

Victims' rights: Frequently asked questions

How many people are victims of crime in the EU?

Crime can affect us all. In fact, many millions of people in the European Union fall victim to crime every year. According to Eurostat data, around 30 million criminal offences against persons or property, excluding minor crimes, are recorded annually in the European Union. Yet most crimes are never reported, which leads to a qualified estimate that there is likely to be up to 75 million direct victims of crime every year somewhere in the EU every year.

What's more, crime often affects more than one victim and those close to the victims also suffer indirectly. Many family members of victims are also affected because they help their loved ones overcome the ordeal or recover from a physical injury or any financial difficulties they encounter following a crime.

What is the cost?

It is very difficult to estimate the overall cost of crime. No price can be put on the costs associated with a victim's pain and suffering. But the cost of crime is not only borne by the victims. Crime causes significant costs to employers, the state and society as a whole.

For example, a mugging victim may typically stay off work for an average of 11 days after getting their nose broken, or 31 days after getting their ribs broken in a serious assault. They may take significantly longer to recover from the psychological effects of a serious crime and suffer from long-term conditions, such as post-traumatic stress, depression, or drug or alcohol abuse.

The total cost of crime to society can be estimated at €233 billion a year in the European Union.

These costs result not just from the crime itself but from the lack of appropriate support to the victim to help them recover and to cope with criminal proceedings. Without proper treatment, the burden on health systems will remain high. Without proper treatment, victims do not report crimes, they drop out of the criminal justice system or they are unable to present their best evidence. This increases the costs of police enforcement and trials.

Besides the fundamental requirement to protect the most vulnerable in our society, treating victims properly and meeting their needs will mean criminal justice systems can operate more effectively, bring more offenders to justice and reduce the overall cost to society.

There is therefore a need to raise standards for victims' rights and to address their needs in a comprehensive way, with a minimum level of treatment and safeguards across the European Union.

What do victims need?

Whether a person has been the victim of a mugging, robbery, home break-in, assault, rape, harassment, hate crime, terrorist attack, or organised crime such as human trafficking – everyone shares the same basic needs: to be **recognised** and treated with **respect** and dignity, receive **protection**, receive **support**, have **access to justice, compensation and restoration**.

Respect

Someone who has suffered a crime needs recognition of their suffering and to be treated with professionalism, kindness and respect to avoid further suffering. This is especially important during police investigations or court proceedings. They need to be properly informed about their rights to advice, support and protection and to be treated as individuals, not statistics. Their loved ones also deserve the same level of professional help. Police, prosecutors, judges should be trained so they treat victims properly and give them the right information.

Protection

Victims should not be forced to re-live their experiences by having to repeat themselves unnecessarily several times during police interrogations or in court. Moreover, they should not have to fear retaliation or intimidation from their attacker, nor have to meet them in the court or police waiting room. They also need to be protected from intrusive or inappropriate media attention in any high-profile case. This is especially the case for vulnerable victims such as children.

Support

After a traumatic experience, people sometimes find it hard to carry on with normal life. Both victims and their families will need specialised help to cope with the physical and psychological after-effects of what they've been through. They might also need practical help, for example with finding a locksmith following a break-in, or with shelter following violence in the home. Victims can also need long-term support such as help in bringing a case to justice or seeking compensation. With the right support, victims can recover more quickly, get their lives back on track and have better access to justice. However, this kind of support is not necessarily available across the EU. Even in the best performing countries, only 38% of victims of serious crime who wanted support actually got it.

Access to justice

All victims and those involved in serious crime want justice to be served. An important way for victims to overcome their ordeal is by taking part in legal proceedings, being aware of the follow-up to their case and being entitled to seek redress if they so wish. This means they need to be informed about the proceedings that will affect them in a language they understand. They should know where and when a trial will take place or what rights they have during an investigation and trial. Victims involved in a legal case should be told of the trial's outcome. This can be essential to the healing process and allow them to move on with their lives.

Compensation and restoration

Victims need compensation so that their experience is recognised and the harm they have suffered is compensated. They may want a financial payment to cover a range of physical or emotional damages or to replace property. Equally, other forms of recognition or payment may be sought – an apology can make a big difference to some victims, or seeing the offender carry out services to compensate for the harm they have caused.

Criminal justice systems and mediation can be used for restorative justice. Victims may also 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.

Why are victims' needs not met?

Most EU countries provide some level of protection and support for victims, but the specific needs of victims are not always fully addressed in national judicial systems.

The [2001 Council Framework Decision](#) on the standing of victims in criminal proceedings lays down a series of general minimum standards for victims, but implementation has been patchy and the current level of rights for victims in practice is therefore inadequate.

This is often because criminal justice systems are geared towards catching and prosecuting the offender. The victim is often forgotten.

Which victims have special needs?

There are several specific categories of victims who have particular needs. Among others, they include:

- Children, disabled and other vulnerable victims

Some victims, such as children, people with disabilities and victims of sexual violence and human trafficking, are more vulnerable than others to the risk of suffering further harm during criminal proceedings and have special needs for protection and support. In addition, victims can be vulnerable for other reasons related to their *personal characteristics*. They may suffer from a high level of fear and distress or may be in risk of intimidation or repeated violence. They could also be in a personal, social or economic situation that makes it difficult for the victim to cope with the consequences of the crime or to understand the judicial proceedings – such as the elderly, minority groups or someone who has recently lost a loved one. Victims can also be more vulnerable because of the *type and nature of the crime*, such as terrorism, organised crime, bias crime or gender-based violence.

- Victims of terrorism and organised crime

More than any other victims, those affected by a terrorist attack have to bear the brunt of often indiscriminate crimes intended to harm society as a whole. They need the same support as other victims, but may additionally face higher levels of media attention and have greater need for recognition and respect by society as a whole. Victims of organised crime are also often targeted by an unidentified group of criminals. They are at high risk of reprisals and intimidation and often need special protection throughout criminal proceedings.

- Victims of traffic accidents

There are around 1 million road accidents every year in the EU, resulting in 40,000 lives lost and many more injuries. Where there is a question whether the incident was due to an offence, people often do not feel their status as a victim is either sufficiently or promptly recognised. Naturally, they want to see that the incident is properly investigated so that the police can determine whether a crime has occurred or not. They may also face different time limits for claiming compensation depending on which country an accident takes place.

What is the added value of action at EU level?

The risk of becoming a victim of crime is just as great when travelling abroad as it is at home. With Europeans taking around 1.25 billion trips for business or leisure within the EU every year, some people will inevitably become victims of crime in another country.

Minimum procedural rules for victims are part of the EU's broader objective of building a European area of justice, so that people can rely on a similar level of basic rights and have confidence in the justice system wherever they are in the EU.

Victims' rights are also fundamental rights, including the respect for human dignity, private and family life and property. These rights should be safeguarded, along with the rights of others involved in criminal proceedings, such as those accused of a crime.

What exactly is the European Commission proposing?

The Commission is proposing to reinforce existing national measures with EU-wide minimum standards, so that any victim can rely on the same basic level of rights – whatever their nationality and in whichever of the 27 EU countries the crime takes place.

A Directive establishing minimum standards on the rights, support and protection of victims of crime will set minimum rules that Member States will then have to implement. They will ensure that:

- victims are treated with respect and police, prosecutors and judges are trained in how to properly deal with them;
- victims get information on their rights and their case in a way they understand;
- victim support exists in every Member State;
- they can participate in proceedings if they want and are helped to attend the trial;
- vulnerable victims are identified – such as children, victims of rape, or those with disabilities – and they are properly protected;
- victims are protected while police investigate the crime and the courts prosecute.

A Regulation on mutual recognition of protection measures in civil matters that will ensure that victims of violence can still rely on a protection measure issued against the perpetrator if they travel or move to another EU country.

How will the new proposals help people who become a victim of a crime while travelling to another Member State?

The proposed Directive will improve standards in all Member States. As a result, people who travel to another Member State will automatically be in a better position.

In addition, there are measures that specifically benefit foreign victims. The proposals will ensure that victims receive sufficient information in a form and language they understand so that they have full access to their rights and feel that they are treated respectfully. Such information should be available from the moment a victim reports a crime as well as on a regular basis throughout the criminal proceedings. Victims should also receive interpretation during police questioning and court hearings if they need it.

People who are victims abroad should have the possibility to file a complaint in their own country if they did not do so in the country where the crime was committed, or for serious crimes, if they did not wish to (in cases when someone is too scared to complain). They should also be able to provide statements from abroad, through video or telephone conferencing, to avoid having to travel back to give evidence.

How will the Commission ensure protection orders are recognised?

The proposed Regulation will help ensure that victims of violence (most often victims of different forms of domestic violence and stalking) who benefit from a restraining, barring or other protection order in their home country will continue to be protected when moving or travelling to another EU country. Such protection should be awarded through a simple certificate, without the victim having to go through additional procedures in the new country to get the same protection.

This measure complements the proposal for a Directive of the European Parliament and of the Council on the European Protection Order initiated by a group of Member States in September 2009, which is currently being discussed in the European Parliament and in the Council. This proposed Directive will apply in criminal matters (Article 82 of the EU Treaty), while the Commission's proposed regulation will apply in civil matters (Article 81 of the EU Treaty). Together the two proposals will ensure that all victims have the possibility to get their protection orders recognised in any EU Member State, whether the state applies civil law or criminal law measures, or both.

Should we not just try to cut crime?

We should continue all our efforts to combat crime. But the reality is that there will continue to be victims and their needs should not be forgotten. We should pursue both objectives at the same time.

There is also a clear link between victims' rights and crime prevention. The Commission has for many years funded a series of projects that aim to prevent crime, to combat violence and to protect and support victims and groups at risk (notably via the DAPHNE programme).

Prevention work is crucial not only for cutting crime in the short and medium term, but also for changing attitudes towards criminal conduct that can give positive, long-term and lasting results. Supporting and protecting victims not only helps them recover, but also increases the likelihood that they will take their case forward and that the perpetrator will be punished – which also helps prevent further crime.

How will the Commission help victims of traffic accidents?

If you have a traffic accident whilst on holiday in another EU country, you may have the right to claim compensation for damages. At the moment, there are different time limits for making a claim depending on each country and people may not know which rules apply.

The Commission intends to bring more legal clarity so that victims of traffic accidents can rely on the limitation periods that apply in their home country. They will therefore have more certainty in seeking redress if they were involved in an accident.

How does the Commission plan to help victims get compensation?

The victims' proposals are a first step to address the needs and rights of victims. For the next phase of action on victims' rights, the Commission will review the way in which existing legislation (Directive 2004/80) is applied relating to compensation of crime victims, based on further research to identify precise problems, and will present any necessary solutions to improve its effectiveness.

How does this fit in with the 2011 European Year of Volunteering?

The proposed Directive on victims' rights specifically requires that victim support be available and supported in all Member States. Victim support in the EU Member States heavily depends on the work of volunteers. Over 20,000 volunteers work for victim support organisations in Europe.

When will all this take effect and what are the next steps?

The Commission has today adopted proposals for a Directive on minimum standards for victims and a Regulation on mutual recognition of protection measures in civil matters. The European Parliament and the Council of the European Union must approve these measures under the normal legislative procedure. After adoption, the Regulation will have immediate effect, while Member States will have a period of typically two years to implement the measures in the Directive in national law.

Over the coming years, the Commission will adopt additional proposals to bring more legal clarity to victims of cross-border traffic accidents and to facilitate the right of crime victims to seek compensation.