complicated to understand for someone who has not had experience with justice system before, or for victims with disabilities.
- Promoting and developing innovative practices to **improve justice/court user experiences**, maximise access to rights and reduce secondary victimisation, such as using video recording of victims' testimonies, having separate waiting room for the victim and the offender, allowing facility dogs in the courtroom, etc.

#### **Protection of Victims**

One of the fundamental needs of victims of crime is protection, which is recognised both in the Victims' Rights Directive and the European Protection Order Directive and Regulation. Unfortunately, victims face significant differences across the EU in the protection they are afforded.

These differences range from the types of measures available, with the best performing countries having multiple forms of protection both outside proceedings such as distance orders, through to many forms within a trial setting. There are also wide differences in how orders can be obtained, for what reasons, and for how long. Whilst a mutual recognition system is already in place, it is currently largely unused and does not address these fundamental problems.

Whilst we recognise the importance of European Protection Orders, which is a simple and rapid mechanism for the recognition of protection measures in all member states, the success of the legislation has been relatively limited. We call on the European Commission to **examine reasons for the limited success and to develop policies to improve the protection of victims**.

**This should include examining minimum standards for protection orders** to ensure a minimum equal level of protection no matter where in the EU the victim is. Such action must not however, result in a reduction of standards amongst the highest performing states.

## Restorative Justice

The traditional criminal justice system is regularly criticised for failing to meet victims' procedural justice needs<sup>7</sup>. It is well recognised that formal justice is not always the best or only form of justice to meet the needs of victims and of society.

The EU should support the **development of high quality alternatives to formal justice** whilst minimising the risks to victims, e.g. restorative justice such as mediation. Research by VSE has shown that a number of States do not have such systems in place and where restorative justice systems are available, there is still a considerable lack of knowledge about the availability of such services.

Support for restorative justice must include ensuring that such services are of a high quality providing a safe, neutral and confidential setting, attending the wellbeing of all participants. Practitioners should receive training and should also provide clear and honest information that allows involve parties to make an informed choice about participation. Good practices allow victims to use their victimisation to a constructive end, thus finding meaning in adversity<sup>8</sup>. The EU must also **support the evaluation of restorative justice practices**, in particular those connected to formal justice systems, to reduce the risk that restorative justice is driven by the needs and demands of those working for offenders and defendants.

## Compensation

Any person subjected to a violation of their fundamental rights is entitled to a remedy. Offender and State compensation is one such remedy which can cover losses faced due to crime, support recovery and act as a form of recognition and helps hold the author of the crime responsible.

Unfortunately, research show that many victims never seek the compensation they are entitled to. Even those who seek compensation have to wait lengthy periods to receive it, go through burdensome administrative procedures, do not receive respectful treatment, and ultimately many are denied any compensation.

The European Union and Member States should **support better accessibility of national compensation schemes** including by:

- Ensuring that victims are supported and protected when claiming state compensation
- Promoting high quality, victim friendly compensation in criminal proceedings
- Promote high quality, victim friendly State compensation schemes.

Based on our recent research<sup>9</sup>, we call on the EU to support Member States to **evaluate national compensation schemes**, in particular:

- Ensure conformity with European legislation on victims' rights.
- Examine the appropriateness and fairness of applied eligibility criteria, deadlines, scope of national scheme, and administrative and evidential requirements placed upon victims.

---

<sup>7</sup> Victorian Law Reform Commission, Alternative Criminal Justice Models, <https://www.lawreform.vic.gov.au/content/3-alternative-criminal-justice-models>

<sup>8</sup> More details on the European Forum for Restorative Justice website: <https://www.euforumrj.org/en/research-restorative-justice>

<sup>9</sup> A Journey from Crime to Compensation, An Analysis of Victims' Access to Compensation in the EU, Victim Support Europe, Compensation paper, available at: [https://victimsupport.eu/activeapp/wp-content/files/mf/1574261567A\\_Journey\\_From\\_Crime\\_To\\_Compensation\\_2019.pdf](https://victimsupport.eu/activeapp/wp-content/files/mf/1574261567A_Journey_From_Crime_To_Compensation_2019.pdf)



- Guarantee that compensation schemes are designed to provide a fair and appropriate compensation to all victims of crime, with safeguarding mechanisms in place for the most vulnerable victims.

The European Union should utilise its strength of coordination to:

- Reinststate a functioning network of national compensation authorities.
- Ensure that the different EU institutions are working in a coherent manner, that effective internal coordination mechanisms are focused on victims' rights and compensation.

As highlighted by the the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker, in her report, there is also an important need to improve, under the active supervision of EU, the coordination between the Member States and national authorities to deal effectively with cross-border cases in the access to compensation<sup>10</sup>.

## 5. Thematic Priority 5 – Strengthen Cooperation and Coordination

### Summary of VSE Recommendations

- Ensure victims' issues are included within existing coordination mechanisms between all EU institutional actors or develop new mechanisms where appropriate
- Appoint an EU Victims Coordinator
- Develop tools to improve cross-border exchange of information and co-operation on individual cases
- Encourage and support cooperation between State authorities and civil society to deliver services in unison
- Establish a regular EU Summit on issues relevant to all victims of crime

Victimisation impacts many area of a person' life and therefore victims' issues cut across multiple fields requiring mainstreaming across all those areas such as: work, education, economy, health, etc. Unfortunately, there is a clear lack of coordination at the national and EU level on how victims' issues are pursued in these areas.

A fundamental benefit of EU action is to bring disparate actors together to exchange knowledge and agree on mutual action. The EU should provide **sufficient forums for discussion and knowledge exchange** to guide institutional actors in developing policies and including victims' issues. Priorities involving victims' issues should be discussed and coordinated between the different EU institutional structures as well as with external partners, such as international and european experts on victims, victim support organisations, victims' associations and victims themselves.

The EU Strategy should **establish new co-ordinating groups within EU institutions** and across stakeholder groups and practitioners focused specifically on victims' issues. At the EU level, many

<sup>10</sup> Strengthening victims' rights: from compensation to reparation Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker, March 2019 [https://ec.europa.eu/info/sites/info/files/strengthening\\_victims\\_rights\\_-\\_from\\_compensation\\_to\\_reparation\\_rev.pdf](https://ec.europa.eu/info/sites/info/files/strengthening_victims_rights_-_from_compensation_to_reparation_rev.pdf)

actors are working on victims' rights policies such as EU Agencies, EUROJUST, DG Just, DG HOME, EU Anti-trafficking coordinator, the European Economic and Social Committee, LIBE Committee, ENVR, NGOs, and require a **better coordinated and integrated approach**. They should be able to easily exchange information on their activities, and more importantly develop together co-ordinated actions on specific topics.

Key action to achieving this co-ordination include the appointment of an **EU Victims Co-ordinator**<sup>11</sup> at the same level as the Human Trafficking Co-ordinator (working together with other relevant EU co-ordinators such as the EU Anti-trafficking Coordinator and EU Counter-Terrorism Coordinator). Specific Council and Parliament working groups on victims' rights, as well as thematic committees on specific groups of victims or crimes, and on cross cutting topics e.g. resiliency, underreporting, cross border crimes, should also be set up.

Considering the increased mobility of people in the EU and the globalisation of crime, people are more and more becoming a victim of crime in a Member State other than their own, or a victim of a perpetrator living outside their country. Victims of these crimes often face a variety of challenges that leave them particularly vulnerable, such as language barriers, access to information, knowledge of the country's legal and criminal system, cultural barriers, distance between the victims and their support network in their country of residence, and the limited that victims stays in the country where the crime occurred<sup>12</sup>.

The EU should support **cross-border exchange of information and co-operation on individual cases** by supporting referral and coordination of services both at a national and international level. With an increase in mobility, cross-border victimisation issues are also increasing, which requires recognition at a policy level, but also at the level of provision of services to all victims, regardless of where they were victimised or what their needs might be.

The EU should encourage and support **cooperation between State authorities and civil society to deliver services in unison**. While there are some needs of victims which can only be delivered by the state (e.g. justice or protection), there is a range of other needs that can be better catered through a collaboration between different actors for the benefit of all victims. Moreover, societal sector (social services, educational institutions, healthcare providers etc.) and private sector (employers, insurance companies etc.) need to be involved in the development of a comprehensive societal response to victimisation.

To support more extensive co-operation, knowledge exchange and consultation, the EU should organise a **regular EU Summit on issues relevant to all victims of crime** (e.g. similar to the European Forum on the Rights of the Child). Such an event would bring together different stakeholders to talk about key priorities in the field of victims' rights.

---

<sup>11</sup> Equivalent to the EU Anti-Trafficking Coordinator

<sup>12</sup> Cross-border victimisation, Challenges and solutions with respect to the provision of support to victims of crime in a cross-border situation, Victim Support Europe, 2017, available at: <https://victimsupport.eu/activeapp/wp-content/uploads/2017/02/VSE-Cross-border-Victimisation-Report.pdf>

## 6. Thematic Priority 6 – Develop International Cooperation to Strengthen Victims’ Rights and Services

### Summary of VSE Recommendations

- Promote EU standards on victims’ rights outside the EU, and intensify cooperation with international institutions and national governments of third countries
- 
- Support capacity building activities in third countries to assist victims of crime
- Carry out measures to maximise access to support, justice and services for EU national victimised abroad

### Co-operation with International Institutions – raising victims’ priorities

International cooperation should be developed through international institutions and with national governments of third countries to promote EU standards on victims’ rights outside the EU. International cooperation is crucial to strengthen victims’ rights and services outside of the EU. We believe that the **EU should operate as leader in the field of victims at the international level** and within the United Nations. Promoting the victims’ agenda at the UN level also supports seven of the SDGs developed by the General Assembly and can benefit wide issues such as the rule of law.

The EU should promote a **strong response to support and protect victims of crime outside of the EU**, in particular in developing countries and countries in conflict, in order to support the establishment of rule of law and democracies. The EU should intensify its co-operation with different parts of the UN such as UNODC, UNICEF, UN Women, as well as with the United Nations Victims’ Rights Advocate and the UN Human Rights commissioner to ensure that the needs of specific groups of victims are addressed and that the UN also strengthens its agenda for all victims of crime.

The EU should work not only with international institutions but also with **third country States** to **support the development of laws, policies and services**, including through the funding on capacity building activities which covers all victims of crime.

### Supporting EU Victims Abroad

It is recognised that cross border victims in the EU face greater challenges in accessing justice and support, but the challenges are even bigger when the crime happens outside of the EU. The EU should take actions to ensure that European nationals abroad receive support, are able to access justice in the country of crime and access support on their return home.

The EU needs to improve cross border cooperation mechanisms to assist with continued participation in criminal justice proceedings abroad. Embassies can play an important role in supporting victims as they are often the first point of contact of the victim after the crime. The EU should support the better incorporation of victims’ issues into the work of foreign offices and embassies, including by developing training on victims’ rights, guidance manual on how to communicate with victims, etc.

---

This document was prepared by **Victim Support Europe**. For more information, you can contact

Léa Meindre-Chautrand, [lea@victimsupporteurope.eu](mailto:lea@victimsupporteurope.eu)

---