

Victim Support Europe Contribution

REVISION OF THE VICTIMS' RIGHTS ACQUIS



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. VSE represents 63 member organisations, providing support and information to more than 2 million people affected by crime every year in 31 countries. Since its foundation in 1990, VSE has worked on behalf of European – and global – victims of crime and terrorism, to ensure their rights are upheld and that they have access to support services, whether they report a 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 levels.

Victim Support Europe Recommendations for the revision of the Victims' Rights Directive

Victim Support Europe welcomes the Commission's initiative to revise the EU Victims' Rights Directive. VSE supports **Option 2)b) Legislative initiative amending the Victims' Rights Directive - Broader scope of the legislative amendments**, for the following reasons:

- While the Victims' Rights Directive has been a crucial instrument and has proven to be very beneficial for victims and those working for them, there are still **many obstacles to its full enjoyment by EU citizens**. After 6 years of enforcement of the Directive, major obstacles remain, including in particular the **lack of proper and effective implementation** in all Member States, **lack of national victim support system**, **poor victim experience** in the justice system.
- Research and practical experience of our member organisations around Europe show that some implementation gaps are due to the Directive not being drafted in a **sufficiently detailed way**, not having a **sufficient level of obligation imposed on Member States**, and too many or too broad **series of exemptions** from the basic rights.
- This results in some **Member States simply not implementing their obligations** under EU law as well as inconsistencies in approach between Member States. It can leave States in doubt as to the best approaches. At the same time, it inhibits the ability of the European Commission to monitor, oversee and enforce implementation of the Directive.

This is why VSE is calling for a **range of articles of the Directive to be revised** to address those shortcomings e.g. right to information, access to services, coordination, etc.

In addition to greater detail and improved drafting on existing rights, **some issues have not been addressed or properly covered**. These include prevention, safe reporting of crimes, physical protection measures. The Commission should fully explore these gaps to determine which would be best suited to EU legislative action.

Some of the main points that VSE has already identified as potential **priorities** include:

1) **Comprehensive system of support**

The Commission should consider adding more detailed obligations for Member States to establish victim support services including a **clearer definition of “access to support”**. Member States need to have a combination of different coordinated support services operating to clear quality standards and working in cooperation with each other as part of a **national victim support framework**:

- organisations that support **all victims of crime**: their sole responsibility is to provide support to victims and they are specialised in delivering support in a tailored manner (gendered, child sensitive, etc.);
- organisations that support **only certain groups of victims** (e.g. women victims of violence, LGBTI+, children victims, etc.) and
- organisations or institutions whose sole responsibility isn't to support victims but which need a **sufficient level of expertise in victimisation because they may encounter and work with victims** (special victim support units in police and prosecution services, hospitals with a sexual assault centre, social workers with specific training, etc.)

Access to support should also be better defined in terms of channels of support in the Directive (face to face direct support, mobile services, online supports, and helplines). Support helplines are often a critical entry point and an initial service to victims yet they may not exist nationally or may not be well known. VSE therefore calls on the Commission to include an obligation for all Member States to set up **116 006 helpline** for victims of crime and dedicate sufficient **funding** for its implementation and running¹.

The Commission should also consider including a stronger obligation to establish referral systems in EU Member States. A **mandatory automatic referral based on an opt out system** should be the norm. Referral between generic and specialist organisations where this occurs should be based on an individual needs assessment.

The revision of the Directive should also include the essential **role of civil society in delivering victim support and the importance of sustainable and accessible funding**, both at national and European level.

2) **Coordinated system of information**

Victims may be overwhelmed with the amount of information given to them on their first contact with the authorities, whilst in other cases they don't receive enough information or they are not clear enough. The **new Directive can make a difference** by setting out a more detailed regime for **what** information should be provided (standardised information, tailored for the victim), **how** it should be provided (define “simple and accessible language”, different formats), **by whom** (first authorities, victim support services, other actors) and **when** (information repeated as long as necessary and in a coordinated manner, information available before the crime happens). The system should be progressed from information provision to **effective communication** – information is

¹ https://victim-support.eu/wp-content/files_mf/1614696060VSE116Positionpaper.pdf

provided, understood and can be acted upon whilst victims are empowered to communicate their needs and problems.

3) Access to safe justice

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. The European Commission has the power to improve the way victims experience justice system, including by:

- Introducing or supporting **the establishment of mandatory training** for all professionals in contact with victims, including details on **content** of such training (soft skills, empathy, communication, impact of trauma, etc.);
- Ensuring the harmonisation of protection measures: Ensuring minimum standards on **protection measures so the same types of measures and procedures to obtain them are equally available and accessible to victims who are threatened or at risk**, and need to protection;
- Ensuring that victims can be **accompanied by a qualified legal representative** in all stages of the procedures;
- Ensuring that third parties such as NGOs have **legal standing** to represent the interests of victims of crime, including collective crimes such as environmental crimes in criminal proceedings;
- Ensuring **legal remedies** are available for victims whose rights have been breached. Defendants have very clear redress rights in the events of a breach and those rights are well implemented. Given wide ranging failures to implement victims' rights over the last two decades, empowering victims to enforce the own rights is long overdue.