



**Victim Support Europe**

## **Workshop**

# **How Victims' Rights Directive works in practice?**

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**THE VOICE  
OF VICTIMS  
IN EUROPE**

# **VOCIARE project:**

**26 EU national reports (- UK and Denmark)**

**+/- 800 survey respondents**

**130+ interviews with victim support professionals**

**1 synthesis report**

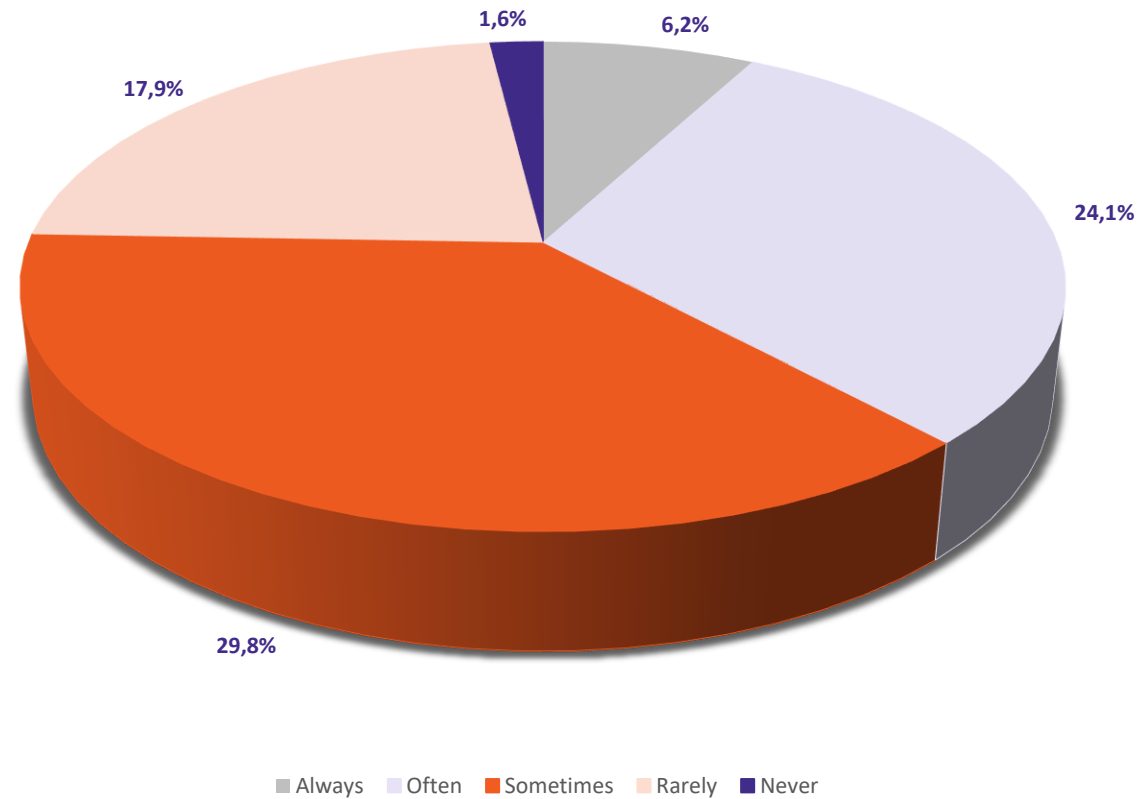
## Article 2 – Definition



# Article 3 – Right to understand and be understood

Groups of victims	Always	Often	Sometimes	Rarely	Never
Children	26,6%	<b>29,0%</b>	16,9%	12,3%	2,5%
People with hearing impairments	<b>22,4%</b>	16,4%	13,1%	12,0%	3,6%
People with intellectual disabilities	19,1%	16,7%	13,7%	16,8%	6,9%
Persons who do not speak the language in which the proceedings are conducted	<b>26,4%</b>	23,5%	21,6%	15,4%	2,3%
Illiterate people	<b>19,3%</b>	15,4%	13,3%	16,6%	9,4%
Blind and partially blind people	<b>20,4%</b>	14,5%	12,4%	12,8%	8,0%

# Article 3 – Right to be accompanied by a person of choice

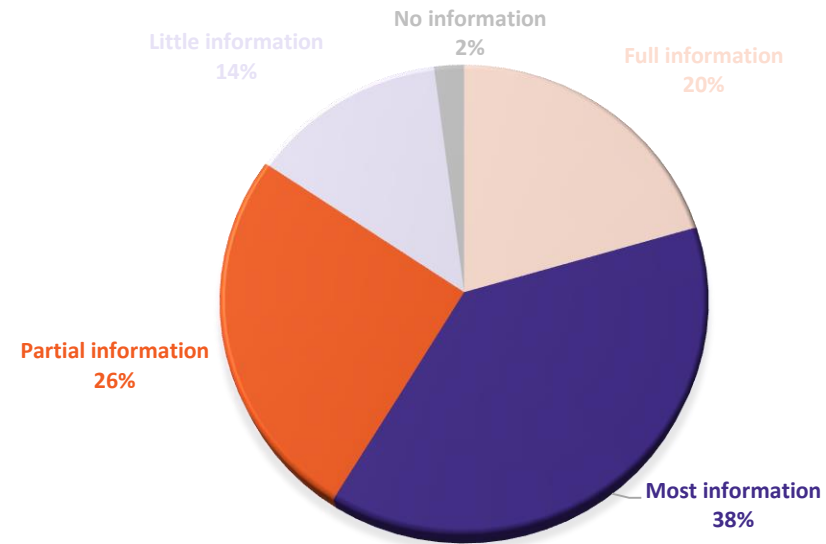


# Article 4 – Right to receive information from the first contact with the competent authority

Simplicity of language  
Adaptation of language  
Diversity of means  
Follow up

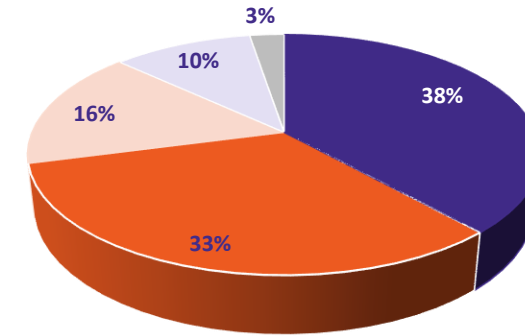
Means of information provision	Always	Often	Sometimes	Rarely	Never
	%	%	%	%	%
Internet	5,3	14,2	20,6	<b>22,8</b>	16,3
Orally	29,4	<b>32,3</b>	13,7	5,6	1,7
Leaflets, brochures or similar	25,2	<b>40,0</b>	19,8	8,8	2,5
Video	2,6	6,2	10,3	20,4	<b>33,1</b>

# Article 4 – Right to receive information from the first contact with the competent authority



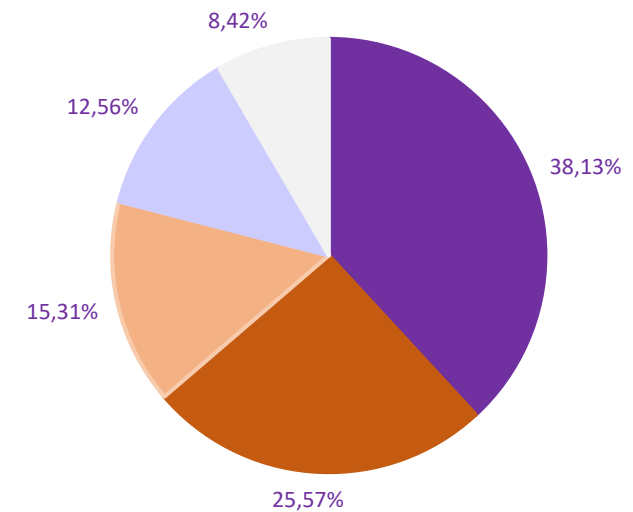
# Article 5 – Rights of victim when making a complaint

The right to receive an acknowledgment of the complaint



■ Always ■ Often ■ Sometimes ■ Rarely ■ Never

Right to present a criminal complaint in a language the victim understands



■ Always ■ Often ■ Sometimes ■ Rarely ■ Never

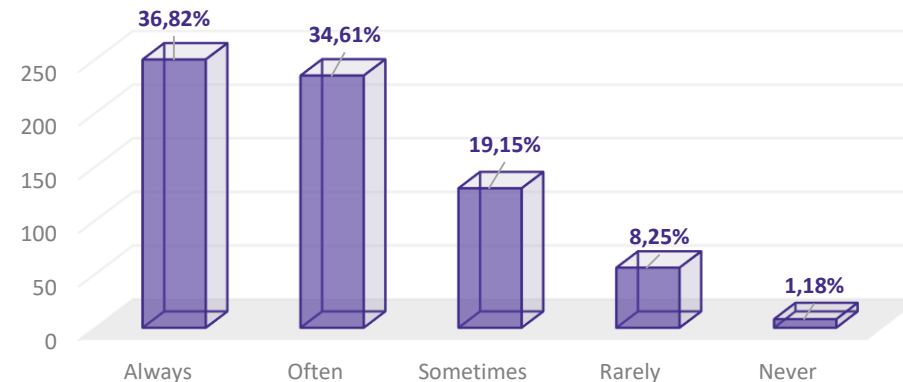


# Article 6– Right to receive information about their case

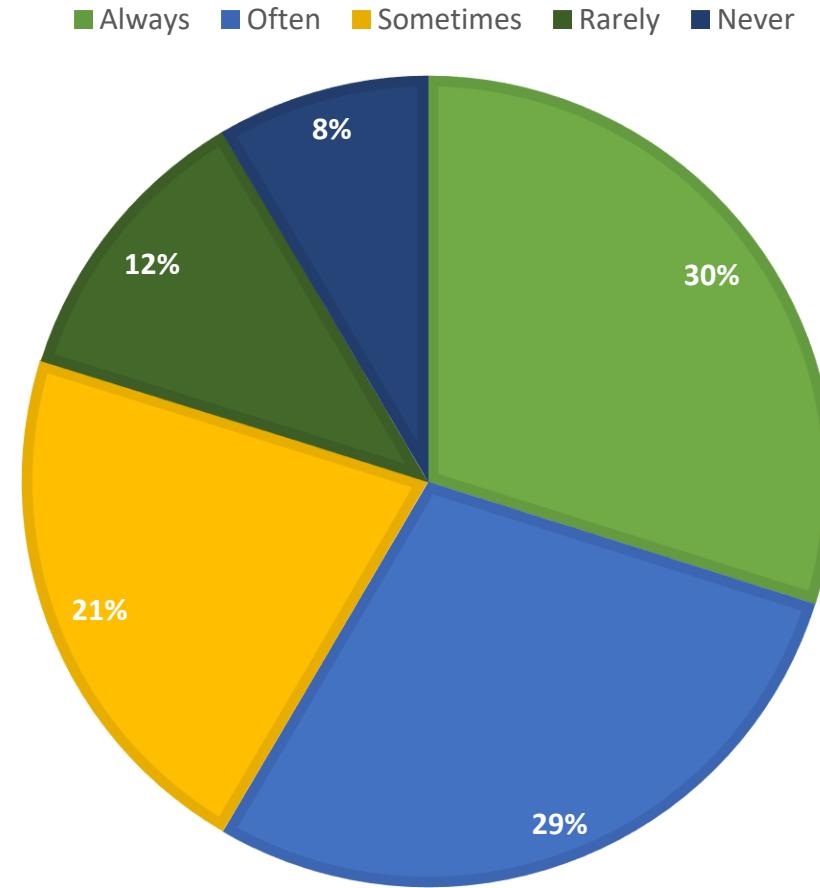
The victim **must** receive information about this possibility

The victim **may** choose to receive information about their case

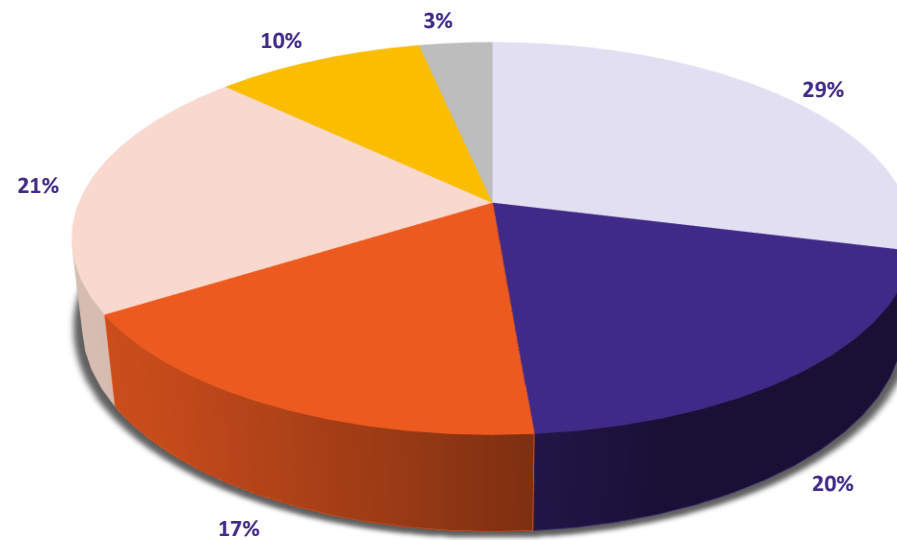
*How frequently do victims get information about their case?*



# Article 6– Right to receive information about their case



# Article 7 – Right to interpretation and translation



N = 1370

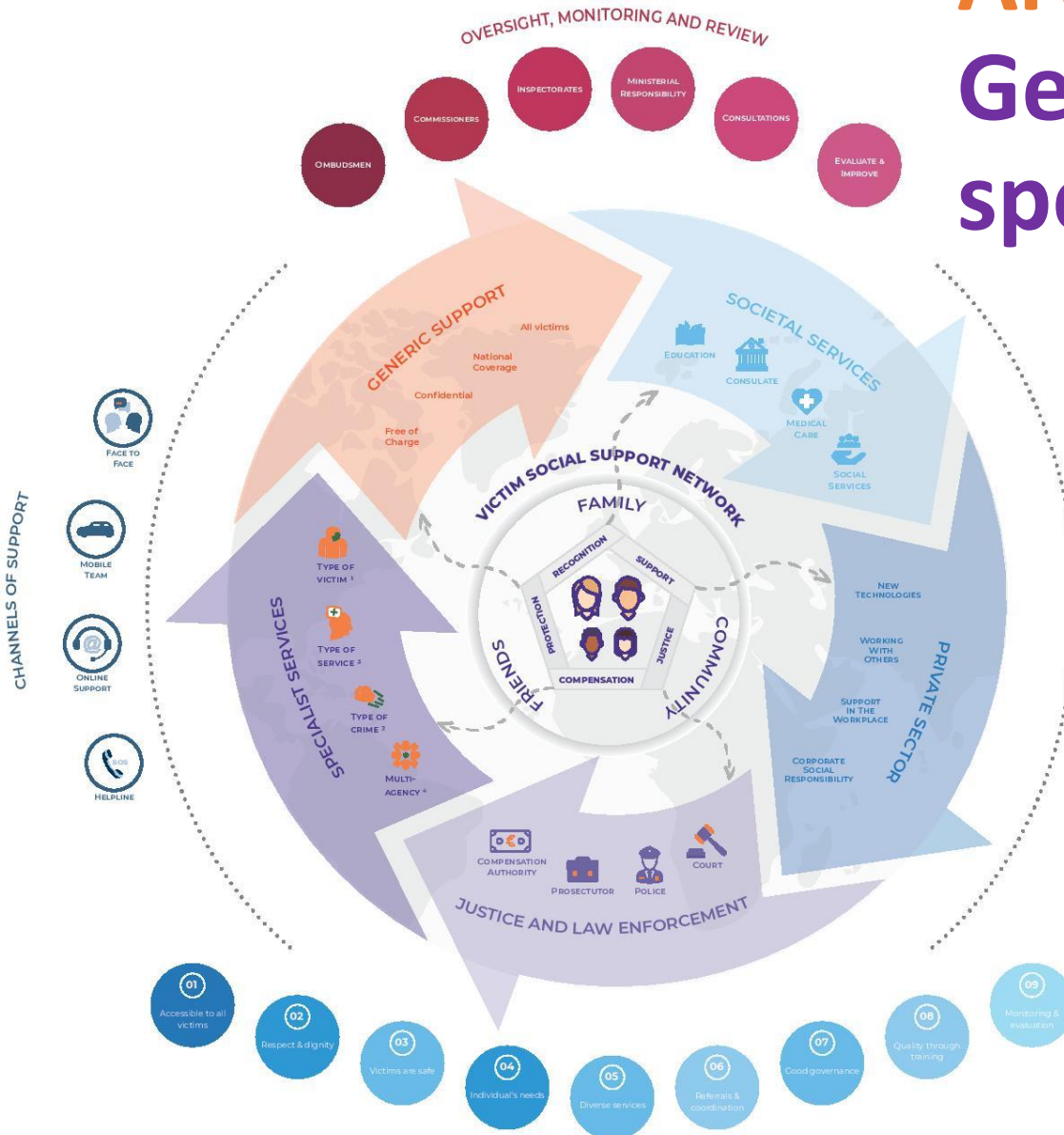
■ At police interviews ■ During investigations ■ Before the prosecutor ■ During the entire trial ■ Only during their testimony ■ Not available

# Article 7 – Right to translation and interpretation

	%
Denial of the right to interpreting services	7,1
<b>Lack of availability of interpreters</b>	<b>27,8</b>
Poor quality of interpretation	8,3
Interpreting services available only under limited circumstances (conditional to active participation)	10,4
Interpreting services do not address victims' vulnerability (e.g.: woman victim of sexual violence with interpretation services by a male interpreter)	11,4
Risk of interpreter bias	8,2
Interpreting services are available but not free of charge	3,5
Interpreting services are provided in a language other than the victim's own language	5,2
False assumption that victims understand the language of the proceedings well enough	7,3
Interpreting services are not provided to avoid delays in proceedings	3,2
Other	2,1
Do not know	5,5

# NATIONAL FRAMEWORK FOR COMPREHENSIVE VICTIM SUPPORT

## Articles 8&9 – Generalist and specialist services



# Article 10 – Right to be heard

Member States shall ensure that victims **may be heard** during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the **child's age and maturity**.

**Article 11 – Right to revise prosecutorial decision**

**Article 12 – Right to safeguards in the context of restorative justice services**

**Article 13 – Right to legal aid**

**Article 14 – Right to reimbursement of expenses**

**Article 15 – Right to the return of property**

**Article 16 – Right to decision on compensation**

# Article 17– Cross-border victims



Member States shall ensure that authorities can take appropriate measures to **minimise the difficulties** faced where the victim is a resident of a Member State other than that where the criminal offence was committed.

The authorities of the Member State where the criminal offence was committed shall be in a position: a) **to take a statement immediately** after the complaint is made to the competent authority; b) **to have recourse to video conferencing and telephone conference calls** for the purpose of hearing victims who are resident abroad.

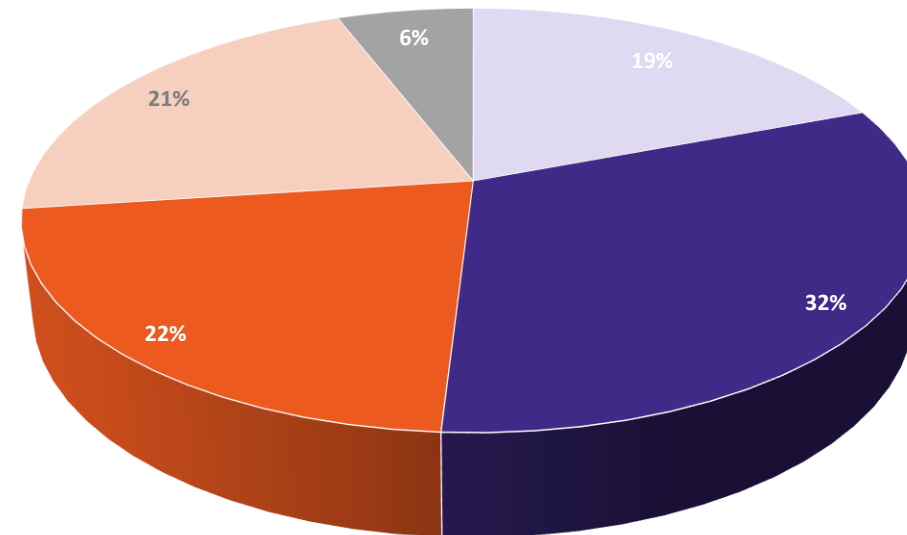
Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.



# Article 17– Cross-border victims

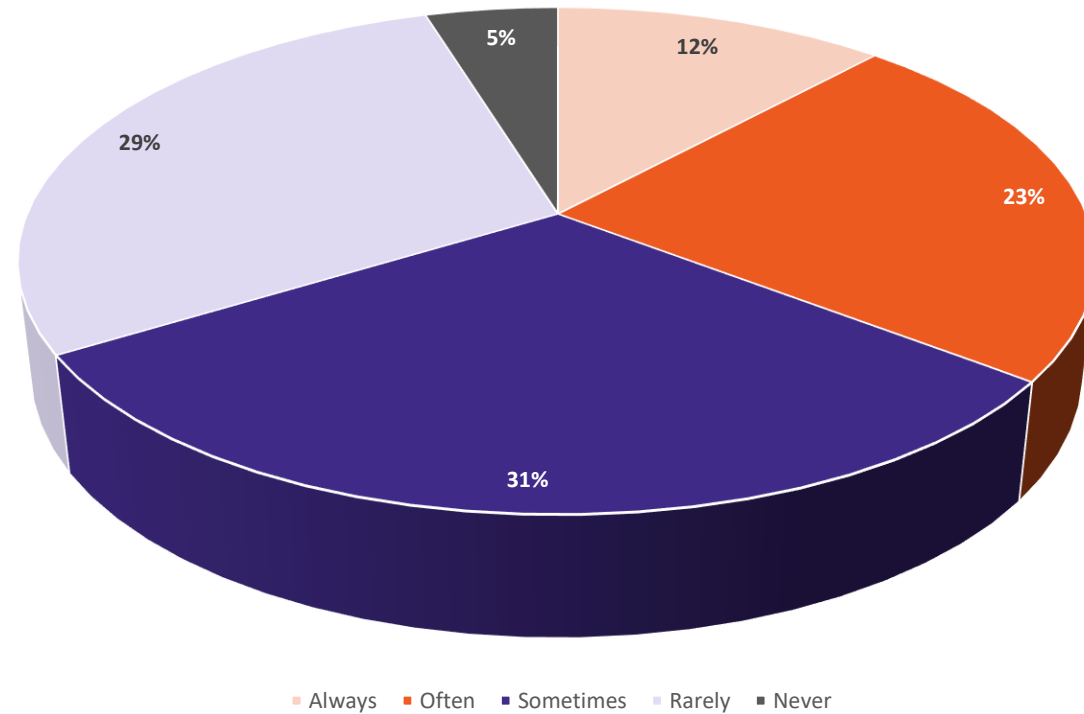
*In your opinion, do competent authorities have at their disposal all the necessary means for the purpose of hearing victims who are residents abroad?*



■ Insufficient   ■ Rather insufficient   ■ Neither sufficient nor insufficient   ■ Rather sufficient   ■ Sufficient

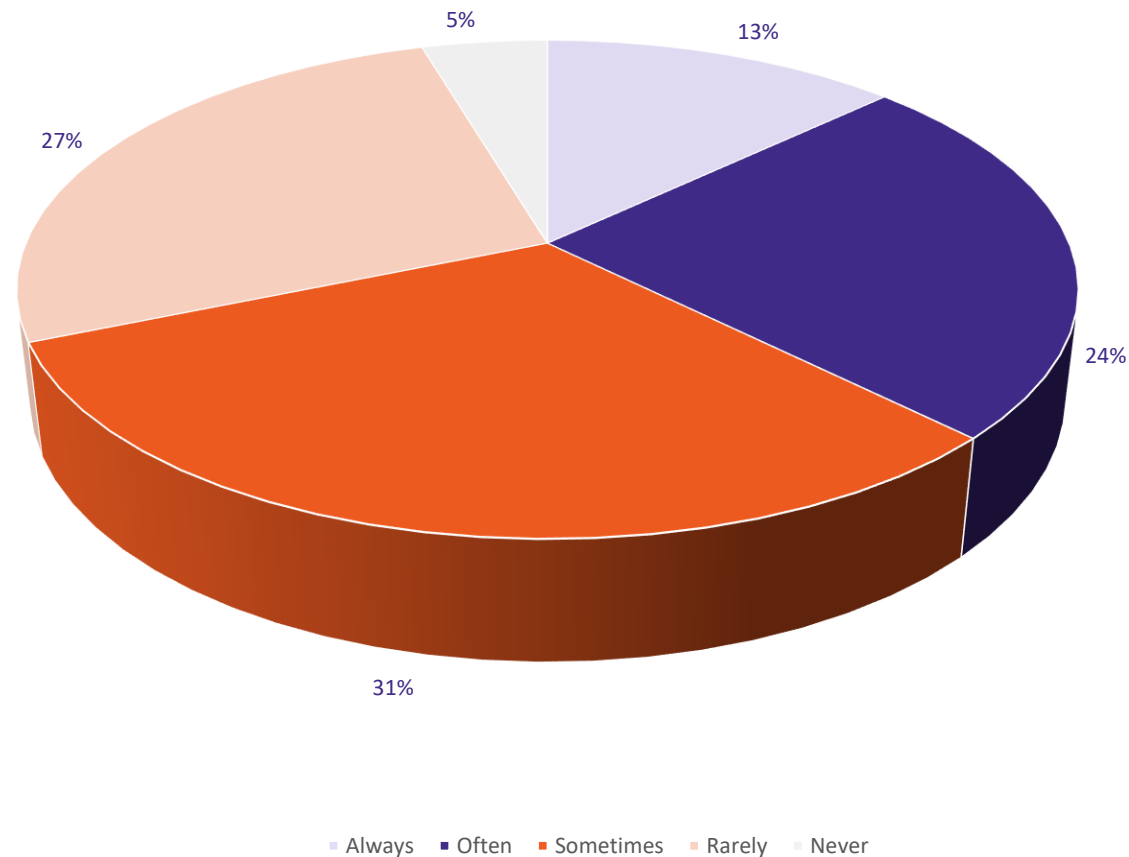
## Article 18 – Right to protection

*In your opinion, how often do victims and their family members receive adequate protection from intimidation and retaliation?*



# Article 18 – Right to protection

*In your opinion, how often do victims and their family members receive adequate protection against the risk of emotional and psychological harm?*



# Article 19 – Right to avoid contact with perpetrator

*Are you aware of any of the following arrangements being present in your country?*

	At the police	In court buildings	Does not exist
	%	%	%
Separate waiting areas for victims and offenders	17,2	25,1	<b>34,4</b>
Separate entrances within the premises	16,6	18,7	<b>40,3</b>
Appointments at different times	<b>41,9</b>	24,8	16,6
Different entrances from outside the buildings	14,7	20,6	<b>39,0</b>
Toilet facilities not close to one another	12,2	15,1	<b>45,8</b>

# Article 20 – Right to protection of victims during criminal investigations

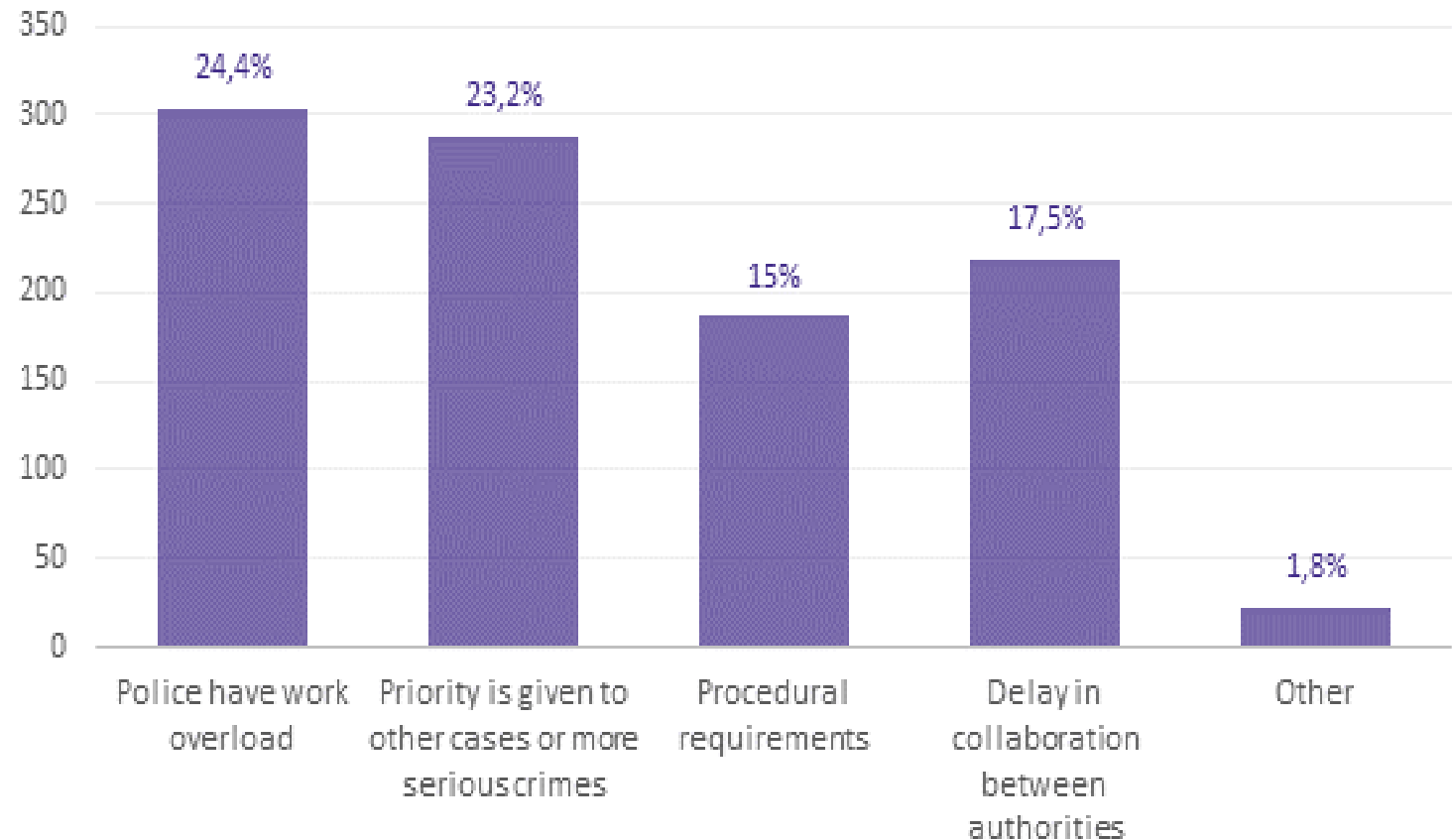


Member States shall ensure that during criminal investigations:

- a) **interviews** of victims are **conducted without unjustified delay**;
- b) the **number of interviews** of victims is **kept to a minimum** and interviews are **carried out only where strictly necessary** for the purposes of the criminal investigation;
- c) victims may be **accompanied by their legal representative** and **a person of their choice**;
- d) **medical examinations** are **kept to a minimum** and are carried out **only where strictly necessary** for the purposes of the criminal proceedings.

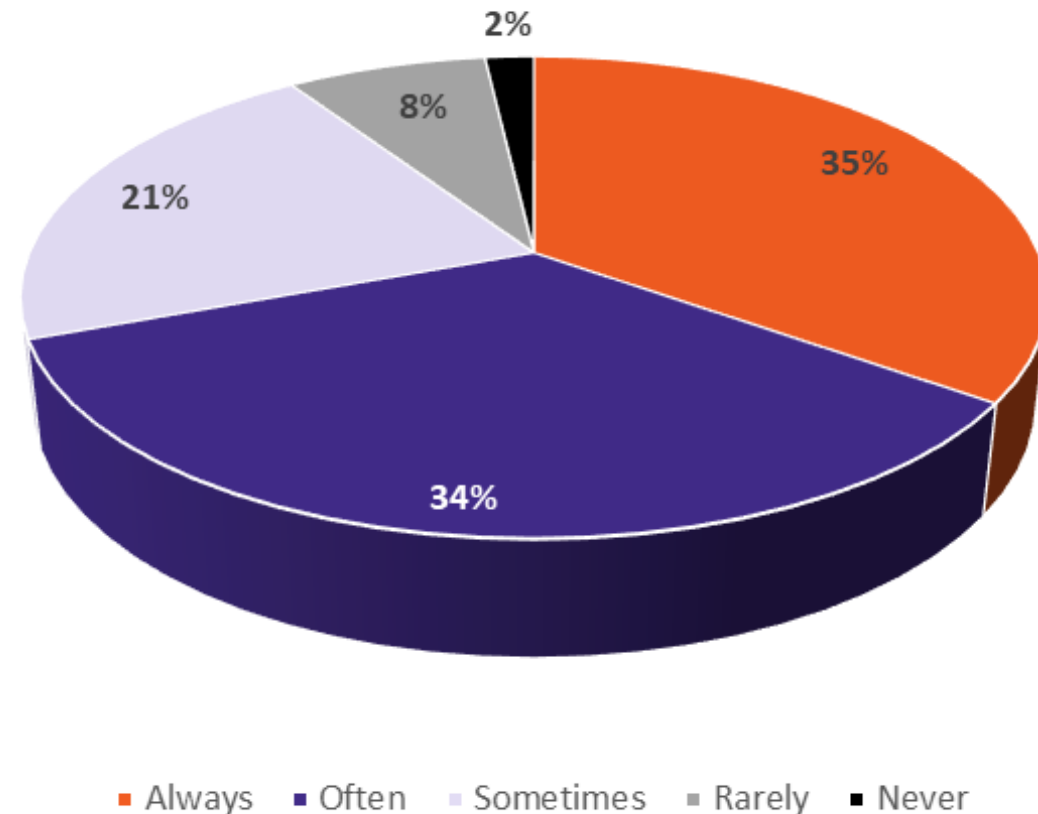
# Article 20 – Right to protection of victims during criminal investigations

*Reasons for delay for interviewing victims in investigation*



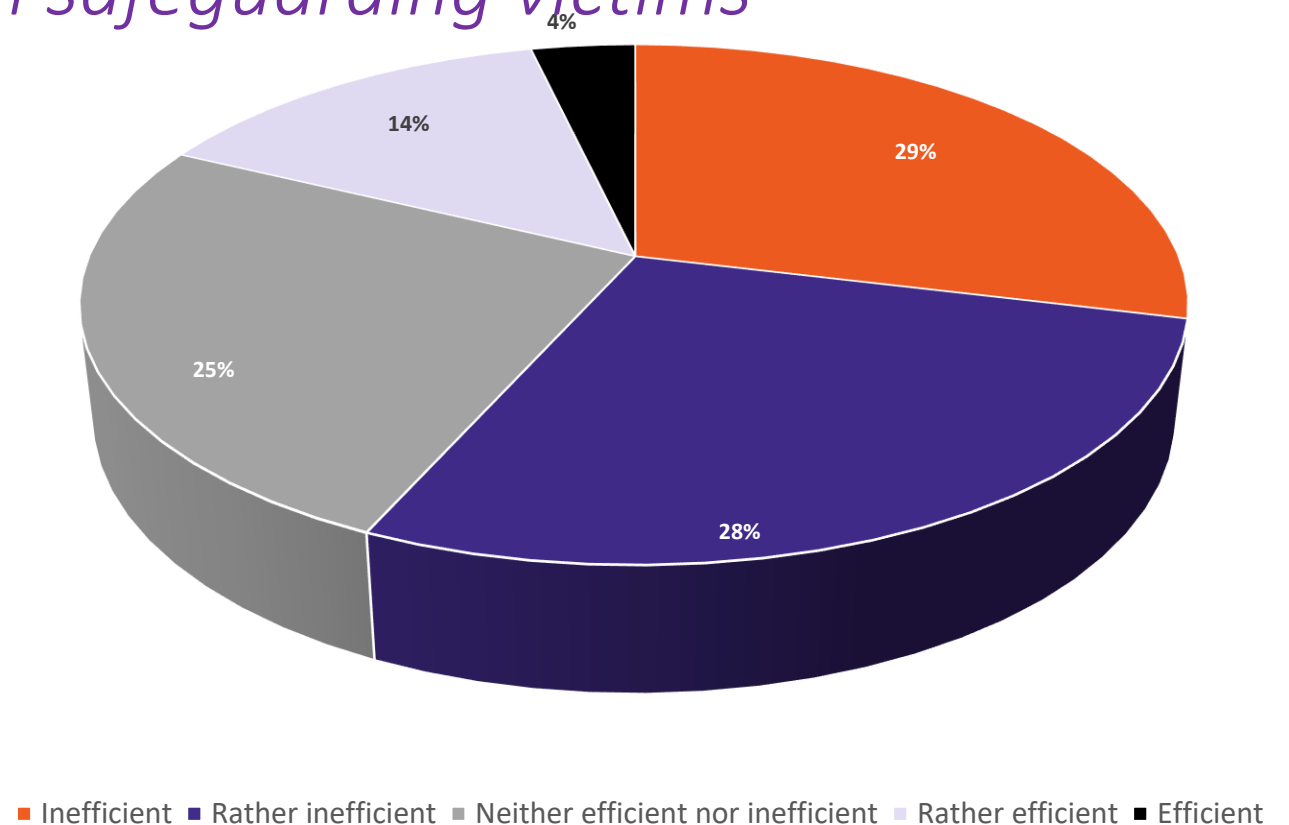
# Article 20 – Right to protection of victims during criminal investigations

*In your experience, are victims able to be accompanied by a person of their choice?*



## Article 21 – Right to protection of privacy

*In your opinion, to what extent do you consider existing protection measures effective in safeguarding victims' privacy?*





## Article 22 – Individual assessment

Member States shall ensure that victims receive a **timely and individual assessment** to identify **specific protection needs** due to their **particular vulnerability** to secondary and repeat victimisation, to intimidation and to retaliation.

## Article 23 – Right to protection of victims with specific protection needs during criminal proceedings

(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in **premises designed** or adapted for that purpose; b) interviews with the victim being carried out by or through **professionals trained** for that purpose; c) all interviews with the victim being conducted by the **same persons**; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the **same sex as the victim**, if the victim so wishes.

(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to **avoid visual contact** between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom **without being present**; c) measures to **avoid unnecessary questioning** concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place **without the presence of the public**.

# Article 23 – Special protection measures

*In your experience and opinion, are victims with specific protection needs able to benefit from the following measures during criminal investigations?*

	Always	Often	Sometimes	Rarely	Never
	%	%	%	%	%
Interviews with the victim carried out in premises designed or adapted for that purpose	15,5	<b>30,7</b>	22,1	12,0	3,0
Interviews carried out by or through professionals trained for that purpose	10,7	<b>36,0</b>	24,8	10,7	2,6
All interviews are conducted by the same person	12,9	<b>30,9</b>	23,7	11,5	2,3
All interviews with victims of sexual violence, gender-based violence, etc. are conducted by a person of the same sex as the victim	14,7	<b>24,8</b>	22,4	11,6	5,0

# Article 23 – Special protection measures

*In your experience and opinion, are victims with specific protection needs able to benefit from the following measures during court proceedings?*

	Always	Often	Sometimes	Rarely	Never
	%	%	%	%	%
Measures to avoid visual contact between victims and offenders	19,4	21,7	19,1	12,9	4,5
Measures to ensure that the victim may be heard in the courtroom without being present (use of communication technology)	21,1	<b>22,9</b>	18,2	13,7	2,6
Measures to avoid unnecessary questioning concerning the victim's private life not related to the offence	22,8	25,4	17,1	6,7	1,8
Measures allowing proceedings to take place without the presence of the public	<b>25,9</b>	22,3	15,3	10,7	3,2

**Article 24 – Right to protection of child victims during criminal proceedings**

**Article 25 – Training of practitioners**

**Article 24 – Coordination and cooperation**

# THANK YOU!

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