

EU action to champion victims' rights

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What's the problem?

Throughout the EU, more than 75 million people are victims of serious crime every year, and 40 000 die in car accidents.

Such events can have devastating physical, emotional and financial consequences for victims and their families.

When they happen **abroad**, different cultures, languages, laws, and deadlines can create insurmountable complications. Who do victims turn to for help? What are their rights?

One of the EU's founding principles is that people should be treated with respect and sensitivity and without discrimination in all circumstances, in all EU countries — and certainly when facing a crisis.

Unfortunately, this is not always the case — **laws across the EU can be patchy, vague and unenforceable**, and they don't always meet victims' needs.

Whether a person has been the victim of a mugging, robbery, home break-in, assault, rape, harassment, hate crime, terrorist attack, or human trafficking — everyone shares the same **basic needs**:

- to be recognised and treated with **respect** and dignity
- to receive **protection**
- to receive **support**
- to have access to **justice**.

What is the EU doing about it?

Championing victims' rights across the EU is a key priority for the European Commission. Thanks to the Lisbon Treaty, the Commission can now put **effective EU law** in place to achieve this.

As a first step, it has proposed rules so that all EU countries have **minimum standards on rights, support and protection** for crime victims. The new law will ensure victims get:

- the recognition and the respect they deserve
- the same level of protection, support and access to justice throughout the EU, no matter where in the EU they come from or live.

Next steps will include other legislative proposals to ensure that victims' rights actually are **upheld in practice**.

EU action: JUSTICE for Victims

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"I don't understand what's happening..."

"I need closure..."

"I can't afford to attend the trial..."

Under the new EU laws, all EU countries would have to ensure that victims of crime and accidents are **kept informed of legal proceedings** and are **entitled to be involved in redress**.

What would this mean in practice?

▪ Informing victims in language they understand

People often don't know their rights and aren't informed about legal proceedings that will affect them. What information there is might be in a foreign language or legal jargon. Victims should be entitled to an interpreter if they need one. If they can't read, all relevant documents should be read to them.

▪ Informing victims in good time of the details of their case

Victims often want to be involved in the criminal proceedings, attend the trial, even give testimony. They can do this only if they are given consistent and reliable information about their case — such as when and where the trial will take place.

▪ Informing victims of the outcome of their case

Victims involved in a legal case should be told of the outcome of the trial. If the prosecutor has decided not to pursue the case, they should be allowed to review that decision. Knowing the outcome can be essential to the healing process, allowing them to move on with their lives. They should also be informed if the offender has been released from prison or police custody. They should never have to learn of this by chance or direct encounter.

▪ Allowing victims to choose to meet offenders face-to-face

This can give offenders the chance to take responsibility for their actions. Professionals with special training will help arrange these meetings to ensure that the victim's physical and psychological safety is always protected.

▪ Providing legal aid

Victims have a right to attend the trial about their case, even if this means providing legal aid and travel expenses. Any stolen property that is recovered should be returned to them.

From this...

"I'm Latvian and my Dad was killed while he was in Scotland. We don't speak English, and we don't understand the Scottish legal system. We don't have much money and couldn't even afford to collect his body. Nobody told us how to hire a lawyer or where to go to get compensation. My Dad was a good man, he deserved better than this."

...to this

"My wife was killed in a road accident while we were on holiday in Italy. When I went back home to France, I was kept informed about the trial and its outcome. I am blind, so they sent me the transcripts in Braille. They sent me her personal belongings and when the other driver was released from prison, they made sure I was notified. I'm devastated, but knowing all this at least gives me some peace of mind."

EU action: PROTECTION for Victims

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"I can't face the thought of standing up in court and telling everyone what happened to me..."
"I'm scared he will hurt me again..."
"I wish they would all just leave me alone..."
"No one understands me..."

Under the new EU laws, all EU countries would have to ensure that the **privacy and integrity of victims is protected** throughout the legal process.

What would this mean in practice?

▪ Protection from further trauma

Victims should not be made to re-live their experiences during police interrogations or in court. This can usually be avoided by ensuring proper safeguards and requiring all the agencies involved in a case to cooperate with each other. When necessary, judges should be able to hold hearings outside the courtroom via video link or in a private session.

▪ Avoiding contact with offenders

Victims should not have to fear retaliation or intimidation from their attacker. This can involve

placing a restraining order barring the offender from contacting the victim in any way, or ensuring they do not meet in a police or court waiting room.

▪ Protecting privacy

Victims should be protected from excessive media attention. Their personal data, including photographs, should be used only for the purposes of the case.

▪ Sensitive treatment by trained professionals

Some people need especially sensitive treatment. Children, in particular, should only ever be questioned by specially trained professionals, and always in the presence of someone the child trusts. Similarly, victims of sexual violence should be treated with sensitivity, by people trained to understand the nature and specificities of what they have experienced.

From this...

"I was raped when I was 17. In court I had to explain why I was wearing a short dress when I was attacked. They let my attacker ask me questions about my private life. I was completely humiliated by the experience. If I'd known this at the start I'm not sure I'd have ever spoken up."

...to this

"My husband used to beat me. The police put a restraining order on him and gave me a personal alarm. During the trial, my son and I were allowed to wait in a separate room and give evidence on a video camera. A child expert was there to help us. Later, they warned me when my husband was released from prison and made sure my protection order was transferred when I moved back to my home country. I'm not afraid anymore."

EU action: RESPECT for Victims

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"No one will listen to me..."
"I'm confused about what exactly I'm entitled to..."
"I'm not just a statistic!"

Under the new EU laws, all EU countries would have to ensure that all professionals coming in contact with crime victims are **adequately trained to provide sensitive treatment**.

What would this mean in practice?

▪ Properly trained professionals

Victims of crime are often in vulnerable situations. The people who are in direct contact with them — police, lawyers, judges and other professionals — sometimes treat them with indifference, impatience and insensitivity. Instead, they need to be treated with understanding, kindness and respect by all involved.

▪ Clear information on victims' rights

People are rarely adequately informed about their rights, and often no one thinks to explain them to

them. Victims need to know where and how to report a crime, what kind of advice, support and protection they're entitled to and how to get it.

▪ Recognition for the needs of families and loved ones

Family members — indirectly affected by the crime — deserve the same respect, consideration, advice and support accorded to the victims themselves.

▪ Catering to individual needs

Clearly, a victim of human trafficking has different needs to a victim of petty theft. One might need reassuring about protection, while the other just needs to know if their wallet has been found. There must be basic standards for everyone but special treatment for the cases that need it.

From this...

"I was assaulted while on holiday. I went to the police station but they didn't even seem interested. I felt like 'just another tourist'. I couldn't understand what they were saying to me and when I got back home, I never heard from them again. I never found out if they caught my attacker. I am still scared to go out at night."

...to this

"I was assaulted while on holiday. I went to the police station where an interpreter helped me report the crime. They explained my rights to me and told me how to seek compensation. When I returned home, the police regularly kept me informed about the case and I was able to participate in the trial. I even managed to get compensation for my travel costs to the trial. I am happy I was able to put it all behind me."

EU action: SUPPORT for Victims

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"We can't help him alone..."
"Everyone seems to have lost interest in helping me..."
"I can't function..."

Under the new EU legislation, all EU countries would have to ensure that services are in place to meet **victims' practical and emotional needs**.

What would this mean in practice?

▪ Emotional/psychological support (free and confidential)

Often both victims and their families need specialised help to cope with the physical and psychological after-effects of what they've been through.

▪ Immediate practical help

After a traumatic experience, people sometimes find it hard to carry on with normal life. Victims should not be left to confront their problems alone. They can need help with practical things like finding a locksmith after a break-in or guidance about funeral arrangements. In cases of domestic violence, temporary shelter and moral support can mean survival.

▪ Long-term help

It's not always enough to patch a person up and send them on their way. Victims can need continuous support, ranging from professional help to gain the confidence needed to testify in court to advice on how to get compensation.

From this...

"A man broke into my apartment and raped me in my own bed. I went to the police but no one offered me counselling, or helped me with practical things like changing my locks. I feel so lost and scared, I cannot afford to move or buy a new bed. I sleep on the floor."

...to this

"My partner abused me for years before I went to the police. They listened to me and helped me find a shelter. The staff at the shelter were a great help, they made me see that it wasn't my fault and helped me find a new place to live. I feel much stronger now."