



## The EU Victims' Rights Strategy: The future of EU action for victims of crime - 7 July 2020 (15.30 – 17.00) Report

This [online webinar](#) was co-organised by [Victim Support Europe](#) and MEP [Saskia Bricmont](#) in light of the first ever [EU Strategy on Victims' Rights](#) ('Strategy'), which was published by European Commission on 24 June 2020. The Strategy aims to give a voice to all victims of a crime, in particular the most vulnerable amongst them: sexual and gender-based violence victims, LGBTI+ victims, victims of (racist) hate crimes, children, undocumented migrants and people with disabilities. It sets out five priorities to empower victims: effective communication with victims, improving support services and protection, facilitating victims' access to compensation, strengthen cooperation and coordination among all relevant actors and the international dimension of victims' rights. The Strategy further offers the opportunity to ensure proper implementation of the victims' rights acquis and application of good practices in all EU member states through stronger cooperation and coordination.

### Welcome words and introduction

**Ms Saskia Bricmont**, MEP Greens/EFA, points out that an estimated 75 million people become victim of a crime in the EU every year. She welcomes the first ever EU Strategy on Victims' Rights.

**Mr João Lázaro**, President of Victim Support Europe ('VSE'), strongly welcomes the newly adopted Strategy, which demonstrates the Commission's commitment to victims' issues. VSE has been promoting the advancement of rights for all victims of a crime in Europe and beyond for the past 30 years. The Strategy offers a clear vision on victims' rights for the next five years and allows for the long-term planning and coordination initiatives. The COVID-19 crisis has seen a rise in certain crimes such as cybercrime, domestic violence, child abuse and hate crime. In these times, the EU should show its dedication towards all victims of crime. It should ensure that each Member State implements victims' rights legislation, provides infrastructure and funding, protects its victims and empowers victims support organisations to deliver high-quality support. The Strategy will only be successful, if we come together and cooperate with all key stakeholders. VSE remains available to work together on the empowerment and support of victims to transform the principles in the Strategy into reality and actions.

## Keynote speech

**Mr Reynders**, EU Commissioner for Justice, presents the key points of the EU Victims' Rights Strategy. He highlights that the EU has had a solid set of rules on victims' rights.<sup>1</sup> However, these rules have not reached their full potential. The Strategy aims to rectify this situation and empower victims by making sure that all victims of a crime, in particular the most vulnerable, can fully rely on their rights in a non-discriminatory manner. Mr Reynders announced that the Justice Programme will at least maintain the same level of funding for 2021.

Next year, the EU will launch a campaign to promote an integrated and targeted support response to all victims of a crime, in particular the most vulnerable. Special focus will be laid on training for law enforcement services and need for specialist support services for victims.

At EU level, a Victims' Rights Platform will be set up and will gather different stakeholders working in the victims' field.<sup>2</sup> Where necessary, further legislative proposals will be considered to strengthen victims' rights. The immediate focus is on the implementation of current directives, and follow-up on infringement procedures is foreseen. At the international level, closer cooperation with international actors, such as the UN and Council of Europe, will be instituted to ensure high standards on victims' issues. At the national level, the adoption of national strategies on victims' rights will be encouraged. In rolling out the Strategy, close cooperation with all actors involved is crucial to create more capacity for the exercise of victims' rights.

## Session 1 – The Victims' Rights Strategy, a new approach for victims?

The first session considered whether the Strategy will make a difference for victims in the European Union. The speakers, all experts in the field of victims' rights, discussed the benefits of this Strategy for improving victims' rights across the EU in coming years. The speakers were **Dr. Garonne Bezjak**, JHA Counsellor Justice and Consumer Policy, Permanent Representation of the Federal Republic of Germany to the European Union, who spoke in light of the upcoming German Council Presidency, **Ms Joanna Goodey**, Head of Unit Research and Data of European Union Agency for Fundamental Rights (FRA) and **Mr Levent Altan**, Executive Director of Victim Support Europe. The session was moderated by Ms Bricmont.

**The German Presidency** thanks the work of the Commission on the Strategy, which presents a holistic and structured roadmap for the upcoming years on how to improve victims' rights in the EU. Victims' Rights are a priority for the German Council Presidency, with a focus on victims of terrorism. The German Presidency therefore picked up on a number of issues addressed in the Strategy, namely cooperation and coordination. The German Presidency aims to set up a dialogue for inter-governmental cooperation, with a focus on cross-border support for victims of terrorism. **Dr Bezjak**

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<sup>1</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 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims and Directive (EU) 2017/541 on combating terrorism

<sup>2</sup> Including: the European Network on Victims' Rights (ENVR), the EU Network of national contact points for compensation, the European Network of Equality Bodies (EQUINET), the EU Counter-Terrorism Coordinator and relevant agencies such as Eurojust, the Fundamental Rights Agency (FRA), the European Union Agency for Law Enforcement Training (CEPOL), the European Institute for Gender Equality (EIGE) and civil society.

noted that the Strategy fits perfectly in the work of former Council presidencies. The German Presidency will start the dialogue with Member States to see whether national action has been taken based on these council conclusions as well as what should still be done at national level. The Presidency further aims to collect best practices on cooperation and single contact points. Dr Beznak also welcomed the policy paper of the EU Counter-Terrorism Coordinator, Mr de Kerchove, which provides guidance on how to proceed on the rights of victims of terrorism.

**The FRA** considers the Strategy in itself a landmark development for victims' rights in the EU. **Ms Goodey** addressed additional views on the Strategy in the following points. Firstly, she noted the importance of an evidential basis to see where things stand in five years. The lessons learned from FRA's evidence-based research should feed into how we work and into measuring the effectiveness of the Strategy. Secondly, the Strategy should be for all victims of a crime. Not only the diversity of victims' groups should be recognised, but also the communalities. Different groups should not compete for attention or funds. Lastly, the Strategy reflects new needs following current COVID-19 challenges, like the push for justice to become virtual. This has both positive and negative consequences for victims and defendants (such as repeat victimisation, hate speech and misinformation), which should be carefully assessed.

**VSE** welcomes the Strategy, especially since it has been calling for this for many years<sup>3</sup>. The European victims' agenda has been characterised by start-stop politics and this Strategy finally allows for a comprehensive look at victims' rights policies and a longer-term approach. **Mr Altan** highlights that good practices must become common practices, embedded across EU countries. To be effective, the Strategy should firstly be the basis for an action plan, which identifies expected impacts and indicators to monitor progress. Such actions should be inclusive and include all necessary actors (EU institutions, national governments, NGOs and victims). Secondly, funding for victims' rights should also be made available on a more structural level, instead of being given to projects alone. Thirdly, systemic problems around implementation of the EU legislation related to victims' issues should be assessed and addressed, particularly access to support. Lastly, all victims of crime, particularly the most vulnerable, should have access to safe and participatory justice. Building resilience is key, since it gives victims the ability to cope, recover and come forward. For this, proper training of staff on the impact of crime on victims should be fully embedded in national training academies of police, judges and other professionals. Such training should be developed in conjunction and in cooperation with civil society. VSE is also very supportive of action taken on protection orders and on compensation.

## Session 2 - No victim forgotten, protection and support for vulnerable victims

The second session focused on different vulnerable victims' groups. As the Strategy points out, depending on the characteristics of the victims and the circumstances of the crime, victims can have specific needs. The speakers were **Ms Juliana Santos Wahlgren**, Senior Advocacy Officer of ENAR, **Ms Michele LeVoy**, Director of PICUM, **Mr Borja Arrue-Astrain**, Project and Policy Officer of Age Platform, **Ms Leenknecht**, Human Rights Coordinator of European Disability Forum (EDF) and **Mr Akram Kubanychbekov**, Senior Advocacy Officer of ILGA-Europe. They represented organisations in the field

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<sup>3</sup> See VSE's contribution to the Roadmap on the EU Victims' Rights Strategy: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12239-EU-Strategy-on-victims-rights-2020-2024-/F510518>

working on issues relating to the vulnerable victims identified by the Strategy. The session was moderated by Mr Levent Altan.

**ENAR** welcomes the Strategy and particularly its focus on the need for minimum standards, the need for proper access to justice and the requirement of proper funding for community-led initiatives<sup>4</sup>. At the same time, **Ms Wahlgren** notes that three points are lacking in the Strategy. Firstly, there is a need for a better definition of hate crime, currently, no such harmonised definition exists at EU level. Outline guidelines on how bias indicators should be mandatory and should be set up in cooperation with law enforcement authorities. Secondly, the Strategy lacks an intersectional approach to diversities and different victims' groups in the manifestation of crimes. This intersectional approach should address the following four dimensions: individual, structural, institutional and historical. It is important that we move away from a purely individualistic approach to crime and also look into how institutions and governmental structures themselves can be perpetrators of a crime, particularly in the case of police brutality. Thirdly, the issue of non-reporting of crimes is not only linked to a lack of information, but also has a subjective reason: some people do not trust the system, particularly law enforcement and judicial authorities. To properly address underreporting of crimes, we should also rebuild trust with victims and communities.

The Strategy is a landmark in EU policy for **PICUM**, since it indicates undocumented or irregular migrants as a vulnerable group for the first time<sup>5</sup>. Undocumented or irregular migrants are more likely to face consequences when reporting a crime and the close relationship between police and immigration authorities undermines trust in police services. **Ms LeVoy** gives five recommendations to ensure real implementation of the Strategy. Firstly, Member States should implement firewalls, meaning that victims of a crime can safely and securely report to the police without obligation of police to report their status to immigration authorities. Secondly, the evidence-based approaches to measure improvements and good practices should be strengthened. This should form the basis for dialogue and exchanges at national, regional, local and EU level. Thirdly, EU funding is of utmost importance to support good practices. EU funding should be extended to projects related to undocumented migrants, which is currently often not the case. Fourthly, policy coherence should be guaranteed. The Strategy cannot be overridden by migration policy of DG Home. In this respect, Ms LeVoy supports the idea of a victims' rights coordinator as well as the Equality task force, which could ensure an intersectional approach. Lastly, victims and vulnerable communities should get a voice in the action taken on the basis of the Strategy.

**Mr Arrue-Astrain** explains that older people often become invisible to society and vulnerable to abuse and neglect, especially in the context of long-term care. Elder abuse often happens within a relationship of trust and behind closed doors. This asymmetry of power and the lack of evidence poses significant obstacles to reporting of the crime. In many European countries, elder abuse is not considered a crime, which results in the inapplicability of the Victims' Rights Directive and the unavailability of support offered by victim support services. Reporting of crimes by older people is

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<sup>4</sup> See ENAR Shadow Report on Racist crime & institutional racism in Europe 2014-2018: [https://www.enar-eu.org/IMG/pdf/shadowreport2018\\_final.pdf](https://www.enar-eu.org/IMG/pdf/shadowreport2018_final.pdf)

<sup>5</sup> See PICUM's contribution to the Roadmap on the Victims' Rights Strategy: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12239-EU-Strategy-on-victims-rights-2020-2024-/F510526>

further often not taken seriously, which shows signs of institutional discrimination. **Age Platform** welcomes the fact that older people are identified as a vulnerable group in the Strategy, even though the wording negatively impacts the dignity of older persons. Older people should really be part of the implementation of the Strategy, which should be ensured by specific and general actions without creating a fight for resources, as indicated by Ms Goodey. Mr Arrue-Astrain also suggests that the EU wide campaign on victims' rights should include older people, despite challenges of reaching out to victims that are in care homes or are cared for at home. Lastly, it is essential to work in agency-like cooperation with different kinds of stakeholders, including caregivers and victim support services.

**The European Disability Forum** (EDF) happily acknowledges that the Strategy considered people with disabilities as vulnerable victims for the first time<sup>6</sup>. People with disabilities experience additional barriers in accessing support services, given the lack of training for justice and police personnel on their specific needs. The Victims' Rights Directive has been mostly ineffective for victims with disabilities. EDF therefore hopes that the rights of victims with disabilities become a reality through the Strategy. For this, proper implementation of the Strategy is crucial. **Ms Leenknecht** is looking forward as to how the Strategy will ensure accessibility to support services for victims with disabilities. For specific cases, the principle of reasonable accommodation should apply, e.g. sign language interpreter. In implementing its strategy, the Commission should reach out to the most marginalised victims, like people in institutions and women with disabilities. The EU and its Member States should further focus on awareness-raising and training, not only for justice personnel, but also law enforcement officers and all professionals involved with victims. To make the Strategy successful for all victims, all stakeholders should cooperate at EU level and national level. EDF hopes that organisations working with people with disabilities will therefore be included in the discussions at the Victims' Platform.

**ILGA-Europe** notes that the Commission takes a clear stance on the protection of LGBTI victims as a vulnerable group in the Strategy. The LGBTI community is victim of historical as well as ongoing stigmatisation and discrimination in some EU member states. The implementation process of the Strategy should take into account the similarities as well as the particular differences of the various vulnerable groups. In this regard, **Mr Kubanychbekov** made the following observations. Firstly, the proper enforcement of EU legislation is of utmost importance to the protection of victims. Secondly, hate crime and bias indicators should be clearly defined to stop bias crimes against LGBTI people. Thirdly, an inclusive definition of family members of victims should be ensured to reflect the realities of rainbow families. Fourthly, underreporting is a big issue in the LGBTI community. The reinstatement of a relationship of trust between vulnerable communities and police services should be pursued to encourage victims to come forward. Lastly, support services should be accessible to all LGBTI people without discrimination. In particular, trans women should have access to safe spaces.

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<sup>6</sup> See EDF's contribution to the Roadmap on the EU Victims' Rights Strategy: <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12239-EU-Strategy-on-victims-rights-2020-2024-/F510166>

## Conclusion

In concluding the webinar, **Ms Bricmont** highlights that the current legal and policy structures still show gaps and inconsistencies in addressing needs and rights of victims of crime. The Strategy gives momentum to work together with the Commission in improving existing shortcomings. The appointment of a Victims' Rights Coordinator will be instrumental to put victims' rights and needs at the centre of the implementation process.

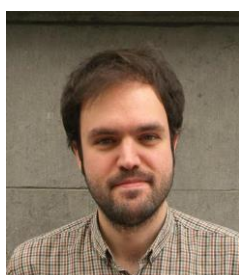
Ms Bricmont also stresses three further points that were not sufficiently addressed in the Strategy. Firstly, the emphasis on Member State authorities and institutions as perpetrators of crimes, e.g. police violence. Secondly, the requirement for effective access to justice and services for all victims of crime. Ms Bricmont hopes that the legislative work in European Parliament will help to strengthen these dimensions. Thirdly, grassroots knowledge and all relevant stakeholders should be closely involved in the implementation of the Strategy and the redaction of forthcoming proposals.

## Speakers' Biographies



### Levent Altan

Levent Altan is Executive Director at [Victim Support Europe](#) since November 2014. Before joining Victim Support Europe, he worked as Principal Legal Advisor at Milieu Ltd, a multi-disciplinary consultancy, where he led a team running various multi- country projects on justice and home affairs. He worked twice for the European Commission (DG Justice) as a national expert. During that time, he was responsible for drafting and negotiating the EU Directive establishing minimum standards on the rights, support and protection of victims of crime. Prior to this, Levent had been working for around 10 years as a UK civil servant in the Ministry of Justice, the Home Office and the Cabinet Office.



### Borja Arrue-Astrain

Borja is responsible for [AGE Platform](#)'s policy work on long-term care and elder abuse and as such he coordinates the Task Force on Dignified Ageing. He ensures AGE's involvement in policy consultations and the relations with stakeholders in the areas under his responsibility. Borja sits in various advisory and steering groups on care research and policies, and is responsible for AGE's annual events to mark the World Elder Abuse Awareness Day. He contributes to AGE's work on human rights in the context of care. Borja also works on a number of European projects delivering policy recommendations and establishing links with AGE's advocacy work.



### Dr. Garonne Bezzak

Dr. Garonne Bezzak is working as Justice and Consumer Policy Counsellor at the [Permanent Representation of the Federal Republic of Germany to the European Union](#) since February 2018, responding to the Ministry of Foreign Affairs. She served as a judge in Schleswig-Holstein in 2002 and then started working for the Federal Ministry of Justice in Berlin in 2016.



### Saskia Bricmont

Saskia Bricmont is Member of the European Parliament for the [Greens/EFA](#), (representing Ecolo - the green French-speaking Belgian party) since May 2019. Feminist, committed, enthusiast, she is guided by her ideals of equality and solidarity. She was local counsellor from 2012 to 2015 for Ath city (Wallonia) and she is still living there. Her legislative work as MEP is focused on commissions "Civil Liberties, Justice and home affairs" (LIBE) and "International trade" (INTA), she is also co-chairing the intergroup on Children rights. She is committed to make the social and environmental transition more concrete and unavoidable in EU legislation and on the field.



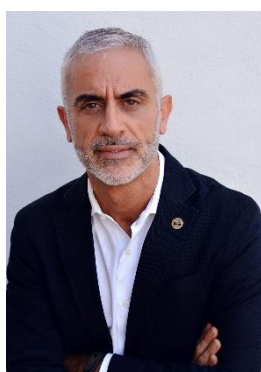
## Joanna Goodey

Dr. Joanna Goodey is Head of the Research & Data Unit at the European Union [Agency for Fundamental Rights](#) (FRA). The Unit's work covers access to justice and victims of crime – alongside other fields such as information society, privacy and data protection, and equality on different grounds. Prior to working at FRA, from the mid-1990s Joanna held lectureships in criminology and criminal justice – first in the Law Faculty at the University of Sheffield and subsequently at the University of Leeds. She was a research fellow for two years at the UN Office on Drugs and Crime. She was also a regular study fellow at the Max Planck Institute for Foreign and International Criminal Law in Freiburg. She is the author of the academic textbook *Victims and Victimology: Research, Policy and Practice* (2005), and co-editor of the book, together with A. Crawford, on *Integrating a Victim Perspective within Criminal Justice: International Perspectives* (2000). To date, she has published many academic journal articles and book chapters – including on victims of crime, human trafficking, violence against women, and research methodologies.



## Akram Kubanychbekov

Akram Kubanychbekov is a Senior Advocacy Officer at [ILGA-Europe](#). Akram works on developing and implementing advocacy strategies and policy initiatives aimed at bringing legal, political and social change for LGBTI people across Europe and Central Asia, with a focus on hate crime and speech, asylum and migration, domestic violence, Eastern Partnership countries and Central Asia. Akram holds a Master of Laws degree in International Human Rights Law from the University of Essex, UK. Prior to joining ILGA-Europe, Akram worked in the Regional Office of the High Commissioner for Human Rights for Central Asia as a Rule of Law Consultant. Since 2008, Akram is involved in LGBTI activism.



## João Lázaro

João Lázaro is the Executive President of the [Portuguese Association for Victim Support](#) (APAV) and President of Victim Support Europe. With a degree in Law and a postgraduate degree in Victim-Aggressive Mediation and Restorative Justice, he also practices law. João has collaborated with APAV since 1995, having served as Secretary-General until 2007, when he became Executive Director. He also held important positions in several renowned national associations and was a professor in different criminology courses at distinguished Portuguese Universities. Moreover, he collaborated as an expert for the European Commission's Directorate-General for Justice and Home Affairs. Over the years, he has been a speaker at conferences on issues related to the rights of victims of crime and victim support services and has also published several articles in the area of restorative justice and victimization.





### **An Sofie Leenrecht**

An-Sofie oversees all [European Disability Forum's](#) (EDF) secretariat initiatives and projects related to human rights and equality at the European and UN level. She coordinates our work on the United Nations Convention on the Rights of Persons with Disabilities (CRPD), equal treatment and fundamental rights, women's rights and gender equality. She manages EDFs cooperation with universities and researchers on human rights issues. She previously worked as a legal officer at UNIA, the Belgian national human rights institute and CRPD monitoring body, as a human rights trainee at the UN human rights office in Santiago de Chile, and as a research trainee at the Human Rights Law centre at the University of Nottingham in the UK.



### **Michele LeVoy**

Michele LeVoy is Director of [PICUM](#), the Platform for International Cooperation on Undocumented Migrants, a network of nearly 170 member organisations defending the human rights of undocumented migrants. She serves on several boards and advisory committees in the areas of migration and social policy at the EU and global levels.



### **Didier Reynders**

Didier Reynders is the current [European Commissioner for Justice](#) in charge of the Rule of Law and Consumer Protection. He served as Federal Minister of Finance of Belgium in six different governments until December 2011. Then, he was in charge of the Ministry of Foreign Affairs in two governments between 2011 and 2019. He was Deputy Prime Minister of Belgium (2014-2019) before joining the Commission. He was member and leader of the MR (Mouvement Réformateur) political party in the city of Liège (1995-2012) and then in Uccle (2012-2018). He holds a law degree from the University of Liège and began his career as a Belgian lawyer (1981-1985). He was a visiting Professor and Lecturer at the University of Liège, the Université Libre de Bruxelles and the Université Catholique de Louvain.



### **Juliana Santos Wahlgren**

Juliana joined the [European Network Against Racism](#) (ENAR) in 2006. She previously worked as a legal counsellor for ASTI (Association de soutien aux travailleurs immigrés), one of ENAR's members in Luxembourg, during three years, and before that as a lawyer in a multinational oil and gas company in Brazil. She holds a Bachelor of Law from the Federal University of Rio de Janeiro (Brazil) and was an international Fellow at the Albert Ludwig University of Freiburg (Germany).