

JUSTICE



# Victims of crime in the EU: the extent and nature of support for victims



EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS



This report addresses matters related to the right to an effective remedy (Article 47) falling under Title VI 'Justice' of the Charter of Fundamental Rights of the European Union.

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# **Victims of crime in the EU: the extent and nature of support for victims**



# Preface

Support services to victims of crime are essential to victims' rights. Crime victims need support so they can access the justice system. This report by the European Union Agency for Fundamental Rights (FRA) analyses victim support services in the European Union (EU) and is an important source of information for us, policymakers, on how well victim services are implemented across EU Member States and which gaps remain.

The Victims' Directive is a big step forward for victims of crime. All victims have the right to effective access to justice as laid down in Article 47 of the EU Charter of Fundamental Rights. However, this right only becomes a practical reality when victims are aware that such support exists and get help to make use of it. As the report shows, in the absence of victim support services, it is likely that victims will not report their experiences, and will find it difficult to navigate their way through the legal system to see their case through.

FRA's report clearly shows the different traditions underlying victim support services in the EU Member States. We should welcome this diversity of approaches. However, there are essential characteristics that all victim support services must share. For example, they should be available to all victims free of charge, and must not be dependent on other criteria such as a victim's residence status or whether they have reported a crime to the police.

This report is a useful overview of the support services available to crime victims in the EU today. Together with FRA's other work on access to justice and its large scale surveys of groups that are disproportionately likely to become victims of crime, this report can help us to better understand and improve support for victims of crime throughout the EU.

**Věra Jourová**

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# Foreword

The right of victims of crime to have access to justice should exist not only on paper, as in the Charter of Fundamental Rights of the European Union (EU), but also in practice. FRA research has, however, repeatedly and consistently shown that victims of crime are reluctant to report their victimisation to the police. Several factors account for this systematic under-reporting. Victims are often not aware of their rights or do not know where to turn for help. Some victims weigh the costs of what they expect to be lengthy and bureaucratic procedures against the improvements these procedures would in the end make to their situation. Certain groups of victims suffer from feelings of fear, guilt or shame. In short, there are major factors that impede victims' access to justice or discourage victims from coming forward. This can translate into fewer investigations and prosecutions and missed opportunities for victims to seek redress and to experience justice being done. As a result, offenders go unpunished and victims' rights (and needs) can remain unmet.

To overcome these hurdles it is of crucial importance that all victims of crime are offered adequate support, advice and assistance. The Victims' Directive (2012/29/EU) of the European Parliament and of the Council of 25 October 2012 – establishing minimum standards on the rights, support and protection of victims of crime – obliges EU Member States to ensure that "victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings". At the same time, the Victims' Directive makes it clear that there is more than one way to achieve this goal. Specialist support services can be provided in addition to or as an integrated part of general victim support services; victim support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis. These various options reflect the diverse situations on the ground in each Member State, which again relate to different social and legal traditions and environments concerning recognition of and responses to victims of crime.

This report looks at achievements in the area of victim support provision and aims to take stock of the various models that have emerged in EU Member States. It examines Member States' obligations under the Victims' Directive to ensure the availability of support services to all victims of crime and explores the situation on the ground. The report highlights achievements as well as promising models and practices that can serve as a source of inspiration to Member States in implementing the Victims' Directive. Finally, the research findings are intended as a resource for the European Commission when reviewing the existence and effectiveness of victim support services in the EU Member States.

**Morten Kjaerum**

*Director*

# Country codes

Code	EU Member State
AT	Austria
BE	Belgium
BG	Bulgaria
CY	Cyprus
CZ	Czech Republic
DE	Germany
DK	Denmark
EE	Estonia
EL	Greece
ES	Spain
FI	Finland
FR	France
HR	Croatia
HU	Hungary
IE	Ireland
IT	Italy
LT	Lithuania
LU	Luxembourg
LV	Latvia
MT	Malta
NL	Netherlands
PL	Poland
PT	Portugal
RO	Romania
SE	Sweden
SI	Slovenia
SK	Slovakia
UK	United Kingdom





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# Glossary

<b>Damage (non-pecuniary)</b>	Detrimental effect for the victim of a crime without a financial loss
<b>Damage (pecuniary)</b>	Detrimental effect for the victim of a crime with a financial loss
<b>ECHR</b>	European Convention for the Protection of Human Rights and Fundamental Freedoms
<b>ECtHR</b>	European Court of Human Rights
<b>Framework Decision</b>	Council Framework Decision 2001/220/JHA on the standing of victims in criminal proceedings, replaced by the Victims' Directive
<b>General/generic victim support service</b>	Victim support service covering all types of victims of crime
<b>Moral harm</b>	Damage to the moral integrity of a victim of a crime
<b>Partie civile</b>	Civil party in a judicial procedure
<b>Repeat victimisation</b>	Situation suffered by victims where they fall victim to crime repeatedly
<b>Secondary victimisation</b>	Additional damage suffered by victims caused by harmful conduct by society, public workers, police officers, doctors, or any other person that enters into contact with victims of crime
<b>Specialist support service</b>	Victim support service focused on one or several specific types of victims
<b>Victim</b>	Perceived victim of a criminal offence. A person who arguably claims or who could arguably claim that his or her rights protected under criminal law have been violated
<b>Victims' Directive</b>	Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA
<b>Victims' package</b>	Package of legislative proposals adopted by the EU to support victims of crime
<b>Victim support organisations</b>	Organisations providing support services to victims of crime
<b>Victim support services</b>	Services provided to victims of crime, including those provided by victim support organisations
<b>Vulnerability/vulnerable persons</b>	'Vulnerability' or similar words are used to refer to the situations that people find themselves in and do not intend in any way to locate problems in people.



# Executive summary and FRA opinions

This report outlines the research findings of the European Union Agency for Fundamental Rights (FRA) on support services for victims of crime across the European Union (EU) from a fundamental rights perspective. It aims to give an overview of how current victim support service provision across the 28 EU Member States compares in practice with the objectives and goals for victim support set out by the EU Victims' Directive. The focus is on victim support services, not all aspects of the Victims' Directive. Articles 8 and 9 on support services are therefore at the centre of this report, although other closely related provisions are also considered.

The provision of victim support services – assistance available to victims before, during and after criminal proceedings, including emotional and psychological support and advice relating to legal, financial and practical issues as well as to risks of further victimisation – to victims of crime is fundamental to achieving justice for victims and ensuring victims can claim their rights. In particular, access to victim support services is of crucial importance to crime victims' ability to exercise their right to effective access to justice, as laid down in Article 47 of the Charter on 'Right to an effective remedy and to a fair trial'. The right of victims to access justice is firmly grounded not only in EU primary and secondary law, but also in Council of Europe and United Nations (UN) instruments, as well as in national legislation.

While legislation such as the Victims' Directive is important, it is also crucial that it is applied in practice so that victims can actually make use of their rights.

That victims currently do not or cannot fully exercise their rights is underlined by the level of underreporting previous research by FRA has uncovered. In FRA's four large-scale surveys concerning the victimisation of minorities, of LGBT persons, antisemitic offences and violence against women, for example, the results consistently show that many victims do not report crimes to the police. While these four surveys looked at the situation of specific categories of victims (such as women victims of violence), the findings uncovered (for example in relation to underreporting) are often of relevance to victims of crime more generally, and so certain findings of a more general applicability are highlighted in the report.

For this report, FRA collected data from across the 28 EU Member States. These data show how victim support services have developed. They track the differing pace, perspectives, contexts and organisational models at work in the evolution of such services across the Member States. These varying backdrops have shaped the nature and scope of services offered. For

some Member States this means that putting the Victims' Directive into practice will present a challenge. FRA research identified several areas in particular in which Member States currently fall short of meeting the Victims' Directive's requirements. More must therefore be done to ensure that the directive's objectives are achieved.

Notwithstanding the challenges that remain, FRA evidence also brings to light many positive developments and promising practices. While these practices could inspire further development at the national as well as at the EU level, the different historical and cultural contexts in which they have arisen cannot be overemphasised. These differences should be kept in mind when considering the feasibility of transferring models and solutions across borders. Unless otherwise specified, however, the promising practices this report presents are not considered specific to particular models of victim support and are generally thought to be transferable to other Member States looking to improve their victim support structures in line with the Victims' Directive.

Based on these findings, FRA has formulated opinions which suggest concrete measures that EU institutions and Member States can take to improve their victim support services.

## Victims' rights in European and national law

### Guaranteeing the right of victims to access support services and to effective remedy

The Victims' Directive acknowledges the existence of different criminal justice systems across EU Member States and the varying roles attributed to victims within these systems. Nonetheless, its implementation must not fall short of the standards guaranteed by Article 47 of the Charter of the EU and the case law of the European Court of Human Rights (ECtHR) relevant to fair trial and the right to a remedy. This includes the right of effective access to court proceedings – facilitated by good victim support services – the right to challenge a prosecutor's decision and the right to legal aid.

Victims' effective access to justice depends in large part on the availability of targeted victim support services. The need to provide victims with a set of services that can enable them to enjoy their rights is underlined by FRA research on the reporting of people's experiences of crime. Results on, for example,

experiences of hate crime in the EU-MIDIS survey (<http://fra.europa.eu/eu-midis>) and on reporting patterns in the violence against women survey (<http://fra.europa.eu/en/survey/2012/survey-gender-based-violence-against-women>), show that improvements are necessary to encourage reporting.

#### FRA opinion

*EU Member States must ensure the effective provision of and access to support services in order to comply with the Victims' Directive and to meet their obligations under Article 47 of the Charter. When implementing the Victims' Directive, EU Member States should take into account Article 47 and relevant ECtHR case-law to assess the rights of victims to actively participate in criminal proceedings, such as the right to be heard and the right to provide evidence.*

## Interpreting 'victim' inclusively

As the Victims' Directive sets higher standards in a number of areas than the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (OJ L 82/1), definitions of the relevant concepts in national law, or their interpretation, should reflect this development in an appropriate manner. FRA findings suggest that the legislation of some EU Member States might require amendments in this regard to be brought in line with the Victims' Directive. Several Member States, for example, define the term 'victim' narrowly in their legislation, excluding 'indirect' victims such as family members. Some Member States fail to define the term at all.

#### FRA opinion

*The Victims' Directive requires that a victim's family members are included in the definition of victim (in relation to victims whose death is a direct cause of a criminal offence) so that they also have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim. The term 'family members', as well as other key terms, such as 'particularly vulnerable', should therefore be broadly interpreted so as not to unnecessarily restrict the list of potential rights holders.*

## Allocating sufficient resources

Certain new obligations, as well as non-compulsory provisions of the Framework Decision that the Victims' Directive makes obligatory, will require EU Member States to invest further in personnel, equipment or facilities. This includes ensuring that victims' waiting areas at court are separate from those of the accused, at the very least in any new court premises (Article 10 (3) Victims' Directive). Member States must also acquire the technology needed for video-links and video recordings, provide obligatory training for front-line practitioners such as police officers and court staff (Article 25 (1) Victims' Directive) and ensure that victims are individually assessed to identify their specific protection needs (Article 22 (1) Victims' Directive). FRA findings show that some Member States have yet to implement these measures. Fewer than half the Member States, for example, currently provide separate waiting areas for victims.

According to the directive, EU Member States should also promote general and specialist training for judges and prosecutors on victims' rights and needs. FRA findings show that not all Member States have yet implemented these measures.

#### FRA opinion

*EU Member States must ensure they comply with the Victims' Directive's new obligations on training police officers and court staff, providing individual assessments of victims and ensuring separate waiting areas for victims in new court premises. EU Member States should make available the additional resources needed to implement such measures by the transposition deadline.*

## Aspects of victim support

### Making legal aid available

Although available to most victims in the majority of EU Member States, FRA findings show that obtaining legal aid is often conditioned on, for example, an economic means test (to determine those who are financially eligible for free legal assistance) or on legal residence. While these conditions might be justifiable, they can present difficult bureaucratic hurdles, particularly where legal aid is required quickly to guarantee the victim's rights. Some global standards also recommend a more restrictive use of means testing. The 2012 *United Nations Guidelines and Principles on Access to Legal Aid in Criminal Justice Systems* stipulates, for instance, that children are always to be exempted from such testing.

## FRA opinion

*Legal aid guaranteed under Article 13 of the Victims' Directive should be available to victims who are party to criminal proceedings in the same way as it is currently available to defendants. Bureaucratic hurdles, such as lengthy proceedings or economic means testing, should be identified and removed. Means testing may not always be in compliance with UN guidelines.*

## FRA opinion

*EU Member States should introduce measures that ensure that victims, at all stages of the process, have access to information about their rights and available support services, as well as to relevant information about the case. EU Member States should particularly consider putting in place an effective referral system that would guide victims through the support service system.*

## Ensuring effective training systems

Introducing an effective system of practitioner training, as Article 25 of the Victims' Directive requires, is a long-term objective. FRA findings show that some EU Member States emphasise training for specific groups of victims. Others make training available but not compulsory for officials who are likely to come into contact with victims, such as police officers and court staff. EU Member States are therefore encouraged to increase their training capacity and raise awareness among criminal justice practitioners of the needs of specific groups of victims. They are encouraged to involve NGO victim support services where practicable.

## FRA opinion

*Law reforms should aim at better inclusion of the victim in the criminal justice system. Victims should be enabled to play a more significant role in criminal proceedings, as set out in Chapter 3 of the Victims' Directive. Criminal justice practitioners can support this process, guiding victims through proceedings, helping them to understand the legislation and fully recognise its practical implications. This process is greatly aided by training of criminal justice practitioners.*

## Providing information - including referrals to support services

The timely provision of accurate information on victims' rights that Chapter 2 of the Victims' Directive requires is key to empowering victims to use their rights and also points them to the most appropriate support services. Examples of good practice highlighted in this report show that close cooperation between competent authorities and victim support organisations can facilitate referrals.

## Tackling underreporting of victims

FRA research – including four large-scale surveys concerning the victimisation of minorities, of LGBT persons, antisemitic offences and violence against women – consistently shows that many victims do not report crimes to the police. The Council Conclusions of 6 December 2013 on combating hate crime in the EU and the Council Conclusions of 5 June 2014 on preventing and combatting all forms of violence against women and girls underscore these findings. Victims may, however, approach other persons or organisations. Findings from FRA's survey on violence against women show that victims of domestic violence are more likely to contact doctors and healthcare institutions than any other professional organisation or NGO. Therefore, these professionals could play a key role in identifying and providing initial support to victims. Yet evidence also shows that doctors and other clinical professionals are rarely trained for an effective response to domestic violence. Hence initiatives to train and inform healthcare professionals could be considered promising practices, especially given that 87 % of the 42,000 women surveyed in the FRA study on violence against women said that they would welcome further questions from doctors if they showed signs of abuse.

## FRA opinion

*As a means of encouraging victims to report crimes and of facilitating such reporting, EU Member States should make sure that information about victim support services and victims' rights is accessible and made available to victims by all authorities and public services that victims contact, including medical service providers, and that the staff of these organisations are trained to deal with victims in an informed and sympathetic manner.*

## Victim support services in EU Member States

### Ensuring access to generic victim support for all victims

Most Member States provide some form of generic victim support services, and all Member States provide support services to at least some specific groups of victims. Eight Member States, however, have yet to establish the generic victim support services required by Article 8 of the Directive. Article 8 (5) furthermore specifies that provision of services should not be dependent on a victim making a formal complaint. Funding to support services should be carried out in a transparent and objective manner that ensures access to victim support services for all.

#### FRA opinion

*EU Member States which have not yet established generic support services are encouraged to take urgent steps to comply with the Victims' Directive (Article 8). Access to support services should be available to all crime victims free of charge and should not be dependent on a victim reporting the crime to the police.*

### Providing comprehensive and confidential services

FRA research shows that a majority of EU Member States distribute responsibility for support services among several ministries. Most also rely on cooperation between public and private bodies to provide generic victim support. FRA research shows that generic support services in a large number of Member States are clearly regionalised. For effective support services, the organisation must be designed with a view to establishing trust and confidence with victims. This can be done, for example, by ensuring that victims are not transferred between organisations and individuals (although in some cases specialist referral may be necessary). The tasks of support services should also solely focus on providing support to victims. Mixing victim support with mediation and probation services, as some EU Member States do, would not, for example, instil sufficient confidence in the objective of the delivery of support. FRA findings also show that a number of EU Member States do not guarantee victims the right to be accompanied by support persons during trial.

#### FRA opinion

*EU Member States should ensure that victim support is coordinated and that referral – according to Articles 4 (1) and 8 (2) of the Victims' Directive – is effective, particularly for certain groups of victims who may have specific protection needs and may fall under the remit of different ministries and/or support organisations.*

*Victim support should be organised in a manner that allows victims, as much as possible, to benefit from a relation of trust. The support system should avoid handing the victim over from one support provider to another, where unnecessary. In this respect it is important that victims can be accompanied to court proceedings by the same person who supports them before and after the trial phase, as required by Article 20 (c) of the Victims' Directive.*

*Support services should be positioned in a manner that allows them to act in strict confidence and in the interests of the victim and ensures that support services can also be perceived to act in such a manner. In order to guarantee this orientation, organisations providing victim support should not also be tasked with providing mediation or probation services.*

### Involving volunteers

The tasks and training of volunteers working for victim support services vary depending not only on the nature of the service provider but also on the historical development of volunteerism in the country in question. FRA research shows increased reliance on volunteers, due in part to economic constraints and to a rise in volunteerism in several EU Member States where such traditions are less strong. While FRA findings highlight the need to strike a balance between the number of volunteers and professional staff working in victim support, overall, FRA evidence shows that victim support systems in the vast majority of Member States rely to some extent on volunteers. There tends to be a higher provision of generic victim support services in those countries with a long-standing culture of volunteerism.



## FRA opinion

*FRA recognises the importance of encouraging citizens to become involved in the performance of public tasks and recommends initiatives at EU Member State level to foster volunteerism, particularly in Member States where voluntary work may be a relatively new concept. Consideration should be given to the relation between the number of professional staff and the number of volunteers. In particular, organisations relying on volunteers should make sure that permanent staff offer effective guidance to volunteers and supervise the quality of their work. Tasks performed by professionals or volunteers of victim support organisations must be in line with quality standards and appropriate to the professional background of the person providing the support or advice.*

## Role of umbrella organisations at the EU level

A considerable number of organisations advocate at EU level for the rights of victims of crime in general or for specific groups of victims – such as women who are victims of violence. Such organisations contribute significantly to making the fundamental rights of persons living in the EU a reality. Importantly, the diversity of organisations at EU level mirrors the different approaches to the rights of victims and to the organisation of the provision of victim support both between and within Member States.

## FRA opinion

*The EU should continue its interaction with and support to victim support organisations working at the European level, drawing on their expertise and ability to pool best practices and knowledge among their members. This expertise includes the provision of further assistance with respect to the increasing need for cross-border facilitation of victim support. Generic services at EU and Member State levels should cooperate with and draw on the wealth of experience amassed by specialised services, in particular that of organisations that support women who are victims of violence.*

## Support for specific groups of victims

### Ensuring individual assessments to identify possible specific protection needs

Article 22 of the Directive stipulates that EU Member States must ensure that individual assessments of victims are carried out to identify possible specific protection needs. Such specific protection needs might refer to victims who have suffered considerable harm due to the severity of the crime, victims of crime based on bias or a discriminatory motive, or victims made vulnerable by their relationship to and dependence on the perpetrator. FRA findings show that the police often refers victims to generic support services who then have to further assess the possible individual need for specialised support.

## FRA opinion

*EU Member States must ensure that individual assessments are carried out by the victim's first point of contact, typically the police or a victim support organisation. Victims should be referred in a timely fashion to specialised victim support services that are able to offer them the help and support they need. EU Member States must ensure that children are always treated as persons in need of special protection, taking into account their age, maturity, level of understanding and any communication difficulties they may have, and in accordance with Article 22 (4) of the Victims' Directive.*

### Recognising the important role played by support services for victims with specific needs in EU Member States

Whether integrated within a larger generic structure or established as separate, individual services, the Victims' Directive stipulates that support services should adopt an approach that considers the specific needs of victims, the severity of the harm suffered as a result of a criminal offence, and also the relationship between victims, offenders and their wider social environment. This would include, for example, the specific needs of children. Individual support services targeting victims with specific needs might be particularly well placed to promote the rights of certain groups. Hate crime victims, for example, might feel more comfortable confiding in and relying on the expertise of smaller and highly specialised organisations advocating their rights.

#### FRA opinion

*While recognising that specialist services can either be established separately and in addition to general support services or integrated into a generic organisation, EU Member States should ensure the existence of support services, including trauma support and counselling, that provide targeted support for victims with specific needs. These include child victims, victims of sexual violence and other gender-based violence, victims with a disability, victims who are irregular migrants and victims of violence in close relationships. In accordance with the Victims' Directive, these services must, as a minimum, develop and provide suitable interim accommodation for victims in need of a safe place due to an imminent risk of repeat victimisation, of intimidation and of retaliation.*

*In addition, when implementing the Victims' Directive, EU Member States should pay particular attention to the protection needs of victims of crimes committed with a discriminatory motive.*

## Performance standards and indicators

### Establishing quality control standards that respect the independence of civil society

Recital 63 of the Victims' Directive stresses that in order "to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner". To assess whether a given Member State's services meet these criteria, clear and consistent quality control mechanisms should be established, including across borders.

#### FRA opinion

*FRA stresses the responsibility of EU Member States to develop a comprehensive network of victim support services and to monitor support services' performance, ensuring that they conform to designated standards while also respecting the independence of civil society.*

*FRA analysis highlights good examples of criteria and/or membership conditions developed by EU-level umbrella organisations active in the fields of networking, coordinating and promoting generic victim support, or supporting specific groups of victims. Such criteria include, for example:*

*separation between victim support and probation services, independence from political activities, confidentiality of service users (i.e. victims) and transparency concerning sources of funding. Such standards could form a basis on which to explore additional criteria that could be developed at national, regional and EU levels, as appropriate.*

*Inspiration for a system of quality control for victim support services could also be drawn from the peer-review system used globally by National Human Rights Institutions (a self-accreditation system under the so-called Paris Principles).*

*To this end, and taking these examples into account, Member States could consider establishing an accreditation system for victim support services.*

## Benchmarking quality standards

Quality standards for victim support services would benefit from clear indicators and benchmarks. FRA research covered formally adopted key performance indicators on the quality of service EU Member States' generic victim support services provide. Such indicators, when measured over time, would help assess the implementation and effect of the Victims' Directive on victims and on their enjoyment of rights in practice.

#### FRA opinion

*FRA emphasises the importance of defined and generally accepted organisational and performance standards for victim support delivery. FRA findings show that generic support services have adopted such standards in fewer than half of the Member States.*

*Article 28 of the Victims' Directive obliges Member States to communicate to the European Commission available data on how victims have accessed the rights established in the Victims' Directive, beginning in November 2017 (two years after the transposition deadline) and every three years thereafter. Such data should take into account indicators related to victim support and victims' rights, including performance indicators related to the quality of service provided by generic victim support services. Indicators about the service provision quality should also be directly collected from victims who use these services.*

*Victim support organisations and/or governments, as appropriate in the respective EU Member States, should consider developing shared indicators on victim support – and more broadly on victims' rights. Data for such indicators could in part make use of the required collection of data under Article 28 of the Victims' Directive.*

# Introduction

This report focuses on support services as a central element in achieving justice for victims, examining the close relationship between the provision of victim support and victims' fundamental rights. As such, it is part of FRA's broader work on victims of crime, a core thematic area of FRA's work – as set out in its Multi-annual framework 2013–2017,<sup>1</sup> and reflected in its collection of data on criminal victimisation through four large-scale surveys to date.<sup>2</sup>

Victims' rights have increasingly been recognised in recent years in both policy and legislation, evolving steadily across the EU from the 1970s onward. Early initiatives to bring victims' rights to the fore were led by the NGO sector and driven by a number of socio-political movements that underlined the urgent need for governments to provide services for and recognise the rights of victims of crime. Among these, the women's movement was the most notable. It campaigned to raise awareness of male violence against women and children, highlighting the structural and patriarchal nature of domestic abuse. Women's groups established autonomous women's shelters to support women who were victims of sexual and physical violence and advocated the empowerment of victims. These early NGO initiatives did not rely on government funds.

Recognition of the relevance of the 'victim' to the criminal justice system and of the importance of guaranteeing victims' rights increased over the following decades. Dedicated support services for victims of crime were established and victims' rights were guaranteed in national, regional and international legislation. Today, victims of crime have come to be regarded as persons worthy of specific protection, rights and support, which is reflected in a range of international soft and hard law instruments.

One important 'soft' development was the acknowledgement of the importance of victims' surveys as a counterpoint to official criminal justice data. Victims' surveys supplement crime statistics by shedding light on unreported crime, the so-called 'dark figure of crime'. Researchers highlighted that there was much to be learned through such surveys about the nature of crime, its impact on victims and the lack of confidence victims often felt with respect to law enforcement and criminal justice systems. As a result, more research focused on rebalancing justice, shifting the focus away from the perpetrator and bringing victims' rights to the fore. This research sought to ensure that victims had a voice and

would be treated with dignity and compassion throughout criminal proceedings.<sup>3</sup> This report outlines FRA's research findings on victim support services across the EU from a fundamental rights perspective. It provides an overview of the legal and actual situation of victim support provision in the EU Member States, as well as of its shortcomings and achievements.

The report presents concrete examples of different practices in the area of victims' rights and support, based on an analysis of the current EU Member State situation. It gives an overview of current practices and gaps in Member States as well as at the EU level. It illustrates different models of victim support, from which 'promising practices' can be drawn and used as a platform to enhance support to victims of crime. The report examines, through a fundamental rights lens, support services that are available to all victims, regardless of crime type, which are termed general or 'generic' victim support services. It also outlines a number of specialist victim support services, noting that in eight Member States victim support services are only available to certain categories of victims.

A key objective is to give an overview of how current victim support service provision across the 28 EU Member States compares in practice with the objectives and goals for victim support set out by the EU Victims' Directive. The focus is on victim support services and not on all aspects of the Victims' Directive. Thus Articles 8 and 9 of the Victims' Directive, on support services, are central to the report, although other provisions with a close relationship to support services are also considered.

This chapter gives a brief introduction to the development of early social and legislative initiatives related to victims' rights and support at national, regional and international level (elaborated further throughout the report), before outlining the report's scope, methodology and structure.

While the **United Kingdom** and **Ireland** have used their specific 'opt-in' clause to take part in this EU legislation, **Denmark** has not. Consequently, the 2001 Council Framework Decision that the Victims' Directive replaces remains applicable to Denmark even after the directive's transposition deadline (16 November 2015) has passed for the other 27 Member States (Recitals 70 and 71 of the Victims' Directive).

1 See: <http://fra.europa.eu/en/about-fra/what-we-do/areas-of-work/multi-annual-framework-2013-2017>.

2 FRA (2009); (2013a); (2013b); (2014).

3 Crawford, A., and Goodey, J. (2000).

## Scope, methodology and structure

### Scope

The report presents the research findings gathered within the framework of the FRA project on victim support in all 28 EU Member States carried out from 2012 to 2014.

The overarching objective of the report, in line with Council Regulation No. 168/2007 establishing the FRA,<sup>4</sup> is to assist the European Commission and Member States when they implement EU law with the provision of evidence-based advice by providing country-specific information and data on support services available to victims of crime in the EU, as well as other shortcomings and achievements of such services in practice. In doing so the report will:

- outline the history and context of the development of responses to victims and, hence, victim support services across the EU (Introduction and Chapter 1);
- stress the fundamental rights underpinning the rights of victims of crime (Chapter 1);
- outline different models and promising practices used to address victims' needs and rights at Member State level (Chapters 2 – 5).

The research findings will thus help map the landscape of victim services throughout the EU, and provide evidence of the situation as of August 2013 (certain data are current as of April 2014),<sup>5</sup> evidence that can be used when assessing the implementation of the Victims' Directive. In view of Member States' requirement to transpose the directive by 16 November 2015, they can use the report, alongside the European Commission's Guidelines on the Victims' Directive as a 'guiding document' when looking at how to improve victim support.

The bulk of the research – and thus, what is presented in this report – focuses on the existence and provision of generic victim support services (that is, victim support services provided to all victims, regardless of crime type) at Member State level.

In addition to generic victim support services information, the research also collected information in each Member State on two other specialised areas of victim support, such as human trafficking or violence against women. Chapter 4 deals with this in detail. These areas selected at Member State level were seen as

particularly relevant in identifying promising models of practice of potential interest to other Member States. Not specific to particular models of victim support, the promising practices presented should be transferable to other Member States looking for inspiration on how to improve their victim support structures in line with the Victims' Directive. The report also looks briefly at the role played by EU-level victim support umbrella organisations.

### Methodology

FRA collected evidence on the situation of victims by carrying out comparative socio-legal research and analysis across the EU, examining the legal frameworks and support structures that exist in Member States. While the data presented are largely based on desk research, some primary research was conducted to obtain certain information not publicly available, or where verification or clarification was needed.<sup>6</sup> FRA also carried out a mapping exercise of 14 EU-level umbrella organisations relating to generic or specific victim support. To complement the analysis, senior-level representatives from these organisations were directly contacted and asked to complete an electronic questionnaire focusing on their perceptions of achievements and shortcomings in the implementation of victims' rights. Several of these experts were also interviewed orally.

FRA brings a fundamental rights perspective to the work on victims of crime. The agency is in a position to provide an independent and objective assessment of victims' rights in practice. FRA's approach to research includes an assessment not only of formal legislation but also of the situation on the ground – in this case the actual outreach and capacity of victim support services in EU Member States.

Data were collected through desk research carried out by the FRA's multidisciplinary research network, Franet. This network is composed of contractors in each EU Member State who, upon request, provide relevant data to the FRA on fundamental rights issues to facilitate the agency's comparative analyses.<sup>7</sup>

Based on a set of detailed questions by FRA on victim support services in each Member State, Franet contractors gathered publicly available information in each EU Member State, drew on available literature on the subject, and made a small number of data requests to public authorities and victim support organisations. It was outside the scope of this research to collect primary data through surveys (beyond the limited number of

4 See Council Regulation (EC) No. 168/2007, Art. 2–4.

5 For example, the online tables are current as of April 2014 and are updated regularly, as soon as FRA is made aware of a change in a Member State.

6 For example, requests for information to governments, victim support organisations or other authorities such as the police.

7 See: <http://fra.europa.eu/en/research/franet>.

interviews conducted in relation to the role of EU-level umbrella organisations).

Research was conducted from January 2012 to August 2013. Additional fieldwork research on the specific situation of victims of hate crime was carried out from August 2013 to February 2014. For the research on victims of hate crime, a separate report is foreseen.

The information reported in the online tables accompanying this report (<http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>) was verified with Member State governments as of April 2014, following a meeting with Member States held by the European Commission on the Victims' Directive in March of the same year.

In parallel to this project, FRA is also researching a wide range of issues related to victims of crime, including studies of specific categories, such as violence against women, child victims, migrant victims and victims of hate crime. Some of these projects and findings (where available) are detailed in Chapter 4 of this report.

## Structure

The findings are presented in five chapters focusing on two main themes. The Introduction and Chapters 1 to 2 outline the historical and legal development of the notion of victims' rights generally and victim support specifically. Chapters 3 to 5 present the substantive research findings related to the legal and structural framework within which victim support is provided, organised, coordinated and evaluated at national and EU level. FRA analysis of these findings points to substantive achievements and shortcomings in current victim support provision – whether related to legislation, implementation or to the actual outcome on the ground. The chapters therefore include FRA opinions to assist in addressing shortcomings and to guide future developments through a fundamental rights-based approach. In other words, they look at victims as persons whose rights have been violated by a criminal offence and who are entitled to see that justice is done and, to that end, also actively participate in criminal proceedings.

Following an introduction to the project, Chapter 1 includes a detailed analysis of the directive, arguing that its more authoritative wording and the emphasis it places on the importance of support services represent a significant step forward for victims from the previous Framework Decision. The chapter also explores the role of victims in the national legal frameworks of EU Member States. FRA research confirms that this role differs across the EU with regard to the ability of victims to claim compensation or legal aid, their standing in court,

and many other fundamental issues. Chapter 2 outlines the general principles underpinning the provision of support by victim support services in EU Member States.

Mirroring the conceptual differences discussed in Chapters 1 and 2, Member States have implemented models of victim support whose structure and organisation differ. Chapter 3 deals with the practical and organisational aspects of victim support services at the national level. It outlines the concepts and requirements underlying these practical matters. It also discusses the research findings on the actual situation in the EU Member States in this regard. Amongst other issues, FRA research has identified differences between the Member States relating to the coordination of support services at the national and EU levels by both public and private actors, the independence and funding of support services and their geographical distribution. It found that Member States also differ in how they treat specific groups of victims which require special attention under the Victims' Directive. Chapter 4 provides some related examples and promising practices.

The final chapter concerns the quality of victim support services. It provides an overview of the standards in place to measure the performance and quality of support services in the Member States. It also discusses possible indicators to assess the ability of victims to effectively access justice based on the requirements of the Victims' Directive.

At the end of each chapter, FRA opinions are inserted, which are gathered together at the beginning of the report.

The report should be read in parallel with a set of up-to-date comparative tables outlining key aspects of victim support services in the EU Member States, which are based on the research findings. These are available at <http://fra.europa.eu/en/publications-and-resources/data-and-maps>. Annex 4 includes a full list of the topics covered in the online tables.

## Development of victims' rights – origins of victim support at Member State level

Victim support structures first developed in the older EU Member States (such as **France**, **Germany**, the **Netherlands** and the **United Kingdom**), with newer Member States such as the **Czech Republic**, **Latvia** and **Slovakia** only establishing such structures in the late 1990s (although some older EU Member States such as **Denmark** also only began to develop them in the late 1990s). For an overview of when EU Member States set up victim support services, see Figure 1.

In many countries (both within and outside the EU), victim support began with NGOs or private initiatives by the police, parole officers, lawyers or journalists. In the **United Kingdom**, for example, support for victims of crime originated with the 1973 establishment of the organisation Victim Support in Bristol. Increased support for victims of crime was driven in part by a rising crime rate in England and Wales in the 1980s. Victim Support was set up following interagency discussions between the probation service, the police and the magistracy, and was run and serviced by volunteers drawn from the local community. The original organisation was set up by a group of probation service professionals who saw that whilst there was support (especially in court) for offenders and defendants, no similar support service existed for victims of crime. Over the following two decades, Victim Support grew as a federation to cover all communities in England, Northern Ireland and Wales. Separate charities were set up in Scotland, the Channel Islands and the Isle of Man. Non-state actors (including a journalist, lawyers, legal scholars, police and the Federal Criminal Police Office)<sup>8</sup> also founded the first **German** generic victim support organisation in 1976, the White Ring (*Weisser Ring*). Like Victim Support in the United Kingdom, it was based on volunteer work. The White Ring was established in **Austria** in 1978, also on the initiative of non-state actors, and the first women's shelter opened in Vienna that same year.

Early initiatives were often linked to specific categories of victims and socio-political developments – for example, victims of domestic violence or child victims (as in **Austria, Finland, Germany** and the United Kingdom – **England and Wales**). Violence against women was one of the women's movement's main targets, and growing international attention to violence against women led to strengthened victim support in many Member States for this category of victims.<sup>9</sup>

In other countries, such as **Portugal**, developments at national level were largely influenced by the European victim support movement in the 1980s, culminating in the creation of the Portuguese Association for Victim Support (APAV)<sup>10</sup> in 1990. In **Spain** too, the victim support system had its roots in what was taking place at the Council of Europe, which in recent legislation had emphasized the need to strengthen the position of

victims in criminal procedures.<sup>11</sup> By the time the first legislation specifically on victim support was adopted in 1995,<sup>12</sup> social scientists in Spain had been commenting for some time on the lack of special attention or support for victims of crime. Without such support, the criminal justice system could cause 'secondary victimisation' of victims. The Explanatory Memorandum to the Act<sup>13</sup> acknowledged these concerns.

Some Member States were directly influenced by existing models of victim support in neighbouring countries. In **Finland** in 1991, the 'violence division' of a parliamentary advisory council, the Council for Gender Equality, suggested establishing victim support services, emphasising the need for a 'victim-centred' approach focusing on the victim's human rights. The division organised an event to present the Swedish victim support model to officials and associations.<sup>14</sup> A chief driver here was the growing international attention to violence against women, embodied in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Up until that point, many countries had considered violence against women a 'family matter'. Thus the catalyst for developing victim support in Finland was, in large part, concern about domestic violence and violence against women.

The **Swedish** model of association-based victim support was also an important forerunner of the Danish victim support system, developed in the late 1990s. The first general victim support measures in **Denmark** were established only in 1998 by the National Commission of the Danish Police in accordance with circular 10462 from the Ministry of Justice on victim support issued on 25 June 1998.<sup>15</sup> Denmark also passed an act strengthening the legal position of victims of crime.<sup>16</sup> But well before, from the 1970s on, grass roots organisations had been providing support to various categories of

8 See: [www.weisser-ring.de/internet/weisser-ring/chronik/index.html](http://www.weisser-ring.de/internet/weisser-ring/chronik/index.html).

9 See: FRA (2014), p. 7: "It is only since the 1990s that violence against women has emerged as a fundamental rights concern that warrants legal and political recognition at the highest level, and as an area where State Parties, as those with a duty to protect, have an obligation to safeguard victims."

10 See: [http://apav.pt/apav\\_v2/index.php/en/](http://apav.pt/apav_v2/index.php/en/).

11 The Explanatory Memorandum of Act 35/1995, of 11 December, on Aid and Assistance to Victims of Violent Crimes and Against Sexual Freedom explicitly mentions the 1983 Convention on the Compensation of Victims of Violent Crime and Recommendation R(85)11 of the Committee of Ministers on the Position of the Victim in the Framework of Criminal Law and Procedure as the legal benchmarks for national legislation on victims support services.

12 Spain, Act 35/1995, of 11 December, on Aid and Assistance to Victims of Violent Crimes and Against Sexual Freedom, 12 December 1995.

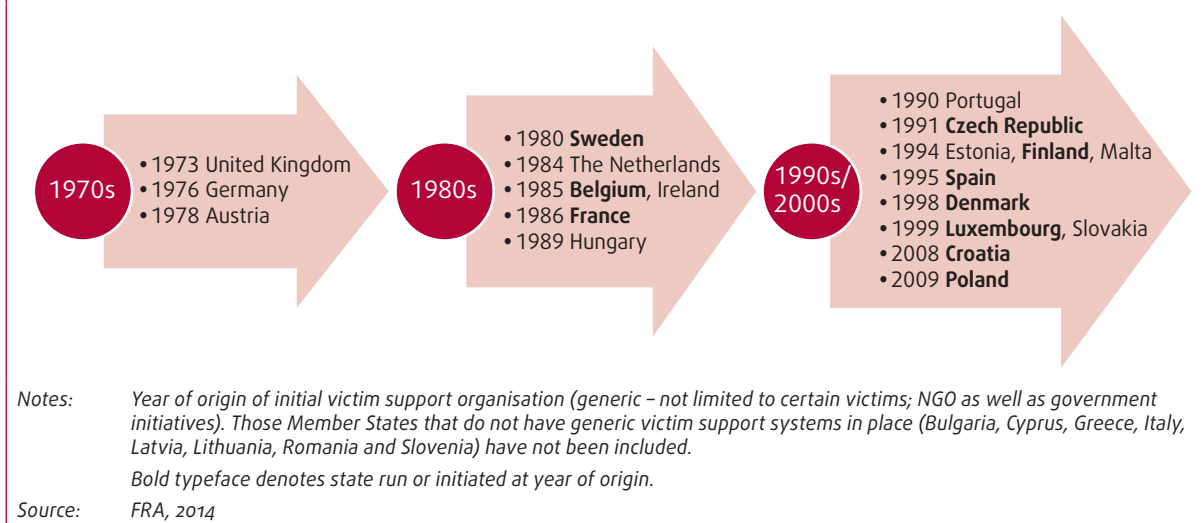
13 *Ibid.*

14 Finland, Ministry of Social Affairs and Health (2013), [www.tane.fi/c/document\\_library/get\\_file?folderId=332637&name=DLFE-5601.pdf](http://www.tane.fi/c/document_library/get_file?folderId=332637&name=DLFE-5601.pdf).

15 Denmark, Circular no. 10462 of 8 July 1998 from the Ministry of Justice, on the establishment of a network of local, voluntary victim support, [www.retsinformation.dk/Forms/R0710.aspx?id=586](http://www.retsinformation.dk/Forms/R0710.aspx?id=586).

16 Denmark, Act no. 349 of 13 May 1997 strengthening the legal position of victims of crime, etc.

Figure 1: Year of origin of generic victim support services



victims.<sup>17</sup> Unlike most other western countries, Denmark had no strong victims' movement, and the private organisations operating before 1998 were not powerful lobby organisations, as was the case, for example, in the Netherlands and the United Kingdom.<sup>18</sup>

All EU Member States offer services to certain categories of victims – typically child victims, human trafficking victims and domestic violence victims (for more information on specialised services, see Chapter 4). Eight EU Member States do not, however, currently provide generic victim support services (**Bulgaria, Cyprus, Greece, Italy, Latvia, Lithuania, Romania and Slovenia**).

The nature of victim support service structures and victims' access to criminal justice systems varies widely. This variation is often linked to the differing legal traditions and varied perceptions across the EU of the basic relations between victims and the criminal justice system and between states and the NGO sector. Differences relate, for example, to:

- the legal means available to victims;
- the ability of criminal courts to compensate and provide redress to victims;
- the role offered to victims in proceedings;
- the ability of police officers, public prosecution services and court staff to interact with victims sensitively and respectfully;

- the interaction between state and civil society organisations;
- the culture of social work and volunteerism (see Section 3.4); and
- the political status of victims.

Historical differences can also result in differing institutional settings of victim support services across Member States. The absence of victim support services in some European countries during the Soviet period, for example, may explain the slower realisation of the needs and rights of victims of crime. Another example would be **Italy**, where the state provided for those victimised in the line of duty or under obligation, namely with respect to victims of terrorism and victims of organised crime (*mafia*).<sup>19</sup> Italy makes support services available for specific groups of victims of crime based on geographical areas or crime categories.

For the different aspects and organisational structures of victim support at Member State level, see Chapter 3.

17 Including the Joan-Sisters (*Joan-Søstre*) established in 1975 working for the rights of female victims of violence; Victim Aid Denmark (*Landsforeningen Hjælp Voldsofre*) established in 1980 to promote the interests of and support victims of violence and the National Organisation of Women's Shelters in Denmark (*Landsorganisationen af Kvindekrisecentre, LOKK*) established in 1995.

18 Grothe Nielsen, BGN 'Victim-related Reactions and Schemes' in: Grothe Nielsen, BGN (2005).

19 Since 2005 (annex A n. 23 and 27) the support service for the victims of terrorism, mass murder, organised crime (*mafia*) and victims in accomplishment of a duty or an obligation is unified under the responsibility of an Inter-ministerial Committee. Many of the associations working in this sector are private.

## Research and progress in the area of victims of crime and access to legal aid in selected EU Member States

Plans are underway in **Latvia** to establish a support structure for victims of crime and amend national legislation in line with the Victims' Directive. In that regard, the not-for-profit organisation the 'Centre for Public Policy (PROVIDUS)' has published several reports concerning victims' rights and support in Latvia.

One of the reports, on legal aid, was carried out as part of a European Commission-funded project called 'Improving Protection of Victims' Rights: Access to Legal Aid'. It aimed as a first step to analyse the legal framework and practices on access to legal aid for victims of crime, including international standards, the work of the International Criminal Court, and five countries under study – **Bulgaria, Italy, Latvia, Poland** and **Spain**. Another goal of the project is to identify common criteria for legal aid to victims to be applied in light of the harmonization of EU legislation (in particular, the Victims' Directive).

Project partners also held workshops for practitioners such as judges, prosecutors, lawyers, Ministry of Justice officials and NGO representatives. The workshops were based on the 'Training session for practitioners' handbook, organised by the leading project partner – the Adam Mickiewicz University in Poznań (Poland). The handbook (*Training session on improving protection of victims' rights: access to legal aid. The practice facilitation handbook*) consists of three training modules and is designed as a hands-on resource for those who train practitioners dealing with victims of crimes (such as judges, prosecutors, police officers and NGO representatives).

The project will also develop information tools about victims' rights targeting specific categories of citizens that typically have less access to this kind of information (for example, citizens of rural areas), as well as training tools for practitioners dealing with victims of crimes. The final activity of the project was an International Conference held for participating countries in June 2014 to discuss the European Legal Aid System and legal aid system in EU Member States. The conference brought together victims' rights experts, scholars, victim support professionals, judges, prosecutors, legal advisors and students.

See further: <http://victimsrights.eu/>;

*Improving Protection of Victims' Rights: Access to Legal Aid. Research paper on the present legal framework and best practices*, <http://victimsrights.eu/general-report/>;

*Training session on improving protection of victims' rights: access to legal aid. The practice facilitation handbook*, <http://victimsrights.eu/the-practice-facilitation-handbook/>;

*'Improving Protection of Victims' Rights: Access to Legal Aid. Research paper on legal framework and best practices. Country report Bulgaria'*, <http://victimsrights.eu/national-report-on-legal-aid-for-victims-of-crime/>;

*'Improving Protection of Victims' Rights: Access to Legal Aid. Research paper on legal framework and best practices. Country report Poland (Polish version)'*, <http://victimsrights.eu/report-poland/>;

*Victim's rights to legal aid in the criminal proceedings in Latvia*: [www.providus.lv/upload\\_file/Publikacijas/Kriminalt/Report\\_Latvia.pdf](http://www.providus.lv/upload_file/Publikacijas/Kriminalt/Report_Latvia.pdf); *about the project* [www.providus.lv/public/27946.html](http://www.providus.lv/public/27946.html);

*Development of compensation mechanisms in Latvia and other EU countries*: [www.providus.lv/upload\\_file/Projekti/Kriminalitesibas/kopsavilkums\\_PROVIDUS\\_eng.pdf](http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/kopsavilkums_PROVIDUS_eng.pdf); *about the project there*: [www.providus.lv/public/27851.html](http://www.providus.lv/public/27851.html);

*Research Provision of the Needs of Crime Victims: Support to Prevention of Victimization in Latvia (if you need information about the needs of victims, this will likely be right for you)* [www.providus.lv/upload\\_file/Projekti/Kriminalitesibas/Victim%20support/ANG\\_105\\_finish\\_doc.pdf](http://www.providus.lv/upload_file/Projekti/Kriminalitesibas/Victim%20support/ANG_105_finish_doc.pdf); *about the project*: [www.providus.lv/public/27850.html](http://www.providus.lv/public/27850.html).

## Development of victims' rights – national, European and international instruments

Older EU Member States began to recognise the rights of victims in national legislation in the 1970s and 1980s. The newer Member States started to embed victims' rights in their legislation from the 1990s onwards (see Figure 2).

At the international level, the UN Declaration of Basic Principles of Justice and Support for Victims of Crime and Abuse of Power was universally adopted in 1985. It recognised victims as persons who had the right to

receive justice, restitution, and compensation from the state and to a voice in criminal proceedings.

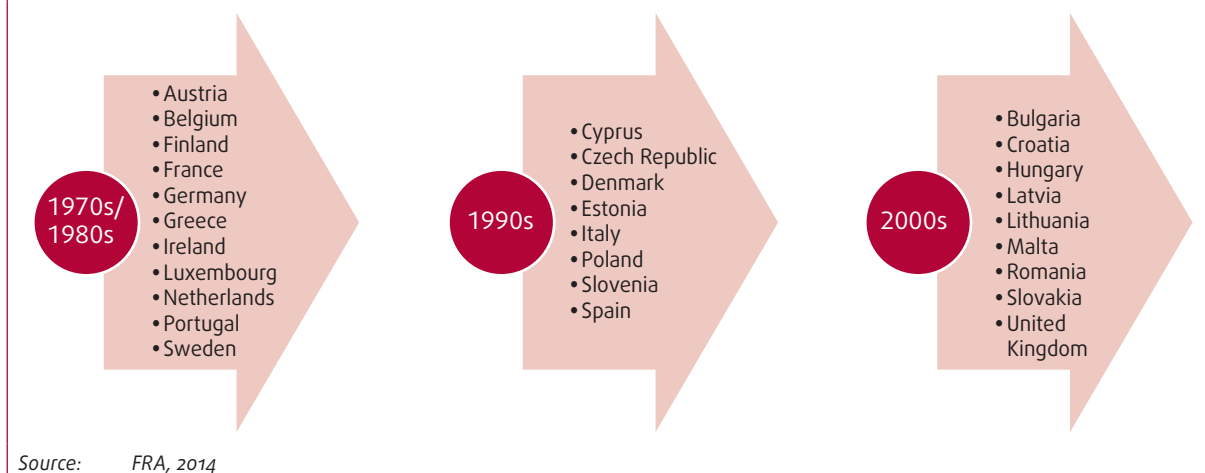
At the regional European level, the most important development and forerunner of the Victims' Directive was Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings.<sup>20</sup> EU Member States were required to adapt their legislation in line with the Framework Decision by 2006. It was widely acknowledged, including by the European Commission, however, that this legislation was not well implemented. Since the entry into force

<sup>20</sup> Council Framework Decision 2001/220/JHA.





**Figure 2: Year of first national legislation referring to the rights and/or support and protection of victims of crime in EU Member States**



of the Victims' Directive, therefore, the focus has been on effective implementation.<sup>21</sup>

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (Victims' Directive),<sup>22</sup> represents the most important legislative development for victims' rights at the EU level to date. It sets out several objectives and goals to ensure the availability of effective and accessible victim support services throughout EU Member States.

The minimum rules on support services laid down in the Victims' Directive reflect the international and European standards in place, in particular the following 'hard' and 'soft' law instruments:

### Hard law

- Rome Statute of the International Criminal Court, 17 July 1998<sup>23</sup>
- UN Convention against Transnational Organized Crime (2000, CTOC, entry into force 2003) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000, entry into force 2003)<sup>24</sup> [the EU became party to both the convention on 21 May 2004 and to the protocol on 6 September 2006]

- UN Convention (draft, proposed in 2005) on Justice and Support for Victims of Crime and Abuse of Power<sup>25</sup>
- Council of Europe, Convention on preventing and combating violence against women and domestic violence (2011, entry into force 2014 – the 'Istanbul Convention') [at the end of March 2014, 17 EU Member States have signed and an additional four are parties; the EU can become party according to Article 75 of the convention]<sup>26</sup>
- EU legislation: Trafficking Directive (2011/36/EU, 5 April 2011),<sup>27</sup> Article 11 (1); Directive on combating sexual abuse of children (2011/92/EU, 13 December 2011),<sup>28</sup> Article 19 (1)

### Soft law

- UN Declaration of Basic Principles of Justice and Support for victims of Crime and Abuse of Power, UN A/RES/40/34, 29 November 1985<sup>29</sup> (endorsed and supported by a plan of action by the UN Economic and Social Council)<sup>30</sup>

21 See: European Commission (2004); (2009); (2011).

22 Directive 2012/29/EU.

23 See: <http://legal.un.org/icc/statute/romefra.htm>, in particular Art. 43 and 68.

24 See: [www.unodc.org/unodc/treaties/CTOC/](http://www.unodc.org/unodc/treaties/CTOC/).

25 See: [www.justice.gov.za/VC/docs/international/2006\\_Draft%20UN%20Convention%20Victims.pdf](http://www.justice.gov.za/VC/docs/international/2006_Draft%20UN%20Convention%20Victims.pdf); this draft appears not to have received sufficient support by states – on the origin and status of the draft, see: United Nations Office on Drugs and Crime (UNODC) (2001), p. 5.

26 Council of Europe, Convention on preventing and combating violence against women and domestic violence, CETS No. 210, 2011. On the Istanbul Convention and the status in relation to the EU Member States, see <http://fra.europa.eu/en/publications-and-resources/data-and-maps/int-obligations/coe>.

27 See: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF>.

28 See: <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32011L0093&rid=42>.

29 See: [www.un.org/documents/ga/res/40/a40r034.htm](http://www.un.org/documents/ga/res/40/a40r034.htm).

30 UN, ECOSOC (1989); (1998), see the latter at: [www.un.org/documents/ecosoc/res/1998/eres1998-21.htm](http://www.un.org/documents/ecosoc/res/1998/eres1998-21.htm).

- UN Committee against Torture, General comment No. 3, CAT/C/GC/3, 13 December 2012<sup>31</sup>
- Council of Europe Recommendation (85) 11 on the position of the victim in the framework of criminal law and procedure<sup>32</sup>
- Council of Europe, Committee of Ministers, Recommendation REC(2006)8 on assistance to crime victims, 14 June 2006<sup>33</sup>

The global and European standards listed also highlight the developments from the UN declaration in 1985 through to the 2006 Council of Europe Committee of Ministers' Recommendations, the 2012 UN guidelines on legal aid and the 2012 EU Victims' Directive. These 'emerging standards' emphasise not only assistance but also insist that specialised entities provide this assistance. These entities should furthermore ensure coordination among relevant bodies, including referrals, as well as a number of more detailed aspects, such as the confidentiality and data protection of the victims.

The Council of Europe Recommendation on assistance to crime victims (Article 5.6), for example, stresses that "[s]tates should take steps to ensure that the work of services offering assistance to victims is co-ordinated [including] a comprehensive range of services [that are] available and accessible". The same article also requires that "standards of good practice for services offering help to victims are prepared and maintained". These standards of good practice are particularly interesting and should help to ensure that support services across the 28 EU Member States are operational, effective and clearly prioritise victims' needs.<sup>34</sup>

At the global level, the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, the instrument adopted by the UN General Assembly in December 2012, specifies (Principle 4 as well as Guideline 7, paragraph 48) that "states should take adequate measures [...] to ensure that [...] appropriate advice, assistance, care, facilities and support are provided to victims of crime, throughout the criminal justice process, in a manner that prevents repeat victimization and secondary victimization".<sup>35</sup> The guidelines further insist:

- that particular attention be given to child victims (paragraph 48 (b));
- that victims shall receive legal advice in relation to compensation claims for victims (c);
- that victims are "promptly informed by the police and other frontline responders (i.e. health, social and child welfare providers) of their right to information, their entitlement to legal aid, assistance and protection and how to access such rights" (d);
- that the "views and concerns of victims are presented and considered at appropriate stages of the criminal justice process where their personal interests are affected or where the interests of justice so require" (e);
- that "[v]ictim services agencies and non-governmental organizations can provide legal aid to victims" (f); and
- that there generally is a system of "close cooperation and appropriate referral systems between legal aid providers and other professionals (i.e. health, social and child welfare providers) to obtain a comprehensive understanding of the victim, as well as an assessment of his or her legal, psychological, social, emotional, physical and cognitive situation and needs" (g).

It is in this context of international – global and European – standards that the specific developments in the EU shall be viewed. The two overlapping European systems, that of the Council of Europe with its European Convention on Human Rights (ECHR) and that of the EU with its Charter of Fundamental Rights of the European Union (Charter), have also significantly helped in developing victims' rights. Chapter 1 deals with this in detail.

31 See in particular para. 12–15, 40; [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f3&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGC%2f3&Lang=en). See also Council of Europe, Committee of Ministers (1985), in particular Art. 2, stating that "[t]he police should inform the victim about the possibilities of obtaining assistance, practical and legal advice [...]".

32 See: [www.coe.int/t/dghl/standardsetting/victims/reference%20documents%20coe\\_EN.asp](http://www.coe.int/t/dghl/standardsetting/victims/reference%20documents%20coe_EN.asp).

33 See: [www.coe.int/t/dlapil/codexter/Source/CM\\_Recommendation\\_2006\\_8\\_EN.pdf](http://www.coe.int/t/dlapil/codexter/Source/CM_Recommendation_2006_8_EN.pdf).

34 *Ibid.*

35 UN, General Assembly (2012).



# 1

## Victims' rights in European and national law



From a legislative perspective, safeguards to protect victims' rights appear across various domains and levels, ranging from EU primary law to legally non-binding acts at the national level. Together these sources form a respectable body of legislative and other measures that aim at providing victims with their fundamental right of access to justice. As this chapter will show, however, the interpretation of how precisely justice should be made accessible to victims varies by Member State, due in part to divergent historical concepts of the victim's role in criminal procedures. These differences then translate into different approaches to victim support.

Against this background, joint EU-level action has striven to set common minimum standards for the protection of victims' rights. The Victims' Directive goes a step further, progressing towards a more comprehensive victim-centred and, hence, rights-centred response to victims at the EU level. This chapter, looking at victim's rights as fundamental rights, examines the key developments introduced by the Victims' Directive. It offers examples of the EU Member States' different 'starting positions' vis-à-vis these new obligations based on their level of implementation of the Framework Decision.

### 1.1. Victim support and fundamental rights

Victim support is indispensable to ensuring the effectiveness of victims' fundamental rights in general and victims' access to criminal justice in particular. This is in line with Article 47 of the Charter of Fundamental Rights of the EU. Crime is a particularly severe violation of fundamental rights and consequently, criminal law and criminal justice endeavour to protect the most significant aspects of individuals' fundamental rights.

European Court of Human Rights (ECtHR) case law supports this approach. In two landmark decisions, both concerned with incidents of sexual violence, the ECtHR said that when essential aspects of human rights are at stake, effective deterrence is indispensable and can be achieved only by criminal law provisions.<sup>36</sup> However, the punishment criminal law prescribes will – at least in the long run – only be credible if it is backed by effective law enforcement machinery and if state authorities demonstrate their resolve to carry out the law's provisions.<sup>37</sup> In parallel, and this is the focus of this report, victims should be afforded effective victim support.

This right of victims to have access to justice must not be only theoretical but also effective.<sup>38</sup> In a 2011 judgment, the ECtHR emphasised that "the object and purpose of the Convention [for the Protection of Human Rights and Fundamental Freedoms, ECHR] as an instrument for the protection of individual human beings requires that its provisions be interpreted and applied so as to make its safeguards practical and effective".<sup>39</sup>

However, FRA research (notably the findings from FRA's four large-scale surveys to date surveying minority and immigrant groups in the EU (2009); LGBT persons (2013); Jewish people (2013) and victims of violence against women (2014)) has consistently shown that victims of crime are reluctant to come forward and

<sup>36</sup> ECtHR, *X and Y v. The Netherlands*, No. 8978/80, 26 March 1985, para. 27; *M.C. v. Bulgaria*, No. 39272/98, 4 December 2003, para. 150; recently *Valiulienė v. Lithuania*, No. 33234/07, 26 March 2013, para. 75.  
<sup>37</sup> ECtHR, *Osman v. UK*, No. 23452/94, 28 October 1998, para. 115; *Menson v. UK*, No. 47916/99, 6 May 2003 (Dec.); *A v. Croatia*, No. 55164/08, 14 October 2010, para. 78.  
<sup>38</sup> ECtHR, *El-Masri v. The Former Yugoslav Republic of Macedonia* [GC], No. 39630/09, 13 December 2012, para. 255.  
<sup>39</sup> ECtHR, *Al-Skeini and Others v. The United Kingdom* [GC], No. 55721/07, 7 July 2011, para. 162.

report to the police or are prevented by various factors from doing so.

- While sizeable proportions of members of minority and immigrant groups in the EU perceive themselves to be the victims of racially motivated criminal victimisation, most did not report the crimes of which they were victims to any organisation, institution or body. One of the most commonly cited reasons for not reporting was a lack of confidence in the police's ability to do anything about them.<sup>40</sup>
- FRA's antisemitism survey reveals a similar picture. The majority of victims of antisemitic harassment, physical violence or threats, or vandalism of personal property did not report the most serious incident that they had experienced in the five years preceding the survey to the police or to any other organisation.<sup>41</sup> Nearly half of the respondents who did not report the most serious incident to the police said that nothing would change if they did so. One in five respondents (20 %) also mentioned that they do not trust the police.<sup>42</sup>
- FRA's LGBT survey found that just one in five (22 %) of the most serious incidents of violence which had happened to respondents because they were LGBT in the same time period were brought to the police's attention.<sup>43</sup>
- According to the EU-wide FRA survey of violence against women, two in three victims of partner violence and three in four victims of non-partner violence did not report the most serious incident to any of the common services and institutions, including the police.<sup>44</sup> Again the survey shows that significantly fewer victims are satisfied with the assistance they received from the police than with the services of other organisations.<sup>45</sup>

Given the widespread difficulties that victims experience in coming forward and reporting to the police, effective access to justice requires new measures. These should address the individual, providing for instance information, assistance and counselling. They should also tackle institutional issues, setting up the training of professionals, safeguards against institutional forms of discrimination, or procedures which are designed to respond in an appropriate manner to the rights and needs of victims. Ultimately this relates to the overall public climate. A perception that the climate is unfriendly can keep victims from seeking assistance, since they do not expect recognition or sympathy.

40 FRA (2012), p. 14.

41 FRA (2013b), p. 48.

42 *Ibid.*, pp. 60–61.

43 FRA (2013a), p. 24.

44 FRA (2014), p. 60.

45 *Ibid.*, p. 63.

Victims have a right to be offered support in accessing justice, but their effective access to justice will in practice often be premised on the availability of victim support services. Effective support services are thus a crucial means of making victims' rights to access justice a reality. As is the case with many fundamental rights which oblige EU Member States to take action and to provide services, the obligation to provide appropriate support services does not prescribe how Member States implement those services. What they are required to invest to meet their obligations under Article 47 of the Charter will to some extent depend on what is practically feasible in the given circumstances. States are – at a minimum – under an obligation to ensure progressive realisation of victims' effective access to criminal justice, which includes progressive improvement of support services provided to victims of crime.

Closer analysis makes it possible to distinguish certain particular aspects of the right of victims to access justice. These various aspects demonstrate the wide range of victims' rights under the Charter. Some of these aspects can be traced to both the Charter and the ECHR. Article 52 (3) of the Charter for instance ensures that the Charter has at least the meaning and scope of the corresponding ECHR guarantees. Additional aspects of a victim's right to access justice relate only to Article 47 of the Charter, which exceeds the rights under the ECHR.

The ECtHR's case law rests on two pillars: firstly, on what the court refers to as the procedural limbs of certain rights (including Articles 2, 3, 4 and 8 of the ECHR), and secondly on the right to an effective remedy under Article 13 of the ECHR. The first pillar, the procedural aspect of substantive articles, emphasises the task of criminal law provisions and their forceful implementation, to dissuade potential perpetrators from violating human rights. The second pillar highlights the right of victims to have the violation of their rights taken seriously and be redressed.

### 1.1.1. Definitions in criminal law and procedural guarantees

For an investigation to be effective in practice the state must first have enacted criminal law provisions that comprehensively penalise practices contrary to the article in question.<sup>46</sup> Such provisions must capture the substance of the human rights violations suffered by the victim. To capture the rights violations suffered by victims of long-lasting domestic violence, for example, that law must criminalise more than the single acts of violence. It must also reflect the psychological impact of such a relationship, including the feelings of fear,

46 ECtHR, *M.C. v. Bulgaria*, No. 39272/98, 4 December 2003, para. 150, 153 and 166; ECtHR, *Gäfgen v. Germany* [GC], No. 22978/05, 1 June 2010, para. 117.



helplessness and vilification suffered in the long-term.<sup>47</sup> Or, in the case of violent acts committed with a discriminatory motive, criminal law must not just cover the incidents of violence, it must sufficiently reflect the discrimination dimension.<sup>48</sup>

Once they become aware of an incident, the authorities must act of their own volition; they cannot leave it to the victim or the victim's relatives to initiate proceedings. The right of the victim to have access to justice is not predicated on his or her active contribution, such as reporting to the police or supporting investigations or prosecution.<sup>49</sup>

A person who can arguably claim to have been subjected to violent victimisation is entitled to "a thorough and effective investigation capable of leading to the identification and punishment of those responsible".<sup>50</sup> The authorities must have taken all reasonable steps available to them to secure the evidence concerning the offence, including, among others, eyewitness testimony and forensic evidence. Any deficiency in the investigation that undermines its ability to establish the cause of injuries or the identity of the persons responsible will risk falling foul of this standard.<sup>51</sup> Investigations must also be carried out independently of any persons implicated in the events; victims must be involved in the procedure to the extent necessary to safeguard their legitimate interests.<sup>52</sup>

A number of additional aspects can be drawn from the ECtHR's case law:

- **Limitations to time bars and amnesties** – In certain cases concerning rights violations carried out by State agents, the ECtHR has stressed that criminal proceedings and sentencing should not be time-barred and that the granting of an amnesty or pardon should not be permissible.<sup>53</sup>
- **Effective access to the proceedings** – The notion of an effective remedy entails effective access of the

victim to the investigations as well as to later phases of the proceedings.<sup>54</sup>

- **Legal remedies against a decision of the public prosecutor not to prosecute or to discontinue proceedings** – Victims must have available to them an effective legal remedy against a decision of the public prosecutor to discontinue proceedings.<sup>55</sup>
- **Promptness and reasonable expedition** – The ECtHR considers this to be implicit in the context and while accepting that there may be obstacles or difficulties which prevent progress in an investigation, a prompt response by the authorities may "generally be regarded as essential in maintaining public confidence in their adherence to the rule of law and in preventing any appearance of collusion in or tolerance of unlawful acts".<sup>56</sup>
- **No manifest disproportion between the gravity of the act and the punishment imposed** – The imposed sanction is "vital in ensuring that the deterrent effect [... and the ECHR] is intended to guarantee rights that are not theoretical or illusory, but practical and effective".<sup>57</sup>
- **Right to the payment of compensation, where appropriate** – It must be possible for victims to seek and obtain compensation for damage sustained<sup>58</sup> within a reasonable timeframe.<sup>59</sup> As concerns state compensation, Advocate General Lenz held in the *Cowan* case what could be seen as the appropriate general approach to the rights of victims:

*"In enacting legislation for the compensation of victims of crime it takes a position analogous to that of a guarantor with regard to compensation for harm which could not otherwise be redressed, harm arising from the infringement of rights which it was the State's duty to protect but which it was not able to guarantee."*<sup>60</sup>

- **Non-recurrence** – The victim's right to non-recurring (repeat) victimisation and the duty of state

47 ECtHR, *Valiulienė v. Lithuania*, No. 33234/07, 26 March 2013, para. 69–70; *Eremia v. the Republic of Moldova*, No. 3564/11, 28 May 2013, para. 54.

48 ECtHR, *Nachova v. Bulgaria* [GC], No. 43577/98, 6 July 2005, para. 160.

49 ECtHR, *Cadiroğlu v. Turkey*, No. 15762/10, 3 September 2013, para. 30.

50 ECtHR, *Gäfgen v. Germany* [GC], No. 22978/05, 1 June 2010, para. 116 and 117; ECtHR, *El-Masri v. The Former Yugoslav Republic of Macedonia* [GC], No. 39630/09, 13 December 2012, para. 255.

51 ECtHR, *Kummer v. the Czech Republic*, No. 32133/11, 25 July 2013, para. 81.

52 ECtHR, *Al-Skeini and Others v. The United Kingdom* [GC], No. 55721/07, 7 July 2011, para. 167; *Giuliani and Gaggio v. Italy* [GC], No. 23458/02, 24 March 2011, para. 302 to 306; *Khamzatov and Others v. Russia*, No. 31682/07, 28 February 2012, para. 141; *Kummer v. the Czech Republic*, No. 32133/11, 25 July 2013, para. 83.

53 ECtHR, *Abdülsamet Yaman v. Turkey*, No. 32446/96, 2 November 2004, para. 55.

54 ECtHR, *El-Masri v. The Former Yugoslav Republic of Macedonia* [GC], No. 39630/09, 13 December 2012, para. 255.

55 ECtHR, *Eremiasova and Pechova v. the Czech Republic*, No. 23944/04, 16 February 2012, paras. 96–100.

56 ECtHR, *Abdülsamet Yaman v. Turkey*, No. 32446/96, 2 November 2004, para. 54; *Gäfgen v. Germany* [GC], No. 22978/05, 1 June 2010, para. 121; *McCaughey and Others v. the United Kingdom*, No. 43098/09, 16 July 2013, paras. 130 to 140; *Collette and Michael Hemsworth v. the United Kingdom*, No. 58559/09, 16 July 2013, para. 69; *Kummer v. the Czech Republic*, No. 32133/11, 25 July 2013, para. 81; *Cadiroğlu v. Turkey*, No. 15762/10, 3 September 2013, paras. 31–36.

57 ECtHR, *Nikolova and Velichkova v. Bulgaria*, No. 7888/03, 20 December 2007, para. 61; *Gäfgen v. Germany* [GC], No. 22978/05, 1 June 2010, paras. 121 and 123.

58 ECtHR, *Gäfgen v. Germany* [GC], No. 22978/05, 1 June 2010, para. 116; ECtHR, *El-Masri v. The Former Yugoslav Republic of Macedonia* [GC], No. 39630/09, 13 December 2012, para. 255.

59 ECtHR, *Gäfgen v. Germany* [GC], No. 22978/05, 1 June 2010, para. 127.

60 Opinion of Advocate General Carl Otto Lenz, *Cowan v. Trésor public*, 186/87, 2 February 1989.

authorities to assess the risk of repeat victimisation relate to several of the substantive provisions of the Charter, including most particularly the right to the protection of human dignity (Article 1), the right to life (Article 2) and the right to the integrity of the person (Article 3). If there is a particular risk of repeat victimisation, instituting criminal proceedings does not suffice as a protection measure. The ECtHR will assume an obligation to apply additional protective measures if it is established that “the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk”.<sup>61</sup> Article 22 of the Victims’ Directive recalls that victims of crime have a right to a thorough assessment of their risk of repeat victimisation, in particular in cases of relational violence<sup>62</sup> or organised crime.

- **Private life** – Victims also enjoy the right under Article 7 of the Charter – corresponding to Article 8 of the ECHR – to be spared unreasonable stress that can be experienced as an additional element of victimisation or traumatisation. In particular, such strain can result from confrontation with the offender. In this respect the ECtHR has found that in cases of sexual violence criminal proceedings “are often conceived of as an ordeal by the victim, in particular when the latter is unwillingly confronted with the defendant”.<sup>63</sup>
- **Data protection** – To meet the rights of victims to be supported and protected, the cooperation of support services, such as the police and other institutions, is crucial. Nevertheless, referrals and communications among these institutions must be carefully designed not to interfere with victims’ rights to the protection of their personal data under Article 8 of the Charter.

### 1.1.2. Additional rights of victims under Article 47 of the Charter

The procedural rights of defendants are protected under Article 6 (fair trial) of the ECHR and those of victims under Article 13 (effective remedy). Victims of crime cannot claim fair trial rights under Article 6 of the ECHR unless they join criminal proceedings to enforce civil law claims within the framework of the criminal procedure.<sup>64</sup>

61 ECtHR, *Osman v. UK*, No. 23452/94, 28 October 1998, para. 116.

62 ECtHR, *Eremia v. The Republic of Moldova*, No. 3564/11, 28 May 2013, para. 52.

63 ECtHR, *B. v. Finland*, No. 17122/02, 24 April 2007, para. 43.

64 ECtHR, *Perez v. France*, No. 47287/99, 12 February 2004, paras. 57 to 72; *Novak v. Slovenia*, No. 5420/07, 25 April 2013.

But even in such cases victims owe their rights under Article 6 to their civil law claims – not because they suffered victimisation in terms of criminal law provisions. In the ECHR human rights system, fair trial rights and the right to an effective remedy are distinct and unrelated.

The Charter does not maintain the ECHR’s distinction between defendants and victims (Article 47). Under the Charter, victims of crime not only enjoy the right to an effective remedy, which covers the wide range of rights of victims under Article 13 of the ECHR, but also fair trial rights (Article 6 (1)), namely:

- the right to a fair and public hearing conducted by an independent tribunal within a reasonable time;
- the right to be advised and represented;
- the right to legal aid, available to victims who lack sufficient resources in so far as such legal aid is necessary to ensure victims’ effective access to justice.

The Victims’ Directive takes up important aspects of these fair trial rights, such as the right to be heard (Article 10) and the right to legal aid (Article 13). In addition, Recital 66 of the Victims’ Directive explicitly refers to the rights of victims under the Charter and highlights victims’ “right to a fair trial”.

## 1.2. Victims in the criminal justice system: a diversity of concepts and legal frameworks

The conceptualisation of the victim in the normative (legal and cultural) framework, and the role the victim is seen as having in the criminal procedure depends strongly on the historical development of the legal framework in each individual Member State, and in turn influences the conceptualisation of victim support services. The diverse approaches to victims’ rights reflect different understandings of the concept of ‘victim’ itself (see Figure 3). This variety largely remains even though EU legislation for victims of crime has been in place since 2001.

EU Member States exhibit three distinct basic models:

1. Victims as witnesses
2. Addressing damage done to victims and awarding compensation
3. Victims as rights holders

In reality, these abstract models often overlap. They should therefore be seen as points of departure from which the individual national systems deviate to a lesser or greater degree. These models are based on legislation; practice may be much better or worse. The

classification is nevertheless useful for understanding the underlying reasons for the existing differences in the rights and practical position of victims in various EU Member States.

### 1.2.1. Victims as witnesses

In the first model found in some EU Member States (such as **Ireland** and the **United Kingdom**), the victim is seen not as a party to the proceedings but essentially as a witness. The prosecution formally represents the interest of the state rather than of the victim, whose role is to provide information that might lead to the case's resolution. The rules of criminal procedure then focus on the legal standing of witnesses, rather than dealing with victims *per se*, and national legislation sometimes does not define the term 'victim'.<sup>65</sup> Victims are not expected to take an active part in the proceedings unless the court summons them, placing victims in differing positions depending on whether or not they are summoned. As victims who are not party to the proceedings do not have the right to be heard, only those victims acting at the same time as witnesses have the opportunity to give evidence. They may even be under a legal requirement to testify. Only those victims acting as witnesses are entitled to some forms of legal aid, such as the reimbursement of costs related to their presence at the trial. Private party prosecution may be possible under certain conditions, but the public prosecutor can subsequently take over and may then decide to discontinue prosecution.

Within this basic model, victims have varying scope to express the impact of the crime, or the harm and suffering caused. In Ireland and the United Kingdom victims have the right to make a 'victim impact statement' or a 'personal statement'.<sup>66</sup> These statements enable the court to take the victim's subjective assessment of harm into account during sentencing, but they typically cannot contribute to the conviction of the offender. In such a model, there is also often a strong focus on the risk that the victim – as a witness – might suffer secondary victimisation during criminal proceedings. The victim/witness therefore needs to be protected within or against these proceedings. Victim support is tailored towards helping victims cope with their suffering, and providing protection from further harm, access to information on the progress of the case and to confidential services. Under this concept, victims can be classified by the severity of harm they have suffered. Victim support may then primarily address those victims falling into specific categories.

<sup>65</sup> In Greece, the Criminal Procedure Code rarely uses the word 'victim', referring instead to either a 'witness', an 'injured party' or a 'litigant'.

<sup>66</sup> See: [www.dppireland.ie/victims\\_and\\_witnesses/making-a-victim-impact-statement/](http://www.dppireland.ie/victims_and_witnesses/making-a-victim-impact-statement/) and [www.cps.gov.uk/legal/v\\_to\\_z/victim\\_personal\\_statements/](http://www.cps.gov.uk/legal/v_to_z/victim_personal_statements/).

Strong focus on the victim as a source of testimony is clearly present in the criminal legislation of those EU Member States based on common law such as **Cyprus**, **Ireland** and the **United Kingdom**. To some extent it is also the case in other countries such as **Greece**. Other frameworks where victim support focuses primarily on protecting victims from harm rather than on enabling them to take an active part in proceedings, such as those of **Denmark** or the **Netherlands**, could also be seen as falling into this category.

### 1.2.2. Addressing damage done to victims and awarding compensation

The second approach emphasises the damage done to victims and their right to seek compensation directly through criminal proceedings. While this allows the victim to perform an active and influential role in proceedings, this status is premised on the fact that the offence caused the victim some form of physical or moral damage. Under this system, the criminal procedure is merged with the civil for the element of compensation, and the role of the victim in criminal proceedings remains significantly similar to a civil party.

The **French** *partie civile*, created in the framework of the Napoleonic reforms, offers victims the opportunity to institute civil proceedings for damages directly in a criminal court. They can themselves become a party to the case to obtain compensation in a simpler and cheaper manner than in separate civil law proceedings. Including the civil proceedings in the criminal means that victims avoid separate proceedings. Such combined proceedings also allow for simpler evidence gathering. Furthermore, the victim can have the matter investigated directly by the judge in case the prosecutor decides not to pursue the proceedings. Legal aid is available to victims who constitute themselves a *partie civile*. These strong participation rights show that the *partie civile* combines the compensation concept with a rights concept that focuses on empowering the victim.

The influence of this compensation-oriented approach to victims and victim support can be identified in the criminal law framework of numerous other EU Member States where some form of private, auxiliary (alongside the public prosecutor) or subsidiary (instead of the public prosecutor) prosecution is possible. Subsidiary prosecution – where the prosecutor decides to step aside and the victim is allowed to step in – presents a particularly strong acknowledgment of the victim's legitimate interest in the prosecution and conviction of the offender. In some EU Member States, such as **Belgium**, **Hungary**, **Poland** and **Sweden**, private prosecution is available. It is mostly for minor offences and might be subject to further conditions, such as the prior refusal of the prosecution to act. In others, such as **Poland**, various forms

of prosecution – private, auxiliary and subsidiary – are available. In the **Czech Republic**, subsidiary prosecution is not possible but an adhesive claim for damages can be made within criminal proceedings. Finally, victims’ right to compensation also form the underlying rationale of some of the earlier EU legislation, notably Council Directive 2004/80/EC relating to compensation of crime victims.<sup>67</sup> The right to obtain compensation in the course of criminal proceedings, albeit not absolute, is enshrined both in the Framework Decision and the Victims’ Directive.<sup>68</sup>

### Victims’ rights to compensation during criminal proceedings

Under both the ECtHR and the Charter, victims should have the right to seek and obtain compensation within a reasonable time limit. According to FRA evidence, the implementation of these requirements differs across EU Member States. The online table provides an overview of victims’ rights concerning compensation during criminal proceedings.

Source: FRA, 2014, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/compensation>

### 1.2.3. Victims as rights holders

The third and final concept of victim support perceives the victim as a person whose rights have been violated by the criminal offence. The victim is therefore entitled to see that justice is done and, to that end, to actively participate in criminal proceedings. In practice, the rights of the victim represent another layer combining the two previous concepts – witness/harm and damage/compensation – and adding a strong focus on empowering the victim. The point of departure is – in the words used by Article 8 (3) of the Victims’ Directive – “the criminal offence committed against the victim”. The acknowledgement of the victim as a party to the proceedings flows directly from this point; it is not premised on an additional element such as the damage caused by the offence.

Various national systems offer victims different forms of legal standing to achieve this goal, such as that of a party to the proceedings, private party prosecutor, accessory and/or auxiliary prosecutor. Such systems consequently emphasise holders’ ability to claim their rights. The **German *Nebenkläger*** (subsidiary prosecutor) model is perhaps the clearest example of how the concept combines the three approaches. Originally reserved for victims of minor offences, the principle has been reformed and gradually extended, and currently

covers the majority of serious criminal offences. The victim acting as *Nebenkläger* is entitled to legal representation both before and during the proceedings, may examine the case dossier including the defendant’s statement, suggest factual investigations, ask questions of witnesses, make closing statements, and be present throughout the trial. He or she is even entitled to file an independent appeal against the judgment. **Austria** provides another example of this more complex understanding of the victim’s position and hence of victim support services.

The Victims’ Directive attempts to reconcile the various concepts. It creates both common minimum standards and endorses the victims’ different roles in the individual EU Member States’ criminal justice systems.

To ensure victims’ access to criminal justice, the *Nebenkläger*-model would arguably be the most reliable of the three models, as it does not premise a victim’s standing as party to the proceedings on any additional element such as harm or damage caused by the offence. The victim becomes party to the proceedings because, by committing the crime, the offender violated the victim’s criminal statutory rights. The French *partie civile* system goes a long way towards acknowledging the victim and providing the basis of the victim’s access to justice.

Figure 3 presents an overview of the three theoretical concepts and how they overlap in some of the national systems of victim support.<sup>69</sup>

## 1.3. The Victims’ Directive

The Victims’ Directive represents the main pillar of the Victims package, a set of European Commission legislative proposals that aim at reinforcing existing national and EU measures on victims’ rights. It responds to the European Council’s call for an integrated and co-ordinated approach to victims contained in the Stockholm Programme and in the Budapest Roadmap, which concentrate specifically on strengthening the rights and protection of victims.<sup>70</sup> See Figure 4 for an overview of the status of the elements of the package and the Roadmap.

The Victims’ Directive replaces the Framework Decision and complements other EU legislation relating to victims’ rights, namely the Council Directive relating to compensation of crime victims and the directives

67 Council Directive 2004/80/EC.

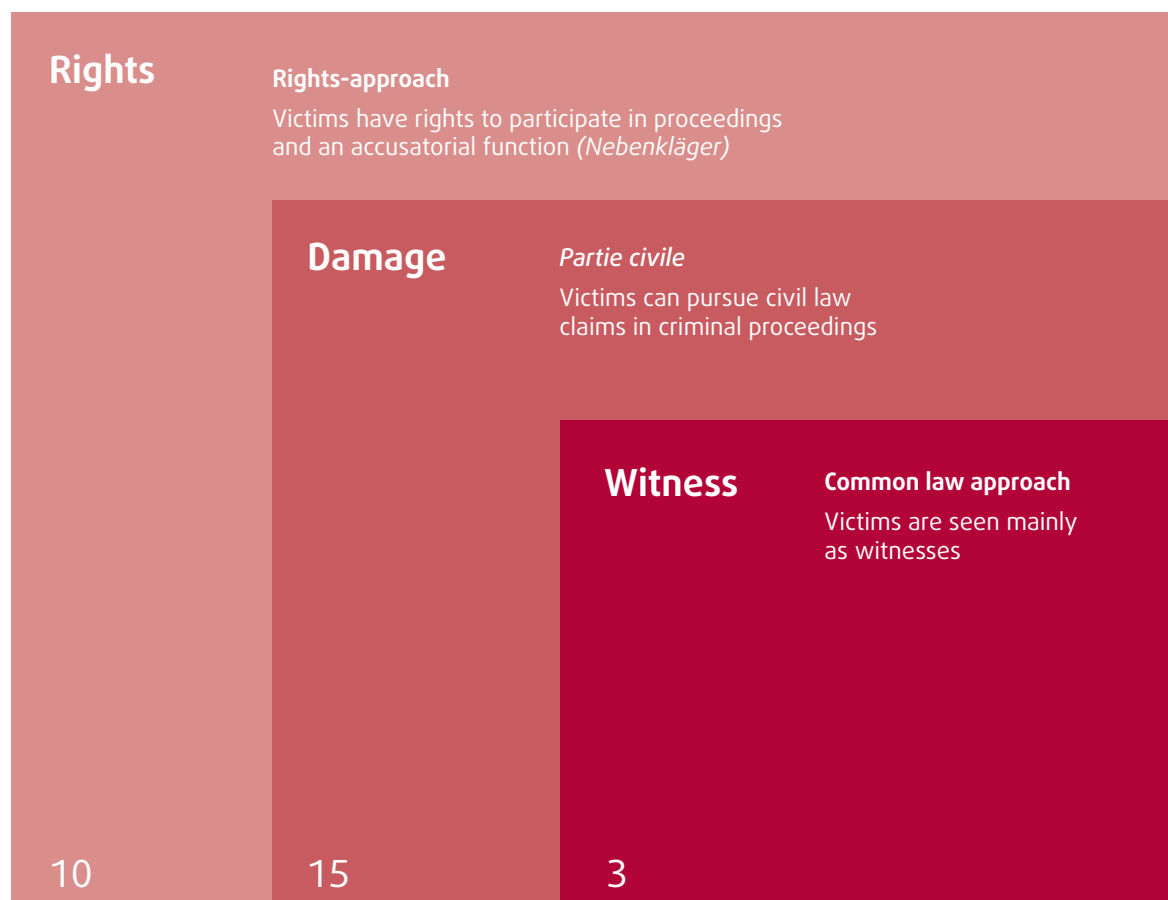
68 Compare Art. 9 of the Framework Decision and Art. 16 of the Victims’ Directive, respectively.

69 For detailed information on legal standing before civil, criminal and administrative courts in selected EU Member States, see: European Parliament, Directorate General for Internal Policies (2012), [www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462478/IPOL-JURI\\_ET\(2012\)462478\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2012/462478/IPOL-JURI_ET(2012)462478_EN.pdf).

70 Council of the European Union (2011).



Figure 3: Three main approaches to dealing with victims of crime, number of EU Member States by approach



Note: EU Member States by predominant approach as assessed by FRA national research contractors; for details, see the online table: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/approaches>.

Source: FRA, 2014

## Promising practice

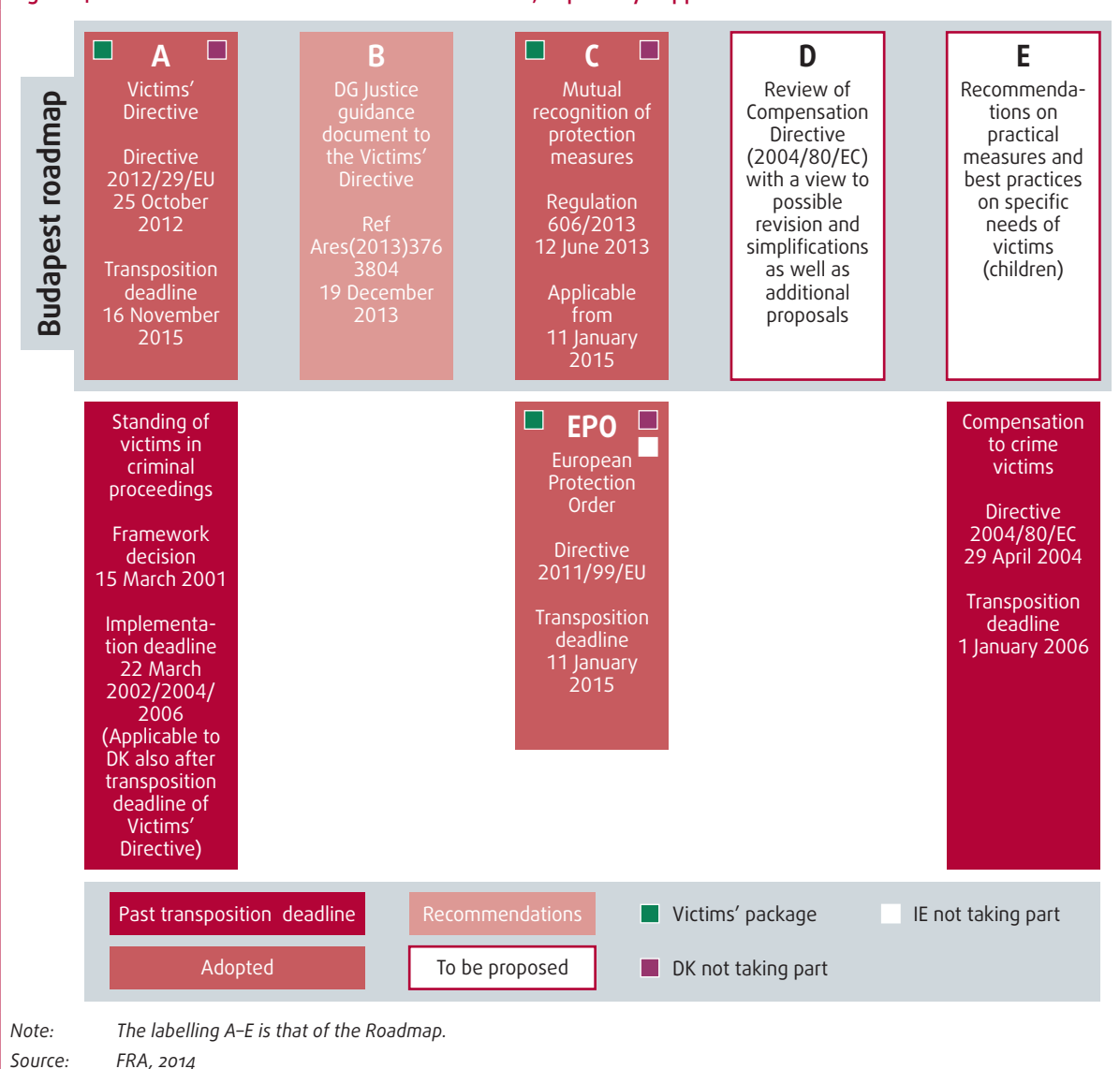
### Studying the Framework Decision's implementation

The European Commission, NGOs and academia have all examined and criticised from various angles the shortcomings in EU Member States' implementation of the Framework Decision. In this respect, the 2009 Project Victims in Europe, developed by the Portuguese victim support organization APAV (*Associação Portuguesa de Apoio à Vítima*) and the International Victimology Institute Tilburg on behalf of Victim Support Europe, stands out for providing a comprehensive study of the situation across the EU, dealing with both legal and practical issues

Source: [www.apav.pt/proj/pages/infovictims.html](http://www.apav.pt/proj/pages/infovictims.html); and *Apoio à Vítima*, International Victimology Institute Tilburg (2009), *Project Victims in Europe. Implementation of the EU Framework Decision on the standing of victims in the criminal proceedings in the Member States of the European Union*, Lisbon, [www.tilburguniversity.edu/upload/a5109807-64bf-446a-ad22-c57f850ea7c5\\_apvicineurope.pdf](http://www.tilburguniversity.edu/upload/a5109807-64bf-446a-ad22-c57f850ea7c5_apvicineurope.pdf)

From the conceptual viewpoint outlined above, the Victims' Directive can be read as combining a clear acknowledgement of victims' rights with a strong emphasis on the harm suffered by victims as well as on the various vulnerabilities and needs of at least certain victims. In comparison to the Framework Decision, it creates new or strengthens existing obligations for EU Member States with respect to victims of crime in most areas. However, while certainly aiming at coordinating the approach to victims across EU Member States, the Victims' Directive does not attempt to unify the position of the victim within the national frameworks of criminal procedure. Recital 20 of the Victims' Directive emphasises that its provisions should be interpreted and implemented depending on the role of the victim in the national criminal justice system, including the victim's legal status as a party to the proceedings. References to the role of the victim in the respective criminal justice systems then systematically appear throughout the individual provisions of the Victims' Directive. The importance of this 'waiver' vis-à-vis the otherwise ambitious spirit of the Victims' Directive cannot be overstated.

Figure 4: EU instruments related to victims of crime, especially support services



on trafficking in human beings<sup>71</sup> and on sexual abuse of children,<sup>72</sup> as the latter also contains provisions on victim support. EU Member States must implement the Victims' Directive in their national legislation by 16 November 2015. (Denmark is not participating, so after the transposition deadline of 16 November 2015 the Framework Decision will remain in effect there.) Besides the Victims' Directive, the Victims' package includes Regulation (EU) 606/2013 on mutual recognition of protection measures in civil matters, which in turn complements Directive 2011/99/EU on the European Protection Order. The Budapest Roadmap, as shown in Figure 4, envisages other priority actions, including a further review of the legal framework on compensation of victims of crime.

### Promising practice

#### Facilitating the implementation of victims' rights under EU law: the European Commission's guidance document

To facilitate the effective and timely transposition and implementation of the EU Victims' Directive, the European Commission prepared a guidance document to assist EU Member States in arriving at a common understanding of its provisions.<sup>73</sup> Quotations from this document in respect of selected provisions of the Victims' Directive are provided in the following textboxes.

See: [http://ec.europa.eu/justice/criminal/files/victims/guidance\\_victims\\_rights\\_directive\\_en.pdf](http://ec.europa.eu/justice/criminal/files/victims/guidance_victims_rights_directive_en.pdf)

71 Directive 2011/36/EU.  
 72 Directive 2011/92/EU.

73 European Commission (2013).

### 1.3.1. Chapter 1 – general provisions

Chapter 1 of the Victims' Directive covers the objectives and definitions. In the definitions (Article 2), the Victims' Directive significantly extends the scope of victim protection in comparison to the Framework Decision by broadening the concept of the victim and also including family members, in the broad sense, of the primary victim.

#### To Article 2:

*"In transposing and implementing the Directive, Member States should use inclusive definitions of 'family members' when it comes to the victim's partners. Such definitions should include spouses, as well as unmarried partners, regardless of whether the partners are in a registered civil partnership under its national laws. Thus, Article 2 para 1(b) should apply in all Member States, regardless of the national legislation on the recognition of unmarried couples, same-sex couples and same-sex marriages."*

Source: European Commission, DG Justice (2013)

#### Comprehensive legislation in anticipation of new obligations

Two European Commission reports, issued in 2004 and 2009, both assessed EU Member States' implementation of the Framework Decision as unsatisfactory. This prompted some EU Member States to address the identified shortcomings by amending existing or enacting new legislation. The 2009 report, for instance, criticised the Czech Republic for the absence, in particular, of: free access of victims to advice other than legal advice and legal aid; legislative provisions preventing contact between the victim and the accused; a legal basis for state support to victim support services in the reception, accompaniment and support of victims. To remedy these and other outstanding issues, the Czech Republic adopted a new act in 2013, dealing with the rights of victims of crime in a comprehensive manner, including amendments of other relevant legislation. Given its adoption date, the act could also take into account additional future obligations stemming from the Victims' Directive, such as extending the term 'victim' also to family members of deceased victims or adopting the Victims' Directive's list of particularly vulnerable victims.

Source: European Commission (2004); (2009); Czech Republic, Law on Victims of Crime, 2013

### 1.3.2. Chapter 2 – provision of information and support

Chapter 2 of the Victims' Directive is dedicated to the provision of information and support. It covers a wide range of issues including the actual provisions on victim support services. As regards access

to information, the Victims' Directive newly emphasises the right to understand and be understood, in the sense that all communication with victims must be carried out in a way that the victims understand (Article 3). This right, although quoted in the recitals, was not articulated in the main body of the Framework Decision, which only referred to Member States' obligation to ensure that victims have access "to information of relevance for the protection of their interests [...] as far as possible in languages commonly understood". Furthermore, victims who do not speak or understand the language of the proceedings are to be granted, in accordance with their role in the relevant criminal justice system in criminal proceedings, interpretation and translation (Article 7). Although further purpose-based criteria apply, the service should be provided free of charge.

The Victims' Directive (Article 4) also goes beyond the rights granted in the Framework Decision on first-contact information with the competent authorities. Victims are no longer to be merely informed of the type of services or organisations to which they can turn. Instead, via the provision of Article 8 (2), they are to be directly referred to the appropriate victim support services at the initial stage. They should, in other words, be asked if they want to be placed in contact with a support service. Among other improvements, the Victims' Directive refers to the broader concept of "competent authority" rather than making this right conditional on contact with law enforcement authorities. It also stipulates that information should be provided "without unnecessary delay".

#### To Article 4:

*"The 2009 implementation report clearly demonstrates that Member States do not provide victims with sufficient information, and finds inconsistencies in practices. Article 4 establishes a 'right for victims to receive information'. The rationale behind this provision requires the criminal justice authorities to provide extensive information proactively ex officio, rather than the onus being on victims to seek out such information for themselves. Victims must be granted 'effective access to information'."*

Source: European Commission (2013), DG Justice Guidance document on the Victims' Directive

The Victims' Directive also stipulates what information about the case should be made available to the victim. This information includes the nature of the criminal charges, the time and place of the trial, any decision to end the investigation or not to prosecute, as well as the final judgment. The reasons for these decisions will also be made clear. The duty of the state to provide this information naturally bolsters the victims' ability to take an active part in the proceedings, where possible under national law, and exercise their rights.

Providing reasons for such decisions helps enable victims to further assert their rights. The prosecutor's reasoning behind a decision not to prosecute, for example, is crucial for a victim's deliberations on whether to challenge the decision.

### Referrals at request only

Pursuant to Decree Law No. 11/2009 on stalking, the police, local health services and public institutions in Italy shall put the victim in contact with support services if the victim expressly requests that they do so. This falls short of the requirement stipulated in Article 4 (1) to "ensure that victims are offered" such information. In general, efforts to adopt comprehensive victims' legislation in response to the Framework Decision have met with difficulties, as is shown by the Italian parliament's repeated but so far unsuccessful attempts to pass an act establishing a framework for assistance, support and protection of victims.

*Source: Parlamento Italiano, Decree Law No. 11/2009, [www.camera.it/parlam/leggi/decreti/09011d.htm](http://www.camera.it/parlam/leggi/decreti/09011d.htm); Senato Italiano, Draft Bill establishing a framework for victims' assistance, support and protection presented before the Parliament in 2003, 2006, and 2008, never approved ([www.senato.it/leg/16/BGT/Schede/Ddliter/29712.htm](http://www.senato.it/leg/16/BGT/Schede/Ddliter/29712.htm))*

This chapter also deals with the right to access victim support services and the forms of support provided by them, which are of particular interest given this report's focus. Table 1 (see also Annex 3) provides an overview of how the Victims' Directive provides more detail and higher standards than the Framework Decision with respect to victim support services.

The overall purpose of the provisions contained in these articles is to ensure that victims, including their family members where applicable, have access to information and free, confidential support services depending on their needs and the harm suffered. In comparison with the Framework Decision, the language of the Victims' Directive is manifestly stronger. EU Member States are no longer asked to promote the involvement of victim support services (or "systems") but are obliged to ensure that victims have access to these services "acting in the interests of the victims before, during and for an appropriate time after criminal proceedings". The link between referrals to victim support services and the first contact with the competent authorities has already been mentioned. Equally important is the fact that the Victims' Directive expressly prescribes that access to victim support services must be granted regardless of whether or not the victim decides to make a formal complaint and press charges, although it is generally understood that the competent authorities should encourage reporting (see Recital 63 of the Victims' Directive). FRA findings show that in all 28 Member States access to support is not dependent on a complaint having been submitted for at least some types of crime or for certain support services. (For up-to-date information on this,

see the online table, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/complaint>).

The formal endorsement of NGOs as providers of victim support services, whether professional and/or voluntary, is of course important in putting them formally on a par with state-provided services.

### To Article 8:

*"Member States are invited to consider: ...*

*28. If the Member State decides to operate victim support services through the private sector or through NGOs, the State should evaluate the allocation of sustainable financial or other required resources to these organisations, unless the organisation chooses to function without government funding and remain independent."*

*Source: European Commission (2013)*

Unlike the Framework Decision, the Victims' Directive differentiates between general and specialist victim support services (Article 8) and specifies the minimum level of services that Member States must provide (Article 9). From the victim support viewpoint the specification of minimum standards is of fundamental importance. The Framework Decision obliged EU Member States to "encourage action" by victim support services in the field of providing victims with information, accompanying them and assisting them. Now, victim support services are to provide much more clearly defined services relevant to the rights of victims. This includes advice, for example, on accessing national compensation schemes and on other financial and practical issues arising from crime, emotional and psychological support. It also covers advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation.

### The need to extend the concept of 'victim'

To comply with its obligations under the Framework Decision after becoming an EU Member State, Hungary adopted a Victim Support Act in 2005. The act and implementing practice therefore generally fulfil the requirements of the Framework Decision. However, legislation covering criminal procedure which determines the position of the victim still uses a narrow concept of 'aggrieved party' which focuses only on the most direct victims of crime. Hungary will therefore need to make further changes to comply with the Victims' Directive's new requirements, such as ensuring that family members of the victim are also included in the definition.

*Source: Hungary, Act 135 of 2005 on Support and State Compensation for Victims of Crime*

Specialist support services provide important support to victims at special risk of repeat or secondary victimisation

Table 1: Summary overview – the Framework Decision compared to the Victims' Directive

	Framework Decision 2001/220/JHA, 15 March 2001	Directive 2012/29/EU, 25 October 2012
Number of recitals	12	72
Number of articles	19	32
Main article on victim support services	13	8
Title of main article	<b>Specialist services and victim support organisations</b>	<b>Right to access victim support services</b>
Paragraph 1 (emphasis added)	Each Member State shall, in the context of proceedings, <b>promote the involvement of victim support systems</b> responsible for organising the initial reception of victims and for victim support and assistance thereafter, whether through the <b>provision</b> of specially trained personnel within its public services or through <b>recognition and funding</b> of victim support organisations.	Member States shall <b>ensure</b> that victims, in accordance with their needs, have <b>access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members</b> shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.
Subsequent paragraphs	The Framework Decision includes in a second and last paragraph four aspects where a "Member State shall encourage action" related to providing victims with information, assisting with immediate needs, accompanying victims during criminal proceedings, and assisting after trial.	The Victims' Directive includes an additional four paragraphs with details on: referrals by authorities to victim support services; free and confidential victim support services including for family members of victims; support services that can be set up as public entities or by NGOs, as a professional or a volunteer; and the fact that provision of support shall not be dependent on a victim making a formal complaint. Moreover, the Victims' Directive contains a full Article (9) on victim support services, specifying minimum standards for what support services must include.

Note: Annex 3 provides a table with the full text of the two instruments.

Source: FRA, 2014

or other forms of perpetrator harm. Article 9 contains an open-ended list which includes victims of sexual violence, victims of gender-based violence and victims of violence in close relationships. In sum, the groups listed serve to recognise the vulnerable situation of women as victims. Such services are therefore additionally obliged to provide interim accommodation to victims as well as targeted and integrated support, including trauma support and counselling, unless this role is filled by others.

### To Article 9:

*"The list of minimum services to be provided is fairly self-explanatory, but the expression 'targeted and integrated support' for victims with specific needs in paragraph 3(b) may require some clarification. An 'integrated' approach when providing victim support should take into account the relationship between victims, perpetrators, children and their wider social environment to avoid the risk of assessing their needs in isolation or without acknowledging their social reality. Thus, when providing targeted, integrated support, it is important to ensure that the needs of victims are assessed in the light of all relevant circumstances to allow professionals to take properly informed, appropriate decisions. This approach is in line with requirements under the Council of Europe Istanbul Convention."*

Source: European Commission (2013)

### 1.3.3. Chapter 3 – participation in criminal proceedings

Chapter 3 of the Victims' Directive contains provisions on victim participation in criminal proceedings. The main tangible development vis-à-vis the Framework Decision lies in Article 11, which grants the victim rights in the event of a decision not to prosecute. Under procedural rules determined by national law, all EU Member States are obliged to provide victims with the possibility to challenge a public prosecutor's decision not to prosecute, and to inform victims of this right. This right, however, is conditioned upon the victim's role in criminal proceedings (see Section 1.2). Its application will therefore vary across national legal systems, and victims with no formal standing during the criminal proceedings will not be able to enjoy it.

#### To Article 11:

*"Which decisions can be reviewed? In practice, the decision not to prosecute may be based on technical and legal reasons, as well as on the principle of opportunity, e.g. the lack of public interest, the nature and seriousness of the offence, the evidence available, etc."*

*Source: European Commission (2013), Chapter 4 – Specific protection needs*

### 1.3.4. Chapter 4 – victims with specific needs

Chapter 4 of the Victims' Directive, which deals with the protection of victims and recognition of victims with specific protection needs, brings about further important changes. Issues covered within a single article of the Framework Decision now span seven. Besides protecting the safety and privacy of victims, the Victims' Directive newly requires that their dignity also be protected. To avoid contact between the victim and the offender, some formerly non-compulsory obligations, ensuring for instance the existence of separate waiting areas for victims, have been made mandatory. In the area of privacy protection, the Victims' Directive recognises the role of the media and obliges EU Member States to encourage it to take self-regulatory measures. Protection of child victims, formerly scattered across different provisions, has been concentrated under the provision of a single article and further reinforced.

#### To Article 22:

*"Children are always presumed to have specific protection needs and are therefore only subject to the second part of the assessment (paragraph 4). The assessment for children would thus consist of determining which of the protection measures listed in Articles 23 and 24 would need to be put in place for each individual child. Children's houses or child protection centres with an integrated and multidisciplinary approach are particularly well placed to conduct such individual assessments."*

*Source: European Commission (2013)*

Most importantly, EU Member States are obliged to ensure timely and individual assessment of their specific protection needs and to grant them appropriate protection (Articles 22 and 23). This case-by-case assessment should identify victims who are vulnerable to secondary or repeat victimisation or intimidation during criminal proceedings. These victims can then benefit from a spectrum of special measures during criminal investigations, including being interviewed in special premises and by specifically trained professionals and, for victims of sexual violence such as gender-based violence or violence in close relationships, by persons of the same sex as the victim. Similarly, during the court proceedings special measures – such as the exclusion of the public or participation of the victim through the use of appropriate communication technologies – should be made available.

#### Limited availability of protective measures

**France** introduced new protective measures into the Civil Code in 2010 for victims of domestic violence. When deciding whether to issue a protection order in such cases, the judge can summon the victim and the accused separately to prevent mutual contact. As these measures are not available to all victims who could be considered 'vulnerable' under the Victims' Directive, however, they may not be sufficient to meet its requirements.

*Source: France, Parliament, Act No. 2010-760 on Violence Against Women, Violence Between Spouses, and the Effects of These Types of Violence on Children, 9 July 2010*

### 1.3.5. Chapter 5 – other provisions

Chapter 5 of the Victims' Directive transforms the former call on EU Member States to provide training for personnel involved with victims into an obligation. The Victims' Directive recognises the limits placed upon this obligation by judicial independence and the independence of other legal professions. It requires, however, that any officials likely to come into contact with victims receive an appropriate level of both general



Figure 5: Structure and content of the Victims' Directive

	72 recitals
<b>Chapter 1</b> General provisions	Art. 1 – Objectives
	Art. 2 – Definitions
<b>Chapter 2</b> Provision of information and support	Art. 3 – Right to understand and to be understood
	Art. 4 – Right to information from first contact
	Art. 5 – Right of victims when making complaints
	Art. 6 – Right to receive information about their case
	Art. 7 – Right to interpretation and translation
	Art. 8 – Right to access victim support services
	Art. 9 – Support from victim support services
<b>Chapter 3</b> Participation in criminal proceedings	Art. 10 – Right to be heard
	Art. 11 – Rights if decision not to prosecute
	Art. 12 – Rights to safeguards in restorative justice
	Art. 13 – Right to legal aid
	Art. 14 – Right to reimbursement of expenses
	Art. 15 – Right to return of property
	Art. 16 – Right to decision on compensation (offender)
Art. 17 – Rights of victims resident in other Member States	
<b>Chapter 4</b> Protection and specific needs	Art. 18 – Right to protection
	Art. 19 – Right to avoid contact (victim with offender)
	Art. 20 – Right to protection during criminal investigations
	Art. 21 – Protection of privacy
	Art. 22 – Individual assessment (specific needs)
	Art. 23 – Protection for specific needs during investing
	Art. 24 – Protection of child victims during criminal proceedings
<b>Chapter 5</b> Other provisions	Art. 25 – Training of practitioners
	Art. 26 – Cooperation and coordination of services
<b>Chapter 6</b> Final provisions	Art. 27 – Transposition (16 November 2015)
	Art. 28 – Provision of data and statistics (16 November 2017)
	Art. 29 – Report (Commission by 16 November 2017)
	Art. 30 – Replacement of Framework Decision 2001/220/JHA
	Art. 31 – Entry into force (15 November 2012)
	Art. 32 – Addressees (to Member States)

Source: FRA, 2014

and specialist training. It could be seen as setting the threshold for such 'officials' quite low, encompassing police officers and court staff in particular. As discussed in Section 2.5, this leads to an increased demand for specialised training that often only victim support services can provide, bolstering their role within the victim support system and enabling them to have a more profound impact on its development.

### To Article 25:

*"Training is absolutely essential for making the victims' rights in the Directive real and effective for victims in Europe. Member States should do their utmost to ensure that all practitioners in contact with victims receive proper training. A number of Articles in this Directive presuppose that training is available, notably the provisions on support and restorative justice services (training being a requirement for accreditation). Member States' obligations in the area of training include developing awareness of victims' needs, in a professional and non-discriminatory manner. The notion 'victims' needs' is covered notably by provisions of Article 8 and 9 on general and specialist victim support services and Chapter 4 on the protection of victims and the recognition of victims with specific protection needs."*

Source: European Commission (2013)

## Conclusions

Victims of crime have a right to access justice and to benefit from fair trial rights under the Charter's Article 47, but the different levels of victim involvement in criminal proceedings across Member States significantly affect victims' enjoyment of these rights in practice. Three basic approaches to victim involvement can be distinguished across EU Member States:

- 1) victim as witness to be protected from harm;
- 2) addressing damage done to the victim and awarding compensation; or
- 3) victim as rights holders.

The first two models emphasise a particular victim role in criminal proceedings. The third perceives the victim more comprehensively, as it perceives the offence – in the terms of Recital 9 of the Victims' Directive – as "a wrong against society as well as a violation of the individual rights of victims".

The Victims' Directive surpasses the standards set out in the Framework Decision in a number of ways. It introduces new rights for victims of crime and, perhaps even more significantly, transforms a number of formerly optional provisions into obligations, converting potential benefits for victims into true victims' rights. Furthermore, it places victim support services at the forefront of the system and clearly recognises the central role they play in enabling

victims to enjoy their rights. By setting up minimum standards for their activities while obliging the state to ensure their availability, it has the potential to reshape the victim support system across the EU to benefit victims.

The Victims' Directive does not, however, provide an instrument to harmonise the divergent approaches to the victim's role in the various EU Member States' criminal justice systems and, consequently, to the provision of victim support services. While the directive undoubtedly sets the overall bar higher than the Framework Decision, the need to accommodate these structural differences inevitably creates space for divergence in the quality of victim support services and thus potentially also in the equal enjoyment of victims' rights. The issue of equality of victims' rights is further explored in the following chapters, notably in Chapter 5, which deals with quality standards and indicators.

## Guaranteeing the right of victims to access support services and to effective remedy

The Victims' Directive acknowledges the existence of different criminal justice systems across EU Member States and the varying roles attributed to victims within these systems. Nonetheless, its implementation must not fall short of the standards guaranteed by Article 47 of the Charter of the EU and the case law of the European Court of Human Rights (ECtHR) relevant to fair trial and the right to a remedy. This includes the right of effective access to court proceedings – facilitated by good victim support services – the right to challenge a prosecutor's decision and the right to legal aid.

Victims' effective access to justice depends in large part on the availability of targeted victim support services. The need to provide victims with a set of services that can enable them to enjoy their rights is underlined by FRA research on the reporting of people's experiences of crime. Results on, for example, experiences of hate crime in the EU-MIDIS survey and on reporting patterns in the violence against women survey, show that improvements are necessary to encourage reporting.

### FRA opinion

*EU Member States must ensure the effective provision of and access to support services in order to comply with the Victims' Directive and to meet their obligations under Article 47 of the Charter. When implementing the Victims' Directive, EU Member States should take into account Article 47 and relevant ECtHR case-law to assess the rights of victims to actively participate in criminal proceedings, such as the right to be heard and the right to provide evidence.*



## Interpreting 'victim' inclusively

As the Victims' Directive sets higher standards in a number of areas than the Council Framework Decision 2001/220/JHA of 15 March 2001 on the standing of victims in criminal proceedings (OJ L 82/1), definitions of the relevant concepts in national law, or their interpretation, should reflect this development in an appropriate manner. FRA findings suggest that the legislation of some EU Member States might require amendments in this regard to be brought in line with the Victims' Directive. Several Member States, for example, define the term 'victim' narrowly in their legislation, excluding 'indirect' victims such as family members. Some Member States fail to define the term at all.

### FRA opinion

*The Victims' Directive requires that a victim's family members are included in the definition of victim (in relation to victims whose death is a direct cause of a criminal offence) so that they also have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim. The term 'family members', as well as other key terms, such as 'particularly vulnerable', should therefore be broadly interpreted so as not to unnecessarily restrict the list of potential rights holders.*

According to the directive, EU Member States should also promote general and specialist training for judges and prosecutors on victims' rights and needs. FRA findings show that not all Member States have yet implemented these measures.

### FRA opinion

*EU Member States must ensure they comply with the Victims' Directive's new obligations on training police officers and court staff, providing individual assessments of victims and ensuring separate waiting areas for victims in new court premises. EU Member States should make available the additional resources needed to implement such measures by the transposition deadline.*

## Allocating sufficient resources

Certain new obligations, as well as non-compulsory provisions of the Framework Decision that the Victims' Directive makes obligatory, will require EU Member States to invest further in personnel, equipment or facilities. This includes ensuring that victims' waiting areas at court are separate from those of the accused, at the very least in any new court premises (Article 10 (3) Victims' Directive). Member States must also acquire the technology needed for video-links and video recordings, provide obligatory training for front-line practitioners such as police officers and court staff (Article 25 (1) Victims' Directive) and ensure that victims are individually assessed to identify their specific protection needs (Article 22 (1) Victims' Directive). FRA findings show that some Member States have yet to implement these measures. Fewer than half the Member States, for example, currently provide separate waiting areas for victims.



# 2

## Aspects of victim support



The Victims' Directive sets the stage for a broad understanding of victim support which goes beyond the functions provided for in Articles 8 and 9. It encompasses a number of rights that the state is to guarantee, yet are designed to involve further victim support system actors. Indeed, the right to legal aid, referral of victims among various relevant subjects, or rights at trial to protect the victim against secondary victimisation, contribute to a comprehensive and functional system of victim support. Nonetheless, this system cannot fully function without the involvement of a number of non-state actors.

This chapter looks at some of these broader aspects of victim support enshrined in the Victims' Directive and at the degree to which these rights are currently reflected in the national legislation of EU Member States. As pointed out in the Introduction, victim support is premised in part on the legal availability of victims' rights. The victim support provided in particular during court proceedings depends on the role attributed to victims and on their legal standing in those proceedings. The more rights a victim enjoys to act as a party to criminal proceedings, the more important it is that a support service advises and encourages victims to perform that role in their best interest.

Provisions relating to victim support at the Member State level are typically found in national legislation governing criminal procedure, which commonly provides the definition of a victim and further defines the role of the victim during the proceedings. Other legal sources include acts that deal specifically with compensation (such as the **German** *Opferentschädigungsgesetz*<sup>74</sup>) or

legal aid (such as in **Bulgaria**<sup>75</sup> or **Spain**<sup>76</sup>). Particularly more recently, such legislation may also reflect EU-level legislative developments and look at victim rights more comprehensively (such as in the **Czech Republic**<sup>77</sup> or **Romania**<sup>78</sup>).

In addition, the findings of this report reveal the importance of 'soft law' instruments and practices, which provide victims with rights and services beyond those granted by applicable legislation in some EU Member States. In **France**, for example, victims' rights provided for in the legislation are supported by circulars encouraging courts to adopt specific practices when dealing with persons in situations of vulnerability, who also are victims.<sup>79</sup>

Legislation, of course, represents only part of the overall mosaic of victim support in EU Member States and does not in itself, without appropriate application, guarantee the rights of victims. This chapter, while focusing primarily on the position of victims laid down in national law, therefore also provides a number of examples of legally non-binding instruments and policies that successfully complement or, in some national frameworks, even substitute legislation.

74 Germany, Act on Compensation to Victims of Violent Crime, BGBl. I S. 1, 7 January 1985, [www.gesetze-im-internet.de/englisch\\_oeg/englisch\\_oeg.html](http://www.gesetze-im-internet.de/englisch_oeg/englisch_oeg.html).

75 Bulgaria, Legal Aid Act, 1 January 2006, [www.lex.bg/bg/laws/ldoc/2135511185](http://www.lex.bg/bg/laws/ldoc/2135511185).

76 Spain, Act 1/1996 on Free Legal Aid, amended by Royal Decree-Law 3/2013 of February 22 modifying the fees applied in the field of the administration of justice and the system of free legal aid, 10 January 1996, [www.boe.es/diario\\_boe/txt.php?id=BOE-A-2013-2029](http://www.boe.es/diario_boe/txt.php?id=BOE-A-2013-2029).

77 Czech Republic, Law on Victims of Crime, No. 45/2013 Coll, 30 January 2013.

78 Romania, Law No. 211/2004 on Measures to Ensure the Protection of Crime Victims, 27 May 2004.

79 For example, see a circular on judicial proceedings relating to sexual offenses at: France, Ministry of Justice (2005), [www.justice.gouv.fr/bulletin-officiel/98-04-dacg-c.pdf](http://www.justice.gouv.fr/bulletin-officiel/98-04-dacg-c.pdf).

## 2.1. Access to legal aid

Access to legal aid, notably access to legal aid free of charge, represents an area of rights that is closely linked to the role of the victim in the system of criminal procedure. It includes legal advice and legal representation in court (Article 13 of the Victims' Directive). More generally, it also covers interpretation and translation expenses (Article 7), and possible reimbursement of other expenses (Article 14). The Victims' Directive does not oblige EU Member States to reimburse legal fees, as if there are any they can be covered by legal aid. Article 47 (3) of the Charter stipulates that "[l]egal aid shall be made available to those who lack sufficient

resources insofar as such aid is necessary to ensure effective access to justice"<sup>80</sup>.

In practice, free legal aid is generally available to victims in nearly all (26) EU Member States. In most cases however victims are subject to an economic means test from which only certain categories of victims should be exempt (typically minors, victims of domestic violence or sexual offenses). FRA's 2015 forthcoming report on child-friendly justice focusing on professionals' perspectives on children's participation in civil and criminal judicial proceedings in 10 EU Member States suggest that legal aid for child victims is rather restricted in some Member States. In some it is available only to

**Table 2: Legal aid for victims and witnesses in 10 EU Member States**

EU Member State	Victim			Witness		
	Right to legal representation	Right to legal aid	Type of legal aid	Right to legal representation	Right to legal aid	Type of legal aid
BG	✓	✓	Means test	✓	✓ <sup>a</sup>	
DE	✓ <sup>b</sup>	✓	Free	✓ <sup>b</sup>	✓	Merit based
EE	✓	✓	Means test	✓	✓	Means test
ES	✓	✓	<sup>c</sup>	✓	✓	<sup>c</sup>
FI	✓ <sup>d</sup>	✓	Free			
FR	✓	✓	<sup>e</sup>	✓		
HR				✓	✓	Free
PL	✓	✓	Means test	✓ <sup>f</sup>		
RO	✓	✓	<sup>g</sup>		✓	Free
UK E&W						✓
UK NI						
UK Scotland						

Notes: a) Every witness (child or adult) has the right to request a legal consultation with a lawyer if he/she thinks that his/her testimony could put him/her in danger; b) During the examination; c) Different rules across communities; d) During the investigation and at the trial; e) Legal consultation is free of charge by principle. Representation at judicial proceedings is means tested; f) Only if this is necessary to protect his or her interests; g) Free in cases of attempted murder, crimes of violence, sexual crimes. For other crimes, free legal aid is means tested.

Source: Data from FRA's 2015 forthcoming report on child-friendly justice focusing on professionals' perspectives on children's participation in civil and criminal judicial proceedings in 10 EU Member States

<sup>80</sup> EU (2010), Charter of Fundamental Rights of the European Union, OJ 2010 C 83, p. 401.

those who are financially eligible. In others, such as **Croatia and Finland**, it is free of charge without conditions. The analysis, which covers 10 EU Member States, shows that child victims are subject to a means-test in **Bulgaria, Estonia, France,<sup>81</sup> Poland and Romania.<sup>82</sup>** In **Germany**, legal aid is subject to a merit test, meaning that only children who are perceived to be in need of protection can access legal aid free of charge during questioning.<sup>83</sup>

Some EU Member States also explicitly exclude the provision of free legal advice to victims other than their own or EU nationals, and legal residents. In **Ireland**, the Legal Aid Board is primarily responsible for providing legal aid in civil cases. Free legal advice is only available to victims of certain offences, including sexual offences and trafficking in human beings. In the **United Kingdom**, free legal advice beyond that provided by the police and the Crown Prosecution Service is not granted, although additional legal aid is specifically available to victims of domestic violence and abuse. In practice, however, all victims in the United Kingdom have access to the services of Victim Support, an organisation funded largely from public resources (see Section 2.1). Victim Support advises victims on what they can expect in court and throughout the criminal justice process. The situation is similar regarding free legal representation at court, for which 24 EU Member States conduct a means test but almost all allow for exceptions for some categories of victims (see Table 3). **Ireland** and the **United Kingdom** again represent a specific case, as the victim is not a party to the criminal proceedings and is therefore not expected to be in need of separate representation or financing, as the state prosecutor represents the case.<sup>84</sup>

## UN standards on legal aid, including victim support

The *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, adopted in 2012, introduced a broad definition of the term 'legal aid', calling upon all states to also provide legal advice, assistance and representation— among other categories— “for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require”.<sup>85</sup>

Source: UN, *United Nations Office on Drugs and Crime* (2013)

- 81 In France, the means test is waived if the child victim is seeking only advice, not representation, from a lawyer.
- 82 In Romania, the means test is waived if the child is a victim of a crime against his/her sexual integrity, neglect, cruel treatment or trafficking.
- 83 For child witnesses.
- 84 The Irish Legal Advice Board provides legal representation only to victims of certain sexual offences in cases where their sexual history is to be examined during trial.
- 85 UN, UNDOC (2013), Recital 8; see also Guideline 7, on “Legal aid for victims” and Guideline 9 (para. 52 (c)), on “Female victims of violence”.

## USEFUL TOOLS FOR VICTIMS OF CRIME

### Reporting crimes by mobile phone: useful apps for victims of crime

*Guardia civil (GDT), Spain*

This app, developed by the Cybercrime unit of the Spanish Civil Guard (*Guardia Civil*), offers two different services: one is to inform its users of current fraud and crimes being committed online, the other allows citizens to anonymously report potential criminal acts. The app also offers locations of the closest Civil Guard stations.



The tool is available at: <https://market.android.com/details?id=es.guardiacivil.gdt> (Android); <http://itunes.apple.com/es/app/gdt/id441712875?mt=8&ls=1> (iOS)

Federal District Prosecutor Office (*Procuraduría General de Justicia del Distrito Federal*), Mexico

This tool allows for anonymous reporting of crimes and the loss of national identification papers or passports. It also provides useful information on criminal justice issues, such as Prosecutors' Offices contact information.



The tool is available at: [www.pgjdf.gob.mx/index.php/servicios/en-linea/aplicacionpgjcdmx](http://www.pgjdf.gob.mx/index.php/servicios/en-linea/aplicacionpgjcdmx); <https://play.google.com/store/apps/details?id=com.tr3sco.pgjdf> (Android); <https://itunes.apple.com/us/app/pgjcdmx/id830812886?ls=1&mt=8> (iOS); <http://appworld.blackberry.com/webstore/content/31955/> (Blackberry)

In about half of the EU Member States, exemption from court fees and exemption from or reimbursement of interpretation or translation costs is either automatic (as there are no fees applicable), or is granted to victims without any further requirements. In the remaining EU

Table 3: Availability of legal aid to crime victims

	Free legal advice				Free legal representation			
	Available to all victims as a fundamental right	Available only to certain categories of victims	Subject to other criteria	Not granted	Available to all victims as a fundamental right	Available only to certain categories of victims	Subject to other criteria, such as an economic means test	Not granted
AT	✓					✓		
BE	✓						✓	
BG		✓	✓			✓	✓	
CY			✓				✓	
CZ		✓	✓			✓	✓	
DE		✓	✓			✓	✓	
DK	✓					✓		
EE		✓	✓			✓	✓	
EL		✓	✓			✓	✓	
ES		✓	✓			✓	✓	
FI		✓	✓			✓	✓	
FR		✓	✓			✓	✓	
HR		✓	✓			✓	✓	
HU	✓					✓	✓	
IE		✓						✓
IT	✓					✓	✓	
LT	✓					✓	✓	
LU		✓	✓			✓	✓	
LV		✓	✓			✓	✓	
MT			✓				✓	
NL	✓					✓	✓	
PL			✓				✓	
PT		✓	✓			✓	✓	
RO		✓	✓			✓	✓	
SE		✓	✓			✓	✓	
SI		✓	✓			✓	✓	
SK			✓			✓	✓	
UK				✓				✓
<b>TOTAL</b>	<b>7</b>	<b>19</b>	<b>19</b>	<b>1</b>	<b>0</b>	<b>22</b>	<b>24</b>	<b>2</b>
	Upon fulfilling criteria in both areas (specific category of victim as well as a means test).							
	Some solely upon victim category (e.g. victims of serious crime, minors, nationals), others upon fulfilling criteria in both areas.							

Source: FRA, 2014



Member States the situation depends on the victim's formal role in the proceedings, such as whether the victim is summoned as a witness or acts as a subsidiary prosecutor. Only in **Bulgaria** (for interpretation and translation) and **Cyprus** (for interpretation and translation and court fees) can no exemptions be granted (see Table 3).

The role that victim support services have in providing legal aid also varies based on the legal framework and historical development in the EU Member State in question. **Austria** is the only Member State which fully transferred responsibility to state-contracted victim support services. In 12 EU Member States legal aid is provided exclusively by public authorities. In the remaining cases, the responsibility is shared. Some, for example, distinguish between legal advice provided by victim support services and legal representation that can only be provided by state-sanctioned legal practitioners. **Croatia, Hungary** and **Spain** (see Table 4), for example, use a decentralised approach, where municipalities, NGOs or educational institutions provide legal aid.

Based on the legal framework and historical development, the role of victim support services varies in EU Member States in providing legal aid, including formal legal aid as well as more general legal assistance to crime victims. Austria is the only EU Member State where the responsibility is transferred to victim support services that are contracted by the state, whereas in 14 EU Member States public authorities fulfil this role. In the remaining EU Member States, the responsibility is shared according to various models, such as distinguishing between legal advice that is provided by victim support services and legal representation that can only be provided by legal practitioners sanctioned by the state. In some Member States, victims' entitlement to legal aid may be restricted to certain categories of victims, offence types or subject to economic means testing. This information is not reflected in Table 4, providing an overview of legal aid provision models in EU Member States.

## 2.2. Decision not to prosecute

The right of victims to review a decision of the public prosecutor not to prosecute or to discontinue the proceedings, enshrined in Article 11 of the Victims' Directive, was touched upon in the Introduction. To effectively apply this right, the victim must act independently of the prosecution and might therefore be in need of legal advice provided from other sources. Should victims respond to a decision to discontinue the case by assuming the position of a subsidiary prosecutor, if this option is available to them under national law, they might require further legal aid and possibly also other services to protect their rights and interests during the criminal proceedings.

Table 4: Provider of legal aid, by EU Member State

	State as main provider of legal aid	Victim support services main provider of legal aid	Both state and victim support services have a role in providing legal aid
AT		✓	
BE			✓
BG			✓
CY	✓		
CZ			✓
DE			✓
DK	✓		
EE	✓		
EL			✓
ES	✓		
FI			✓
FR	✓		
HR	✓		
HU			✓
IE	✓		
IT			✓
LT	✓		
LU	✓		
LV			✓
MT	✓		
NL			✓
PL			✓
PT	✓		
RO	✓		
SE	✓		
SI			✓
SK			✓
UK	✓		
TOTAL	14	1	13

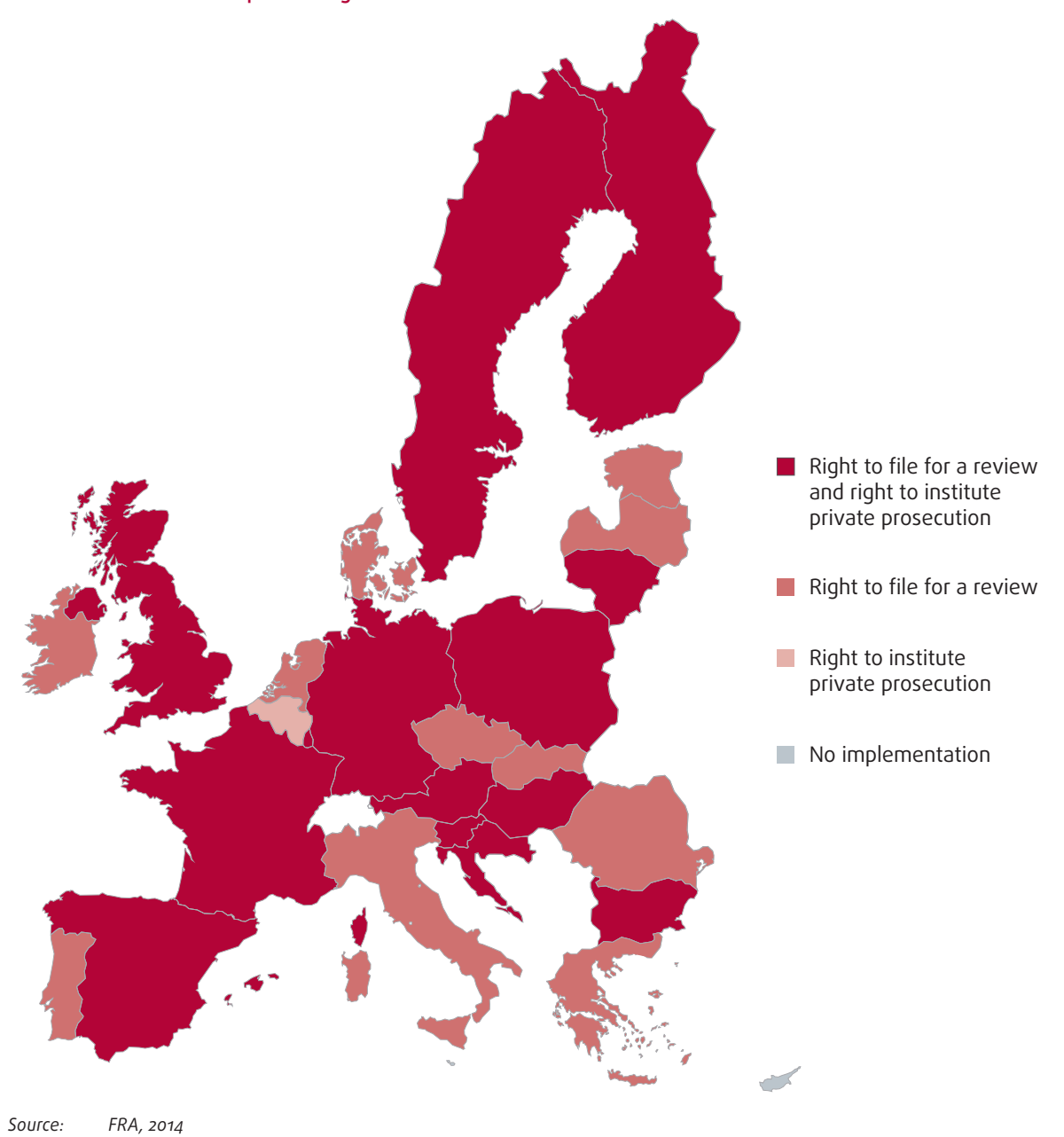
Source: FRA, 2014; see also: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/legal-aid>

As discussed above, this right largely depends on the formal role of the victim in the proceedings and is as such governed by the general rules of criminal procedure. As with other rights, however, soft law instruments and practice play an important role in some EU Member States. In the **United Kingdom**, for example, the Victims' Right to Review Scheme of the Crown Protection Service responds to the requirements of Article 10 of the Victims' Directive as well as recent case

law.<sup>86</sup> It allows victims to seek a review of decisions not to charge, to discontinue, or otherwise to terminate proceedings.

Overall, victims in 23 EU Member States currently have the right to request a review when the prosecution decides not to bring charges or to discontinue a case, either by a court or a superior body within the prosecution system. In 14 Member States victims have

**Figure 6: Right to an effective legal remedy against a decision by the public prosecutor not to prosecute or to discontinue proceedings**



<sup>86</sup> Notably to the 2011 Court of Appeal judgment in *R v. Christopher Killick* [2011] EWCA Crim 1608. See also the Crown Protection Service website at: [www.cps.gov.uk/victims\\_witnesses/victims\\_right\\_to\\_review/](http://www.cps.gov.uk/victims_witnesses/victims_right_to_review/).





the option to institute some form of private prosecution in such a case (Figure 6 – for updated information and details, see the online table, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/prosecution>).

Victims must be offered an effective legal remedy against a decision by the public prosecutor not to prosecute, or to discontinue proceedings. This right is protected both by the ECtHR and the Charter. How this right is implemented differs across the EU Member States. In some Member States victims may file for a review of the decision, in others victims have the right to institute a private prosecution if the prosecutor decides to drop the charges. Figure 6 shows that some Member States offer victims both options.

### 2.3. Rights at trial to prevent repeat and secondary victimisation

The Victims' Directive and to some degree also the Framework Decision (see Section 1.3) contain a set of procedural rights and safeguards that are to be available to victims to protect them from further harm. Ranging from the right to be accompanied by support persons of their choice during trial (Article 20 of the Victims' Directive) to the right of vulnerable victims to testify in court in a protected manner (Article 23 of the Victims' Directive), these rights are of fundamental importance in empowering victims to play a role in criminal proceedings without exposing them to further victimisation.

Findings from this research show that the national legislative frameworks of individual EU Member States grant these rights to varying degrees (see Table 5 – for updated information and details, see the online table, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/trial-rights>).

For example, 24 EU Member States provide vulnerable victims with the right to be questioned and to testify in court in a protected manner, such as by employing screens or video links to separate the victim from the accused (see Chapter 4 for more detailed information on support services available to specific groups of victims).

In **Italy**, victims of certain offences (sexual offences, human trafficking, slavery and persecutory acts) can request the judicial hearing to take place without the presence of the public, and for victims who are minors this measure takes place automatically. Similarly, in **France**, a hearing can take place without the public in cases of rape or torture. **Finland**, **Poland** and

**Germany** mandate video recording of all pre-trial interviews with children up to a certain age, and videos commonly replace child testimony before the court in **Croatia**, **Estonia**, **Germany**, **Spain** and the **United Kingdom** (England and Wales).<sup>87</sup>

On the other hand, only 14 EU Member States currently provide separate waiting areas for victims at court, obligatory under the Victims' Directive. Further legislative and policy developments are therefore needed across the EU to ensure full compliance with the directive.

Personal support to victims during trial represents another element of support. In 16 EU Member States, the victim may be accompanied during the trial by support persons such as family members and also by representatives of victim support services. In eight EU Member States, special units or services are available to provide support directly during trial, ranging from a case coordinator in the **Netherlands**<sup>88</sup> to a state-guaranteed access to witness-support services at all district and appeal courts in **Sweden**. In **France**, the government is supporting the setting-up of a network of NGO-run Offices for Victim Support (*Bureau d'Aide aux Victimes*) within the court system. These offices should gradually assume the victim support responsibilities that the state currently provides.<sup>89</sup>

The definition of 'victim' is dependent on the national legal system. The role played by victims in criminal proceedings therefore differs across the EU Member States. This in turn leads to differences between the rights guaranteed to victims during criminal proceedings, of which Table 5 provides an overview.

87 See FRA's 2015 forthcoming report on child-friendly justice focusing on professionals' perspectives on children's participation in civil and criminal judicial proceedings in 10 EU Member States.

88 The Netherlands, Public Prosecution Service (2010), p. 2, [www.om.nl/onderwerpen/huiselijk-geweld/@155130/aanwijzing/](http://www.om.nl/onderwerpen/huiselijk-geweld/@155130/aanwijzing/).

89 France (2012), [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025822780&dateTexte=&categorieLien=id](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000025822780&dateTexte=&categorieLien=id); France, Ministry of Justice (2013), [www.textes.justice.gouv.fr/art\\_pix/JUST1301453C.pdf](http://www.textes.justice.gouv.fr/art_pix/JUST1301453C.pdf).

Table 5: Victims' rights at trial

Rights guaranteed to victims during criminal proceedings, by EU Member State						
EU Member State	Right to be heard - view map	Right to supply evidence - view map	Right for vulnerable victims to be questioned & testify in court in a protected manner	Separate waiting area for victims at court	Right to be accompanied at trial by support persons	Right to access and copy trial records
AT	✓	✓	✓	✓	✓	✓
BE	✓	✓	✓	✓	✓	✓
BG	✓			✓		✓
CY			✓	(✓)	(✓)	
CZ	✓	✓	✓	✓	✓	✓
DE	✓	✓	✓	✓	✓	✓
DK			✓		✓	
EE	✓	✓	✓			✓
EL	✓	✓	✓			✓
ES	✓	✓	(✓)	✓		✓
FI	✓	✓	✓	(✓)	✓	✓
FR	✓	✓	✓	✓	✓	✓
HR	✓	✓	✓		✓	✓
HU	✓	✓	✓	(✓)		✓
IE			✓	✓	(✓)	
IT		✓	✓			✓
LT	✓	✓				✓
LU	✓	✓			✓	✓
LV	✓	✓	✓		(✓)	✓
MT	(✓)	(✓)	(✓)		✓	(✓)
NL	✓	✓	✓	✓		✓
PL	✓	✓	✓			✓
PT	✓	✓	✓			✓
RO			(✓)		(✓)	
SE	✓	✓	✓	✓	✓	✓
SI	✓	✓	✓			✓
SK	✓	✓			✓	✓
UK			✓	✓	✓	
<b>Total</b>	<b>22</b>	<b>22</b>	<b>24</b>	<b>14</b>	<b>17</b>	<b>23</b>

Note: A tick in brackets shows that a Member State only partly covers the indicated aspect. For example, in Romania, the right for vulnerable victims to be questioned and testify in court in a protected manner is met in cases of victims of human trafficking. The absence of a tick signifies that the aspect is not provided for; for example there is no right for victims to access and copy trial records.

Source: FRA, 2014; see also: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/trial-rights>

## FRA ACTIVITY

## Protecting children from inappropriate questioning

FRA research shows that professionals value procedural safeguards adapted to children's needs, such as physical adaptation of the hearing environment, use of video-recordings and video-links and controlled contact with other parties. They consider that such tools and safeguards have a positive effect on children's wellbeing and on their participation in proceedings.

In **Germany**, respondents particularly notice the positive changes due to the criminal law reform which introduced several exceptional safeguards aimed at protecting child witnesses in criminal proceedings. Currently, only judges – and not the prosecutor or the defence lawyer – may question children in court during the main trial and they cannot put minors under oath. If and when children are questioned, the defendant and the general public may be excluded from the court room. Until 2009 these safeguards were only meant to protect children and youths under the age of 16; now they cover those up to 18 years of age, which is welcomed by the professionals interviewed.

*Source: Data from FRA's 2015 forthcoming report on child-friendly justice focusing on professionals' perspectives on children's participation in civil and criminal judicial proceedings in 10 EU Member States*

## 2.4. Provision of information

Information is a vital component of victims' rights at all stages of the proceedings, a fact that is recognised both by Article 6 of the Framework Decision and by Chapter 2 of the Victims' Directive. Besides access to information on the progress of their case (Article 6 of the Victims' Directive), the majority of victims may be in need of information on their rights within the criminal proceedings as such, and on the available means to exercise those rights (Article 4 of the Victims' Directive). Lack of information not only represents a serious obstacle to the enjoyment of victims' rights, but research on victim satisfaction with support services has also repeatedly identified the lack of information as a prime source of dissatisfaction with criminal proceedings, and one which discourages them from actively participating.<sup>90</sup> Measures aimed at raising victims' awareness of their rights are therefore equally important as access to information specific to an individual case.

<sup>90</sup> See for example: Sims, L., Myhill, A. (2001); Wemmers, J. (1999).

## Awareness-raising to encourage reporting



**Portugal's** generic victim support provider APAV has published a brochure on the importance of reporting a crime.

It describes the different phases of criminal proceedings and informs victims of their rights. This brochure is also available for **Austria** and the **Czech Republic**.

*Source: Infovictims, [www.infovictims.com/com/index.html](http://www.infovictims.com/com/index.html)*

When compared to other victims' rights, provision of information relies considerably on practical policies, internal guidelines and soft law instruments. An example is the Victims Charter in **Ireland**, which not only describes the various state and NGO-run victim services but also contains advice on how to proceed in case of dissatisfaction with these services.<sup>91</sup> The establishment of such charters or codes represents a promising strategy for providing victims with clear information on various stages of the proceedings and their rights during these stages. As of 2013, eight EU Member States had established or were in the process of establishing such a charter or code. Two of these documents, in **Spain** and the **United Kingdom**,<sup>92</sup> are legally binding upon state authorities.<sup>93</sup> The Code of Practice for Victims of Crime in the **United Kingdom** (more precisely in England and Wales)<sup>94</sup> in particular goes beyond being a purely informative and awareness-raising tool. It also supports other rights, including granting the victims the opportunity to make a personal statement on the impact of the offence on them, which is taken into account in sentencing.<sup>95</sup> In 2015, the UK Government plans to enshrine victims' rights in law as part of a major set of reforms announced by the Justice Secretary in

<sup>91</sup> Text available at: [www.victimsofcrimeoffice.ie/en/vco/Pages/WP10000006](http://www.victimsofcrimeoffice.ie/en/vco/Pages/WP10000006).

<sup>92</sup> Some of these documents actually predate national legislation that regulates the rights of victims. The United Kingdom government introduced the original Victims' Charter, the predecessor of the existing (2006) Code of Practice for Victims of Crime, in 1990. This 1990 charter also predates the adoption of the Criminal Justice and Public Order Act of 1994 which criminalised intimidation of victims, the Youth Justice and Criminal Evidence Act of 1999 which introduced special measures at court to facilitate the testimony of vulnerable and intimidated witnesses, or the Criminal Evidence (Witness Anonymity) Act of 2008 which gave statutory nature to the power of the judge to grant anonymity to witnesses whose safety is severely at risk.

<sup>93</sup> Ireland is preparing a new legally binding code of practice, although there seems to be some scepticism as to the benefits of this approach compared to the existing Victims Charter. For further information, see: [www.independent.ie/world-news/europe/guide-planned-to-help-crime-victims-29161919.html](http://www.independent.ie/world-news/europe/guide-planned-to-help-crime-victims-29161919.html).

<sup>94</sup> Text available at: [www.cps.gov.uk/publications/docs/victims\\_code\\_2013.pdf](http://www.cps.gov.uk/publications/docs/victims_code_2013.pdf).

<sup>95</sup> The criminal procedure in the common law systems of Cyprus, Ireland, Malta and the United Kingdom, retains some of its specific features in this area. It does not provide for some information rights available to victims in other countries, for example the right to access and make copies of the case file. The same applies to Denmark and Slovenia.

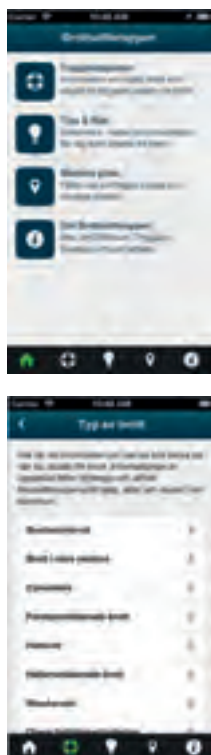
September 2014. The new law will guarantee key entitlements for victims, previously set out in the Victims Code; including: the right to make a personal statement and ask to have it read aloud in court; automatic referral to support organisations; information about individual cases at each and every stage; and an assessment of victims' needs at the earliest opportunity. A new Victims' Information Service (including an online portal and a new helpline) is also to be established by March 2015, and plans to pay compensation to victims up front will be developed.<sup>96</sup> The proposal includes details on various other tools and services for crime victims to be developed between 2014 and 2018; including a 'Track-MyCrime' tool, that will allow the victim to track the progress of their case online, all the way through the criminal justice system.<sup>97</sup>

## USEFUL TOOLS FOR VICTIMS OF CRIME

### Supporting victims of crime through apps

This Swedish app (*Brottsofferappen*) provides victims of crime with information. By providing details on the location of the user and type of crime, the tool locates the closest police station and support services. It also provides a checklist on how to report the crime and claim damages.

The basic concept for the app was conceived to provide only targeted and relevant information – in other words information specific to the crime and location. Information was collected from all relevant authorities and organisations. Updates will have to be requested. The app cost approximately €10,000 to develop, covering both the technical aspects and data collection. The actual development took four weeks. Further features will be added, including checklists and 'alert' functions, with which the location of the user can be sent to selected persons. In developing the tool, the organisation drew mainly on the extensive in-house experience of those working with issues related to victims of crime.



Source: <http://brottsofferappen.org/>

This less formal approach seems conducive to the rights of the victim, as evidence shows that information is regularly provided to victims even in those EU Member States where there is no legal obligation for the public

authorities to do so. While the police are legally obliged to provide information on available victim support services in only 15 EU Member States, in practice victims receive this information in 21 EU Member States (see Section 2.6 for specific information on referrals). **Ireland, Malta and Slovenia** are among those Member States where this type of information is routinely provided to victims although the police are under no obligation to do so, or are only instructed to do so by a non-binding document (such as the Victims Charter in Ireland). In some of the remaining EU Member States, including **Greece, Italy, Lithuania, Portugal and Spain**, the obligation to provide information on available victim support services is not universal and applies only to victims of specified offences, such as domestic violence. **Cyprus and Latvia** alone appear not to provide this type of information.<sup>98</sup> The provision of information concerning compensation and information on the rights and role of victims in criminal proceedings shows similar patterns.

As regards information on the case itself, victims are informed about the place and time of the trial and of the nature of the charges in all EU Member States, although in **Greece, Ireland, Malta and Poland** this is not regulated by law. Similarly, victims are notified of the decision to discontinue the case in 27 EU Member States, although it is obligatory in only 23 of them (for updated information and details, see the online table at: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/information>).

Equally crucial to the provision of information is that victims actually understand the information provided; to that end, information in different languages can be an effective way of reaching more victims in increasingly diverse societies (see Sections 4.2.1 and 5.2 for examples of promising practices in this regard).

Ensuring that victims, especially certain categories of victims considered particularly vulnerable, such as children, actually understand information concerning complex criminal proceedings is also important. It is considered good practice in **Estonia**, for example, for professionals to meet with the child a day or two before a hearing to introduce him or her to the building, rooms and colleagues working in the police department. The professionals aim not only to ensure that the child understands the proceedings and their role, but also to prepare the child emotionally for the hearing and create as relaxed and trustful an environment for him/her as possible (for more on this, see FRA's 2015 forthcoming report on child-friendly justice focusing on professionals' perspectives on children's participation in civil and criminal judicial proceedings in 10 EU Member States). Austria offers

96 [www.gov.uk/government/news/a-bold-new-vision-for-the-treatment-of-victims](http://www.gov.uk/government/news/a-bold-new-vision-for-the-treatment-of-victims) [www.bbc.com/news/uk-29193548](http://www.bbc.com/news/uk-29193548).

97 United Kingdom, Ministry of Justice (2014).

98 The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research.

a children’s book called ‘Milli goes to court’ (*Milli ist beim Gericht*) to help prepare children for court hearings.<sup>99</sup>

### USEFUL TOOLS FOR VICTIMS OF CRIME

#### The European e-Justice Portal: special pages for victims of crime



The European e-Justice Portal is conceived as an electronic one-stop-shop in the area of justice, striving to make the lives of people in the EU easier by providing information on justice systems and improving access to justice throughout the EU in all 24 official EU languages.



The portal includes special pages for crime victims, providing information about the rights of victims – including rights during the investigation and during criminal proceedings – and providing links to help and support available in each Member State. Information is presented in the form of national factsheets.

See: [https://e-justice.europa.eu/content\\_victims\\_of\\_crime-65-en.do](https://e-justice.europa.eu/content_victims_of_crime-65-en.do)

99 See: [www.prozessbegleitung.co.at/publi\\_milli.htm](http://www.prozessbegleitung.co.at/publi_milli.htm).

#### Explaining the Victims’ Directive in an accessible manner



Non-state actors play a fundamental role in raising awareness about victims’ rights and communicating information to victims in an easily accessible manner. This is particularly important to inform victims of new legislative or policy developments.

The brief yet comprehensive guide to the Victims’ Directive, *Know Your Rights on the Victims’ Directive*, published by the Justicia European Rights Network, serves as a good example of such an awareness-raising project.<sup>100</sup>

See: [www.eujusticia.net/victimsrights](http://www.eujusticia.net/victimsrights)

## 2.5. Training of criminal justice practitioners

Providing relevant training is another crucial element to ensure that victims’ rights are guaranteed and translate into the provision of appropriate victim support. Those officials likely to come into contact with victims, such as police officers and court staff, and those providing victim support and restorative justice services, should receive such training. To be effective, training needs to cover both the need for a sensitive approach to victims, especially regarding particularly vulnerable groups such as child victims, and specialised knowledge, again with an emphasis on certain groups of victims. Article 25 should therefore be understood as one of the cornerstones of the Victims’ Directive intimately linked to the provisions of Articles 8 and 9.

Due to their ‘frontline’ position in encountering victims, police officers represent a key target group for such training. All EU Member States respond to this

100 McDonald, M., Justicia European Rights Network (2012).

by providing some training to police authorities. The approach is, however, seldom systematic, as courses are either not compulsory or only focus on specific groups of victims, often responding to specific needs identified within the given EU Member State. **Portugal** and **Spain** provide training on gender violence, while **Austria's** police officers' curriculum only includes training on dealing with victims of domestic violence. **Hungary** and the **Netherlands** do not offer courses dedicated specifically to victim support but, if requested, victim support officers hold training sessions for police officers. Ensuring compulsory general as well as specialist training for officials who are likely to come into contact with victims, such as police officers and court staff, will require increased efforts in a number of EU Member States.

While the primary responsibility for ensuring training, particularly under the Victims' Directive, lies with the state, training organised and provided by non-state actors is widespread. Among many examples, the training manual focusing on the rights of cross-border victims, developed within the project *CABVIS – Capacity building for EU crime victim support* and promoted by Victim Support Europe, stands out as a good example of a practical project in the area of training (see Section 5.1, p. 89).<sup>101</sup>

## USEFUL TOOLS FOR VICTIMS OF CRIME

### Online dynamic court visualisation



The Crime Victim Compensation and Support Authority in **Sweden** developed a web-based court introduction (*Rättegångsskolan på webben*) to explain in an accessible manner what happens before, during and after court proceedings to persons who are required to appear at court, including victims, witnesses or perpetrators. It has received international awards for best educational media.

Source: [www.rattegangsskolan.se](http://www.rattegangsskolan.se)

<sup>101</sup> See: [http://victimsupporteurope.eu/activeapp/wp-content/files\\_mf/1382968310TrainingManual.pdf](http://victimsupporteurope.eu/activeapp/wp-content/files_mf/1382968310TrainingManual.pdf).

## 2.6. Referral

Closely linked to the training of practitioners and provision of information to victims is the ability of practitioners to refer victims to relevant organisations providing appropriate services. All actors who come into contact with victims need to ensure that victims are able to make use of those support services best tailored to their current and evolving needs.

### Promising practice

#### Linking victim support work to police stations

In some EU Member States, victim support organisations operate either directly at police stations or in their immediate vicinity, which makes referral easier. One such example is the close cooperation between the police and Victim Support **Sweden** (Swedish Association for Victim Support, *Brottsofferjourernas Riksförbund*, BOJ). **Belgium**, **Estonia**, **Finland**, **France** and the **Netherlands** use similar models.

Source: The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research

### 2.6.1. Referral from the police to victim support

According to Article 4 (1) (a) of the Victims' Directive, victims in the course of their first contact with a competent authority are entitled to receive information on the type of support they can obtain and from whom, including, where relevant, information concerning specialist support services. Under Article 8 (2) of the Victims' Directive, Member States shall facilitate the referral of victims to victim support services by the competent authority that received the complaint as well as by other relevant entities.

A well-functioning police referral mechanism to victim support services is a cornerstone of any effective support system. FRA findings gathered in the framework of this project can be grouped into three models (for details by EU Member State, see the online tables, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>).

#### First model

Usually, the police inform the victim of available support services and leave it up to the victim to contact the service. While this model respects the autonomous decision of victims to seek support or not, it is less appropriate when the victim is distressed and therefore not fully capable of grasping all the information offered or of calmly considering what action to take. Some victims are

attempting to restore a basic feeling of control and security. They should not be burdened with the need to take difficult decisions for which they are not well prepared.

## Second model

Bearing this in mind, a second model requires police to ask the victim to consent to the passing on of their contact data and some basic information on the offence to a support service. This enables the service to, in due course, get in contact with the victim and offer support and advice proactively.

## Third model

The third model goes yet further, entitling the police to inform a relevant victim support service without the victim's consent. This model is appropriate only when victimisation is so severe that one can assume that the victim is not in a position to judge whether to consult a support service, such as in the context of trafficking or of domestic violence. Such a model requires a robust legal basis.

### 2.6.2. Referral from generic to specialised victim support

Ideally, the police know which support service is best placed to help the victim. The individual assessment of the victim's needs, provided by Article 22 of the Victims' Directive, should equip the police to refer the victim to a specialised support service, whenever appropriate.

This FRA research shows, however, that in practice generic support services must often assess the situation and the needs of victims themselves and then decide whether to refer the victim to a specialised support service.

This referral from generic to specialised support service is premised on a spirit of cooperation in the best interest of victims among the various support service providers and on the basis of a clear understanding of which service is in the best position to support a certain category of victims.

### 2.6.3. Referral from victim support to 'witness support' for the trial phase

In Member States where organisations acting under the court's auspices or a prosecution service (JUDEVI/France) perform victim support during the trial, the victim will need to be transferred from a support service to this specialised service.

It is clearly advantageous if victim support services are also allowed to act during the trial phase. This means that the victim is not required to establish a new relationship of trust with a different support person. Ensuring that a single contact person is available for victims, especially particularly vulnerable categories of victims such as children, would help protect victims' safety and well-being. Avoiding multiple hearings and improving coordination among the various trial phase actors could also reduce the length of proceedings, which can be a barrier to victims' effective access to justice.

### 2.6.4. Cross-border referral

According to Article 4 (1) (g) of the Victims' Directive, victims resident in another Member State than the one where their victimisation occurred are entitled to be informed, during their first contact with a relevant authority, about any special measures protecting their specific interests. Where the victim is about to leave the country where the offence was committed, these measures should include information about victim support services available to victims in their Member State of residence.

## FRA ACTIVITY

### Victim support for children – one contact person

FRA interviews with professionals working with children involved in both civil and criminal justice procedures found that many support the idea of having one specific, trained professional act as the child's main contact person. This professional would accompany him or her throughout the proceedings to ensure consistent provision of information and continuous support and protection. The child thus avoids the confusion of contact with too many professionals involved at different stages of the proceedings.

Quite a few interviewees addressed the issue of professional quality, however, which is not automatically ensured and often not properly monitored. They also mentioned potential bias from and/or dependence on one particular person. This suggests that an additional person, preferably from a different professional field, should also be made responsible for ensuring that the child is adequately informed, supported and protected.

The interviews with children FRA is conducting in 2014 will shed light on how the assessments of best practices for children by professionals match with children's wishes and needs.

*See: FRA's 2015 forthcoming report on child-friendly justice focusing on professionals' perspectives on children's participation in civil and criminal judicial proceedings in 10 EU Member States*

## Promising practice

### Providing tourists with victim support

The generic victim support provider in **Portugal** (APAV) sought to improve the information and support given to persons who are victims of crime in a Member State other than their state of residence (see picture). The project, carried out in cooperation with the Public Security Police, the Commission for the Protection of Victims of Crime, the Irish Tourist Assistance (**Ireland**) and the General Directorate of Community Sanctions and Juvenile Justice (**Spain**), aimed to design prevention tools, to promote the exchange of knowledge and best practices on the support of tourist victims, to mitigate the impact of victimisation and to build a platform of knowledge and cooperation between countries at European level. As a second component, APAV carried out training for foreign embassies to allow them to better meet the specific needs of tourist victims of crime, as they are often the preferred contact point. Under this project, APAV published a report and a booklet, available in English, Portuguese and Spanish.

See: <http://helptouristvictims.org/>



## Conclusions

As elaborated upon in Chapter 1, the variety of approaches to the role of the victim influence the entire victim support system's philosophy. It is therefore hardly surprising that EU Member States currently comply to varying degrees with the objectives and goals for victim support set out under the Victims' Directive. In EU Member States where the victim is seen primarily as a witness, including common law countries, the approach to legal standing has a direct impact on the legal regulation governing the provision of victim support services, but not necessarily on the quality and availability of these services. Moreover, in areas such as the provision of information or training of practitioners, binding legislation seems less important to guarantee victims' rights in practice, as other instruments and actors come in play. Indeed, some of the most promising practices do not originate from the national legislation but rather from the activities of various non-state actors such as NGOs providing victim support. While this trend is certainly encouraging, it also underlines the core role of the state in ensuring the quality and availability of a diverse base of victim support services.

Because of the many links between victim support and the status of the victim in criminal proceedings, the procedural codes shaping the role and status of the victim in criminal proceedings directly affect the conceptualisation and functions of victim support. For example, the importance of the provisions and organisational measures allowing the victim to be accompanied in court depend on the role that the victim is allowed to perform there. Similarly, the right to challenge the decision of the prosecutor to discontinue the proceedings can only be used to its full potential if accompanied by measures that empower the victims, enabling them to effectively pursue their rights. Finally, ensuring that effective referral mechanisms are in place to guide victims through

the support service system should be at the heart of victim support service. It is positive that this information is provided to victims even in those EU Member States where no legal basis for referrals currently exists.

### Making legal aid available

Although available to most victims in the majority of EU Member States, FRA findings show that obtaining legal aid is often conditioned on, for example, an economic means test (to determine those who are financially eligible for free legal assistance) or on legal residence. While these conditions might be justifiable, they can present difficult bureaucratic hurdles, particularly where legal aid is required quickly to guarantee the victim's rights. Some global standards also recommend a more restrictive use of means testing. The 2012 *United Nations Guidelines and Principles on Access to Legal Aid in Criminal Justice Systems* stipulates, for instance, that children are always to be exempted from such testing.

#### FRA opinion

*Legal aid guaranteed under Article 13 of the Victims' Directive should be available to victims who are party to criminal proceedings in the same way as it is currently available to defendants. Bureaucratic hurdles, such as lengthy proceedings or economic means testing, should be identified and removed. Means testing may not always be in compliance with UN guidelines.*

### Ensuring effective training systems

Introducing an effective system of practitioner training, as Article 25 of the Victims' Directive requires, is a long-term objective. FRA findings show that some EU Member States emphasise training for specific groups



of victims. Others make training available but not compulsory for officials who are likely to come into contact with victims, such as police officers and court staff. EU Member States are therefore encouraged to increase their training capacity and raise awareness among criminal justice practitioners of the needs of specific groups of victims. They are encouraged to involve NGO victim support services where practicable.

#### FRA opinion

*Law reforms should aim at better inclusion of the victim in the criminal justice system. Victims should be enabled to play a more significant role in criminal proceedings, as set out in Chapter 3 of the Victims' Directive. Criminal justice practitioners can support this process, guiding victims through proceedings, helping them to understand the legislation and fully recognise its practical implications. This process is greatly aided by training of criminal justice practitioners.*

## Providing information - including referrals to support services

The timely provision of accurate information on victims' rights that Chapter 2 of the Victims' Directive requires is key to empowering victims to use their rights and also points them to the most appropriate support services. Examples of good practice highlighted in this report show that close cooperation between competent authorities and victim support organisations can facilitate referrals.

#### FRA opinion

*EU Member States should introduce measures that ensure that victims, at all stages of the process, have access to information about their rights and available support services, as well as to relevant information about the case. EU Member States should particularly consider putting in place an effective referral system that would guide victims through the support service system.*

## Tackling underreporting of victims

FRA research – including four large-scale surveys concerning the victimisation of minorities, of LGBT persons, antisemitic offences and violence against women – consistently shows that many victims do not report crimes to the police. The Council Conclusions of 6 December 2013 on combating hate crime in the EU and the Council Conclusions of 5 June 2014 on preventing and combatting all forms of violence against women and girls underscore these findings. Victims may, however, approach other persons or organisations. Findings from FRA's survey on violence against women show that victims of domestic violence are more likely to contact doctors and healthcare institutions than any other professional organisation or NGO. Therefore, these professionals could play a key role in identifying and providing initial support to victims. Yet evidence also shows that doctors and other clinical professionals are rarely trained for an effective response to domestic violence. Hence initiatives to train and inform healthcare professionals could be considered promising practices, especially given that 87 % of the 42,000 women surveyed in the FRA study on violence against women said that they would welcome further questions from doctors if they showed signs of abuse.

#### FRA opinion

*As a means of encouraging victims to report crimes and of facilitating such reporting, EU Member States should make sure that information about victim support services and victims' rights is accessible and made available to victims by all authorities and public services that victims contact, including medical service providers, and that the staff of these organisations are trained to deal with victims in an informed and sympathetic manner.*



# 3

## Victim support services in EU Member States



Chapter 2 considered victim support from a broad perspective, examining a range of obligations that the Victims' Directive places upon EU Member States to guarantee a comprehensive system of victim support. This chapter follows up by looking into details of core aspects of victim support services. Some specifics that govern the provision of victim support can be derived from Articles 8 and 9 of the Victims' Directive. These principles serve as benchmarks, or at least as points of reference, when setting up victim support services or assessing the services a given EU Member State currently offers.<sup>102</sup> To provide an overall picture, the chapter also offers an overview of different models of victim support structures from both the external and the internal perspective, focusing on the roles of the state and civil society and their interaction in furthering victims' rights and support.

To date, vast differences prevail as regards the extent and the service capability of victim support services in Member States. As already noted, eight Member States have yet to establish a general support service. With a few exceptions, this chapter deals with countries with a generic victim support structure in place. Chapter 4 will then look at existing support structures for specific groups of victims, also encompassing the situation in those eight Member States that presently only offer victim support services to specific categories of victims.

### 3.1. Public or private provision of victim support

Public and private actors cooperate to provide victim support services in the majority of Member States. Services are either state run, or it is the state that provides the principal and direct funding to NGOs, who then provide the services (see Table 6). The state played a leading role in setting up victim support structures in about half the countries with generic victim support structures (see Figures 1 and 2), often in cooperation with the NGO sector.

The following section takes a closer look at the development of differing generic victim support structures in various EU Member States, dividing them into three broad classifications (see Table 6, also available online, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>):

1. structures that are state run and funded;
2. those that are NGO run but rely strongly on public funding; and
3. those that are NGO run and rely mainly on non-state funding sources.

As part of the Victim Support Services project, FRA looked at what 'model' of support services for victims of crime exist in each EU Member State. The focus is on generic support services for victims of crime, which are services that seek to provide support for victims irrespective of the nature of the crime. It is possible to distinguish between three main models of generic victim support services in EU Member States. Distinctions are drawn between the (non-) governmental nature and sources of funding of the main generic support provider. The table below illustrates the model prevalent in each Member State.

<sup>102</sup> The CJEU is the sole institution entitled to authoritatively interpret EU law and consequently to decide whether Article 8 of the Victims' Directive is to be read as an obligation of result or of means, in the latter case requiring governments to take, with due diligence, all reasonable steps available to them under the given circumstances, with a view to progressively and in due course establishing a comprehensive system of victim support services.

Table 6: Main models of victim support

	1. At least one national generic - main provider/structure is state run and funded	2. At least one national generic - main provider/structure is non-governmental but relies strongly on state funding	3. At least one national generic - main provider/structure is non-governmental, but does not rely strongly on state funding
AT			✓
BE	✓		
BG			
CY			
CZ	✓		
DE			✓
DK		✓	
EE	✓		
EL			
ES	✓		
FI		✓	
FR		✓	
HR	✓		
HU	✓		
IE		✓	
IT			
LT			
LU	✓		
LV			
MT		✓	
NL		✓	
PL		✓	
PT		✓	
RO			
SE		✓	
SI			
SK			✓
UK		✓	
<b>Total</b>	<b>7</b>	<b>10</b>	<b>3</b>

Note: The table refers to those EU Member States with at least one national generic VSS (from the research it appears there are no generic victim support services (i.e. aimed at all rather than specific categories of victims) in BG, CY, EL, IT, LT, LV, RO and SI). Orange-shaded areas indicate that no generic victim support service exists.

Source: FRA, 2014; see also: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/models>

### 3.1.1. At least one national generic service – main provider/structure is state run and funded (model 1)

Not many Member States have a system where the state alone organises and provides generic victim support.

**Belgium**, however, offers one such example. Almost all of the generic victim support services are state-led. The largest victim support service is the Victim's Reception Service within the Houses of Justice (*Dienst Slachtofferonthaal/Service d'accueil des victimes*), which acts under the authority of the Ministry of Justice and is thus state funded. Aside from that, there are some non-governmental support services which are also, at least in part, state funded. Belgium places considerable emphasis on support services to victims of human trafficking. According to the National Forum for Victim Support Policy, which the Ministry of Justice established in 1994, victim support must be oriented around three pillars:

- a first line of information provision by police and judicial authorities;
- compensation for moral and physical damage; and
- the elaboration of support measures for victims of specific crimes such as racism, human trafficking and physical or sexual violence.<sup>103</sup>

Victims of human trafficking receive support through three main organisations in Belgium: Payoke,<sup>104</sup> Pag-asa<sup>105</sup> and Sürya.<sup>106</sup> The Centre for Equal Opportunities and Opposition to Racism coordinates their work.<sup>107</sup> The Centre can also file a complaint before the criminal courts in the name of victims.

In **Hungary**, the state is also essentially the sole general service provider. The metropolitan and county offices of the Victim Support Service provide information on a victim's rights and obligations in criminal proceedings, on available services and assistance, on the location of state and non-state service providers and on how to avoid re-victimisation.

The state is also the main victim support service provider in **Estonia**. Its Social Insurance Board (*Sotsiaalkindlustusamet*) coordinates the network of victim support services as well as referral mechanisms, cooperating with social workers of local municipalities and local NGOs on a case-by-case basis. Non-state services generally receive project-based funding directly from the Ministry of Social Affairs<sup>108</sup> or through the Council

of the Gambling Tax (*Hasartmängumaksu nõukogu*)<sup>109</sup> in addition to some financial support from the local government. Any such public funding is related to specific activities of the organisations. The NGO *Eluliin*, for example, provides psychological crisis consultation in Tallinn and receives funding from the Tallinn city government and also from a number of private persons.<sup>110</sup> Some organisations also receive funding through EU projects, such as the NGO *Living for Tomorrow*<sup>111</sup> or the Estonian Women's Shelters Union (*Eesti Naiste Varjupaikade Liit*).<sup>112</sup>

**Croatia** made victim and witness protection a priority in 2007. With the assistance of the United Nations Development Programme (UNDP), it developed a comprehensive state victim and witness support system between 2007 and 2011.<sup>113</sup> Funded by the state budget, the public victim support service in Croatia is divided into two levels: an organisational unit within the Ministry of Justice, (the Independent Sector for Victim and Witness Support, established in 2012), and special departments at county courts for actual victim and witness support. Prior to the establishment of the public victim support service, victim and witness support services were first provided in war crimes trials by the War Crimes Trial Witness and Participant Support Section within the Directorate for International Legal Assistance, Cooperation and Human Rights of the Ministry of Justice. This body dealt with legal and physical protection, psychiatric assistance and assistance at the location, the preparation of the departure and the organisation of travel for witnesses and other participants in the main hearings (investigative hearings) in war crimes trials held in courts within and outside Croatia.<sup>114</sup> At that time, no systematic support was organised on a generic level, even though health-care and social welfare services, and some NGOs, provided some assistance to victims. Many organisations were established in the early 1990s to provide humanitarian assistance, psychological and social support, legal aid, and human rights protection to refugees, victims of war and members of minority groups.<sup>115</sup>

109 Päll, E. and Raag, T. (2012).

110 *Eluliin*, Psühholoogiline kriisinõustamise teenus.

111 Living for Tomorrow, History of Living for Tomorrow.

112 Estonian Women's Shelters Union.

113 The system was developed within the framework of the UNDP project entitled 'Assistance in the Development of a Witness and Victim Support System'.

114 Croatia, Government of the Republic of Croatia (2007), p. 47.

115 Such organisations include the Center for Peace, Legal Advice and Psychosocial Assistance (*Centar za mir, pravne savjete i psihosocijalnu pomoć*); the Centre for Peace, Non-Violence, and Human Rights (*Centar za mir, nenasilje i ljudska prava*); the Civic Committee for Human Rights (*Građanski odbor za ljudska prava*); the Croatian Helsinki Committee (*Hrvatski helsinški odbor za ljudska prava*); the Croatian Law Centre (*Hrvatski pravni centar*); the International Rehabilitation Council for Torture Victims – Zagreb (IRCT-Zagreb) (*Rehabilitacijski centar za stres i traumu (RCT)*); the Serbian Democratic Forum (*Srpski demokratski forum*); the Society for Psychosocial Assistance (*Društvo za psihološku pomoć*).

103 Belgium, National Forum for Victim Support Policy (1996), p. 12.  
104 See: [www.payoke.be/](http://www.payoke.be/).

105 See: [www.pag-asa.be/content.aspx?l=002&lang=NL](http://www.pag-asa.be/content.aspx?l=002&lang=NL).

106 See: [www.arca-asbl.org/?q=node/90](http://www.arca-asbl.org/?q=node/90).

107 See: [www.diversiteit.be](http://www.diversiteit.be).

108 Estonia, Gambling Tax Act, §3.

### 3.1.2. At least one national generic service – main provider/structure is non-governmental and relies strongly on state funding (model 2)

In the **United Kingdom**, Victim Support grew as a federation to cover all communities in England, Northern Ireland and Wales. Separate charities were set up in Scotland, the Channel Islands and the Isle of Man, with other NGOs offering services to specific groups of victims (generally based on offence type rather than victim characteristics). The state's principal role was seen as supporting victims notably through police services, court-based services and probation. A similar situation prevailed in the rest of the United Kingdom. The year 2012 saw a significant change in the state's role in providing victim support, however, with Police and Crime Commissioners now responsible for deciding and allocating the budget for most victim support services.

Although created under the scope of the Institute for Social Reintegration (*Instituto de Reinserção Social*, IRS, Ministry of Justice), the **Portuguese** Association for Victim Support (*Associação Portuguesa de Apoio à Vítima*, APAV), emerged as a national non-profit social solidarity association. It aimed at developing a national network of victim support offices, assisted by a volunteers network and relying on cooperation with existing private and public bodies. Both the state and civil society were seen as playing a role in providing victim support services, with volunteers key to the provision of these services. Today, Portugal is an example of an NGO-run victim support structure whose major source of funding is the state, but which relies on other, additional forms of funding. APAV, for example, also generates income by supplying training, counselling and consultancy services, and through donations and social/company sponsoring, annual contributions paid by members and co-funding from national and EU projects. Other victim support services operated by public providers also draw funds from lotteries run by the *Lisbon Santa Casa da Misericórdia* charity institution, which the various Ministries distribute.<sup>116</sup>

In **Spain**, although earlier initiatives were taken at the regional level to create generic victim support services (e.g. April 1985 in the autonomous community of Valencia), it was the state that took the initiative to create the first generic victim support service at national level. It set up the Victim Support Offices (*Oficinas de Asistencia a las Víctimas*) within the framework of the 1995 Victim

Support Act.<sup>117</sup> The support system for victims that has developed over time is a mixed system, with various state administrations, associations and NGOs all offering services. The funding of this mixed system, however, falls primarily on the general state and regional governments' budgets.

#### USEFUL TOOLS FOR VICTIMS OF CRIME

Court Guide (*domstolsguiden*), Sweden

This app provides details on courtroom interiors and the roles of the respective actors during trial proceedings. The app also has films showing how court procedure works.



It includes a 'court locator' with details on opening hours, how to get there and how to contact the court.

See: [www.domstol.se/Ladda-ner--bestall/Domstolsguiden/](http://www.domstol.se/Ladda-ner--bestall/Domstolsguiden/)

Zaragoza City of Justice (*Ciudad de la Justicia Zaragoza*), Spain

This app, developed by the regional government of Aragon in Spain, is aimed at the general public and legal practitioners. The app provides the location of a new court complex in the city and a schedule of hearings, and issues alerts to let people know when court cases have finished.



The tool is available at: <https://itunes.apple.com/es/app/ciudad-de-la-justicia/id642741128?mt=8> (iOS); <https://play.google.com/store/apps/details?id=es.ciudadjusticiazaragoza> (Android)

In **Luxembourg**, the state provides financial support to non-profit organisations that support victims of crime. Most organisations work under the umbrella of ministries. Such organisations (*Richt Eras*, Women in Distress, National Association of Victims of Traffic Accidents) cooperate closely with ministries and are invited to engage with them and put forward suggestions.

<sup>116</sup> Portugal, Decree-Law No. 56/2006 of 15 March 2006.

<sup>117</sup> Spain, Act 35/1995 of 11 December 1995, on Aid and Assistance to Victims of Violent Crimes and Against Sexual Freedom.

These organisations work on developing and amending legal acts, and some representatives from ministries are members of the council of victim support organisations. Such an exchange of information, work and colleagues should further a close interconnection of support services and ministries.

In **France**, the government took the lead in the 1980s to allocate resources to the support of victims, with the initial idea – which still defines the model today – that NGOs be created and fostered to shoulder this responsibility.<sup>118</sup> To develop public policies and institutions that benefit victims, the government also built on independent reports commissioned over the years (Peyferitte’s 1977 report on *Responses to violence*;<sup>119</sup> Milliez’s 1982 report on *Victim support*;<sup>120</sup> Gortais’ 1991 report on *Psychological support to victims*;<sup>121</sup> Lienemann’s 1999 report *For a new public policy for victim support*<sup>122</sup>). The role of victim support NGOs, and more general legal aid NGOs, was thus progressively consolidated, with important legal steps included in the laws of 1998<sup>123</sup> and 2000<sup>124</sup> and most recently the generalisation of victim support offices in jurisdictions (*Bureau d’aide aux victimes*, BAV). These NGO-run services are conceived as ‘one-stop’ offices for victim information, guidance and support throughout the criminal procedure. Since piloting 12 such offices in 2009, France opened another 50 between 2010 and 2012 and established a further 90 in 2013.

### 3.1.3. At least one national generic service – main provider/structure is non-governmental and does not rely strongly on state funding (model 3)

**Germany** is a rare example of a Member State where the main generic service provider is a non-state actor that relies mainly on funding sources other than the state. Here, the role of the state varies across the 16 federal states (*Länder*). In Berlin, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse independent victim support charities (*Opferhilfe e.V*) run local offices. Police authorities and the judiciary’s social services mainly provide governmental

support. Only one association – *Weisser Ring* – operates nation-wide and encompasses all victims of crime. It is independent from the government, and receives funding mainly through membership fees and foundations (49 %), allocations of fines by the courts and inheritances and grants (50 %).<sup>125</sup> *Weisser Ring* has sister organisations in **Austria**, the **Czech Republic**, **Hungary** and **Luxembourg**, which were modelled on the German initiative.

#### Fees and financial assistance

Services provided by the main support provider are free of charge for victims in all Member States. In most Member States, other support organisations do not charge victims for support either. A few Member States may, however, charge some victims a fee for specific services. In **Germany**, women’s shelters in some regions require payment for accommodation, although most other services, such as counselling, are free of charge. This is also the case for all women’s shelters in **Slovenia**.<sup>126</sup> In **Ireland**, one organisation providing specialised support to children, families and groups affected by child sexual abuse requires that victims taking advantage of its clinical service pay a weekly charge of €10–€60.<sup>127</sup> The **Latvian** crisis centre *Skalbes* also charges a fee for consultations.<sup>128</sup>

Where services are provided to victims free of charge, organisations in some Member States may receive financial assistance by the state to cover the expenses incurred. FRA research indicates that in 10 Member States, at least the largest organisation providing either generic or specialised victim support may be reimbursed by the state for the provision of support. In the remaining 18, organisations do not receive any specific reimbursement. However, the main service provider in 14 of these Member States is both state-run and state-funded, or an NGO which relies heavily on state funding. The largest organisations in these countries therefore receive more general operational funding from the state, which can include payment for support services offered to victims free of charge. This is the case for example in **Hungary**, **Ireland**, **Romania** and the **United Kingdom**.

*Source: The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research*

118 Avis du Conseil National des Villes (2013), Annex 1.

119 Peyferitte, A. (1977).

120 Milliez, P. (1982).

121 Gortais, J. (1991).

122 Lienemann, M. N., Magliano H. et al (1999).

123 France, *Loi n° 98-657 d’orientation relative à la lutte contre les exclusions*, 29 July 1998, [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000206894&dateTexte=&categorieLien=id](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT00000206894&dateTexte=&categorieLien=id).

124 France, *Loi n° 2000-516 renforçant la protection de la présomption d’innocence et les droits des victimes*, 15 June 2000, [www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000765204&fastPos=1&fastReql=843632059&categorieLien=id&oldAction=rechTexte](http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000765204&fastPos=1&fastReql=843632059&categorieLien=id&oldAction=rechTexte).

125 See: [www.weisser-ring.de/fileadmin/content/Jahresberichte/Jahresbericht2010\\_11.pdf](http://www.weisser-ring.de/fileadmin/content/Jahresberichte/Jahresbericht2010_11.pdf)

126 The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research.

127 Ireland, Commission for the Support of Victims of Crime (2012).

128 Latvia, Crisis Centre “Skalbes” (2012), for a price list in Latvian, see: [www.skalbes.lv/konsultacijas](http://www.skalbes.lv/konsultacijas).

## Promising practice

## Victims of crime funds – contributions by convicted persons

In addition to other funding sources, several EU Member States generate money for victim support services through a 'Victims of Crime fund' or the like, whereby persons convicted of an offence pay a fine to help the funding of services for victims of crime; for example, in **Belgium, Denmark, Lithuania, Poland, Portugal, Sweden** and the **United Kingdom**.

A 2014 bill in **Finland** (which follows a public consultation forum to gather information and expert input) proposes that penalties be paid by persons and legal entities convicted of crimes, which should go towards victim support services. The press release includes the following:

- some 85 % of costs are estimated to be covered by victims of crime;
- for crimes where the most severe punishment is 6 months imprisonment, the fine is € 40;
- for more severe crimes, € 80;
- for legal entities, € 800;
- the bulk of the revenues from this will come from more severe traffic violations;
- total annual revenue is expected to be € 5,000,000 after administrative costs have been deducted, this will be used for support services for victims of crime;
- the bill is planned to go to parliament in the second half of 2015 and to enter into force on 1 January 2016.

For more information on which Member States have introduced such systems, see: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/funds>.

Source: <http://oikeusministerio.fi/sv/index/aktuell/tiedotteet/2014/09/lakiluonnoslausunnollerikosuhrimaksullaparannustauhrientukip-alveluihin.html>

### 3.2. Organisational aspects

When it comes to establishing or developing a system of organisations providing victim support, Article 8 of the Victims' Directive makes it clear that Member States have more than one organisational model available to them. Victim support services can be set up as public organisations or as NGOs, they may be organised on a professional or voluntary basis, and specialist services can be provided in addition to, or as an integrated part of, general victim support services. Thus the Directive recognises the divergent traditions and situations in Member States, which comprise public services (**Belgium**) and private organisations (the **Netherlands**), and range from services that are predominantly provided by volunteers (**Germany**) through to services that function practically without volunteers (**Estonia**). They may be built on a fine-tuned cooperation of independent generic and specialised services (**Austria**) or rely on a comprehensive organisation with a complex internal structure (**United Kingdom**: England and Wales). Another difference relates to the time scale of victim support provision, which sometimes includes support of victims during court proceedings. In other cases, it differentiates between victim support before and after court proceedings and witness support during the trial phase.

What can be learned from the prevailing organisational diversity is that there are no definitive answers as to which solutions are preferable. Often there are strong arguments pointing in various directions. These arguments are not of a merely technical nature but involve complex political decisions. A government could, for

example, set up and sustain a victim support service of high quality and thoroughly monitor its performance if the service is part of public administration. At the same time, a public entity could be criticised for not guaranteeing the principle expressed in Article 8 of the Victims' Directive, that victim support services should act in a strictly confidential manner and in the interests of victims. Public administration may have conflicting 'loyalties' interfering with the interest of victims. Such potential partisanship could undermine victims' confidence in a service.

To all parties involved, any organisational partisanship of a victim support service must be visible and credible. Probation services seem, therefore, poorly placed to also perform the functions of victim support, even if organisational sub-divisions are established and strictly separated. The staff would nevertheless be suspected of bearing the organisation's general interests in mind. This can potentially impair victims' as much as offenders' trust in the determination of staff members to, at times, pay attention exclusively to their interests. Similar considerations militate in favour of separating victim support services from victim-offender mediation services. The Victims' Directive clearly recognises the fact that restorative justice services can be, but are not necessarily, of benefit to the victim and hence require safeguards to prevent secondary and repeat victimisation (Recital 46, Article 12 of the Victims' Directive). The directive's language conveys a rather critical assessment as to the harmony between victims' best interests and the institution of restorative justice services. It highlights the need for distance between these two positions.



In addition, private support services have effectively promoted the interests of victims of crime in public and legislative discussions in many Member States. Some support services perform important functions of public advocacy, including vis-à-vis governments. These NGOs can voice the concerns of victims so authentically because they support victims on a daily basis. Many staff members even contribute on a voluntary basis. In some Member States, including **Austria** and **Germany**, private associations that are – organisationally and financially – independent of the government provide generic victim support. They have persistently advocated for the interests of victims in public. In the **Netherlands** the main victim support organisation (*Slachtofferhulp Nederland*) has also played a significant role in an ongoing public debate about extending the rights of victims in proceedings or even introducing a model similar to the **German** *Nebenkläger*. Hence there are some indications that for the advancement of the rights of victims, the existence of powerful and to a certain extent independent NGOs is of some significance.

A government's choice to either set up a public organisation or foster private initiatives supporting civil society capacity-building is not just an organisational and technical matter. It touches on political aspects, such as the value to the community of a layer of civil society organisations mediating the involvement of citizens in issues of public concern. In the end, the matter is tied to a basic understanding of how a democratic society should be constructed – whether it includes a public sphere that remains – in part – in the hands of civil society organisations that are supported and monitored but not controlled by the government.

Similar considerations apply to the question of involving volunteers in victim support organisations (see Section 3.4 for an overview of the degree and modes of participation of volunteers in victim support organisations across the EU). To date, all effective generic victim support organisations rely on very significant contributions from volunteers, with the noteworthy exception of **Estonia**. Here, although legal provisions on public support services foresee the participation of volunteers (in the initial stages of establishing a generic support service from 2005 to 2006, 28 volunteers were trained, without, however, a sustainable effect), public services currently operate practically without them.

Not all Member States look back on the same uninterrupted and strong traditions of charities, of private fund-raising and of volunteerism. Where these traditions are lacking, the government's options to catalyse and encourage volunteerism are limited. At the same time, as noted in Section 3.4, private victim support initiatives are seeing steady growth, with increasing numbers of volunteers active in victim support in

some Member States where civil society activities were suppressed until the 1990s (in some cases due to communism).

While setting up a public service that does not rely on volunteers may, in certain circumstances, be the only short-term option, it is important to leave room for and to encourage the contributions of private actors.

Irrespective of the model chosen, governments must ensure certain functions, including the coordination of existing services, incentives for the development of services that may be missing, the definition of standards of victim support provision (see Chapter 5) and decisions concerning the funding of support services.

### 3.2.1. Organisation of victim support at the governmental level

Victim support services typically relate to the portfolio of more than one ministry in EU Member States. FRA research shows that only five Member States make one sole ministry responsible (the ministries of justice in **Ireland**, **Luxembourg**, the **Netherlands** and **Sweden**, and in **Malta** the ministry for home affairs). In an additional three Member States one ministry has a formal coordinating role (**Croatia**, **Estonia** and **Hungary**). In the remaining Member States, the responsibility is divided thematically, so that different aspects of victim support services (such as funding and functions) or support for different groups (victims of domestic violence and of terrorism) fall under different ministries. The Ministry of Justice is involved in victim support provision in almost all Member States, with the Ministry of Interior and the Ministry of Labour/Social Affairs also involved in the majority of countries (see Table 7; for updated information and details see the online table: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/coordination>).

Information is a vital component of victims' rights at all stages of the proceedings, a fact that is recognised both by Article 6 of the Framework Decision on the standing of victims in criminal proceedings and by Chapter 2 of the Victims' Directive. Besides access to information on the progress of their case, the majority of victims may be in need of information on their rights within the criminal proceedings as such, and on the available means to exert these rights. Table 7 provides an overview of the right to information in the EU Member States. It should be noted that reports show that information is regularly provided to victims even in those EU Member States where there is no legal obligation for the public authorities to do so. For example, while the police is legally obliged to provide information on available victim support services only in 15 EU Member States, in practice victims are provided with this information in 21 EU Member States. Similarly, victims are notified of

Table 7: Ministries responsible for victim support provision

	Ministry of Justice	Ministry of Health	Ministry of Labour/Social Affairs	Ministry of Interior/Home Affairs	Other
AT	✓			✓	✓
BE	✓	✓		✓	
BG	✓		✓	✓	
CY		✓	✓		
CZ	✓		✓	✓	
DE	✓		✓		
DK	✓	✓	✓		✓
EE	✓		✓		
EL	✓	✓		✓	✓
ES	✓	✓	✓	✓	
FI	✓	✓		✓	
FR	✓	✓	✓	✓	✓
HR	✓	✓	✓	✓	
HU	✓			✓	
IE	✓				✓
IT	✓	✓	✓	✓	✓
LT	✓		✓	✓	
LU	✓				
LV	✓		✓		
MT				✓	
NL	✓				
PL	✓		✓	✓	
PT	✓	✓	✓	✓	
RO	✓	✓	✓	✓	
SE	✓				
SI	✓		✓	✓	
SK	✓	✓	✓	✓	
UK	✓			✓	
<b>TOTAL</b>	<b>26</b>	<b>12</b>	<b>17</b>	<b>19</b>	<b>6</b>

Source: FRA, 2014; see also: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/coordination>

decision to discontinue the case in 27 EU Member States although it is obligatory in only 23 EU Member States.

To improve coordination and efficiency, some Member States have established bodies or forums. For instance, in **Croatia**, an Independent Sector for Victim and Witness Support (*Samostalni sektor za podršku žrtvama i svjedocima*) within the Ministry of Justice is charged

with the overall coordination of victim support services, in addition to serving as a hub for training and quality assurance.<sup>129</sup>

<sup>129</sup> Croatia, Ministry of Justice (2012), Regulation on the internal organisation of the Ministry of Justice, Art. 346, 5 March 2012.

In **Ireland**, the Ministry of Justice houses an executive office (the Victims of Crime Office). The office is supported by a Commission for the Support of Victims of Crime which is tasked with developing strategies and policies for victims of crime. It also serves as an umbrella organisation for victims of crime, including funding and coordination of bodies.<sup>130</sup>

In the **Netherlands**, a Unit of Prevention and Victim Policy (*Afdeling Preventie en Slachtofferbeleid*) within the Ministry of Justice has primary responsibility for victim support. Victim support is regularly discussed within the tripartite consultations between the public prosecutor service, the police and local authorities as well as in the Juridical District Council (*Arrondismentaal Justitieel Beraad*). In **Sweden**, an independent government agency, the Crime Victim Compensation and Support Authority (*Brottsoffermyndigheten*), is responsible for promoting victims' rights and ensuring their interests. It also acts as an information and knowledge hub for issues concerning victims of crime.<sup>131</sup>

### Organisation of the funding of private sector providers

Ensuring an effective victim support service with the capacity to handle all requests for assistance can be costly. Data from 12 EU Member States on expenses for generic support services, even though difficult to compare given widely diverging support systems, ways of budgeting, and GDP-levels, point to an average of some € 3,000,000 per year (2012 or in some cases 2011 figures).

Source: FRA, 2014

### 3.2.2. Umbrella organisations at the national level

While in most EU Member States private initiatives operating at a regional or grassroots level kick-started the development of victim support services, the necessity to combine, harmonise and coordinate efforts led over time to the creation of national umbrella organisations. Some of these have become important actors.

In 2002 in the **Netherlands**, the 25 members of the National Organisation Victim Support merged into one national foundation called Victim Support Netherlands (VSN, *Slachtofferhulp Nederland*, SHN). The remit of VSN, the main organisation providing victim support in the Netherlands, has gradually expanded. It has

evolved into a professional organisation which plays an important advisory role in the development of legislative proposals.

In **Sweden**, Victim Support Sweden, founded in 1988, is the national umbrella organisation for victim support services, with more than 8,000 members. In addition to providing victim support services, the association focuses on training and developing co-operation with other community institutions that deal with victims of crime. Another of its responsibilities is to raise general awareness and influence politicians and the public on matters concerning victims of crime.

In **Germany**, several victim support services are organised under the auspices of the Working Group of Victim Support in Germany (*Arbeitskreis der Opferhilfen*, ado). Founded in 1988, the organisation coordinates and supports 18 generic and specific support services by facilitating information exchange and advocating for victims' rights. It also encourages cooperation among existing services and the foundation of new ones. The main German generic support provider, *Weisser Ring e.V.*, is not a member.

In **France**, the majority of accredited victim support NGOs are members of the National Institute for Victims and Mediation (Inavem), which is publicly funded. The umbrella body has been described by the Court of Auditors as the cornerstone ("*pierre angulaire*") of victim support policy.<sup>132</sup>

See Section 3.5 for information on European level umbrella organisations.

### 3.2.3. Organising responsibility and respecting the independence of NGOs

Given that in most Member States victim support provision is shared between public and private actors, coordinating bodies can help manage the inclusion and contributions of private organisations. So far, only a limited number of Member States have set up such a coordinating body. In 2011 in **Austria**, the Ministry of Justice tasked the Centre for Legal Competence, a state-funded private organisation, to act as a management centre for victim support (*Managementzentrum Opferhilfe*, MZ.O). The MZ.O carries out a coordination and networking function, supports the development of standards and trains professionals. In **France**, the ministries for justice and of the interior are represented within the National Council on Victim Support (*Conseil National d'Aide aux Victimes*, CNAV). The Council, set up in 1999, is charged with coordinating government action with

<sup>130</sup> See: [www.victimsofcrimeoffice.ie/en/vco/Pages/WP09000166](http://www.victimsofcrimeoffice.ie/en/vco/Pages/WP09000166).

<sup>131</sup> Sweden, Regulation (1994:426) on the Fund for Victim Compensation (1994); Regulation (2007:1171) with instructions for the Crime Victim Compensation and Support Authority (2007).

<sup>132</sup> France, Cour des Comptes (2012), [www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2012](http://www.ccomptes.fr/Publications/Publications/Rapport-public-annuel-2012).

non-governmental bodies to ensure and strengthen the rights of victims in criminal proceedings. The Ministry of Justice has chaired the council since 1999 (composition is set by a Decree of 21 September 2010). In **Bulgaria**, the Ministry of Justice established a National Council for Support and Financial Compensation of the Victims of Crimes.

Governments are required to respect the independence and diversity of NGOs working in victim support and to avoid discriminating against organisations on whatever ground. In this respect, FRA has noted with concern that the Hungarian government has publicly branded some of the well-known support services as “left leaning”.<sup>133</sup> Caution, sensitivity and tact should characterise relations between the government and NGOs to avoid the impression that government officials do not respect NGOs as equals or that these are not dealt with on a level playing field.

The responsibility of Member States under Articles 8 and 9 of the Victims’ Directive to ensure that support services are of sufficiently high quality implies that the government must implement a system of quality control. The necessity to assess whether victim support services meet defined standards has led to systems of accreditation or recognition in several Member States with regard to generic support services (e.g. in the **Czech Republic** and in **France**) or with regard to specialised services (e.g. in **Austria** in the area of violence against women and in **Belgium** for NGOs supporting victims of trafficking).

In implementing the necessary quality management and funding measures, governments should prefer not to be seen as overly controlling NGOs or interfering with their independence. They should strive to be seen as acting on objective criteria. One way to achieve this transparency and to foster trust in the objectivity of decisions is to include private organisations in decision-making processes, for example by setting up a council or a commission that integrates the main public and private actors dealing with victims. Such a body may take or prepare decisions on quality standards, on funding as well as on the development of policies in areas relating to the rights of victims. One such example in recent years is the **Irish** Victims’ Rights Alliance, an umbrella association of victim support and human rights organisations. The Alliance provides a platform for victims’ rights NGOs in Ireland to engage with relevant interest groups, including the government, on the implementation of the Victims’ Directive. It aims at ensuring that the Directive is implemented within

the proposed timeframe, covering all victims of crime and actually making a practical difference to them.<sup>134</sup>

### 3.3. Regionalisation

Another aspect of the internal structure of victims support services is the degree to which they are centralised or regionalised, from both an administrative and geographical perspective. This can affect the availability and quality of services throughout different regions of a Member State, regardless of whether they are run by the state or by NGOs.

#### 3.3.1. Generic victim support

FRA research shows that generic support services in a large number of Member States are clearly regionalised. This includes both state-run generic services and those operated by NGOs as well as some Member States in which generic victim support is the responsibility of both the state and NGOs.

In **Estonia**, for example, victim support on the state level is explicitly based on the principle of regionalism.<sup>135</sup> The Social Insurance Board has victim support centres in all 15 counties and each local government provides its own services within their municipality.<sup>136</sup> NGOs usually limit their activities to a particular region.

Several Member States have adopted a hybrid model of generic victim support, with some elements or services operated centrally and others delegated to regional actors. In **Croatia**, services are both centralised within the Ministry of Justice, and regionalised through services available at courts. In **Hungary**, the Justice Service’s Central Office exercises professional control over support services, while regional government offices handle the administration. In Member States where both the state and NGOs are responsible for providing generic victim support, a distinction can also be drawn based on the nature of the service provider. In **Sweden** for example, victim support is clearly centralised through the state-run Crime Victim Compensation and Support Authority, yet regionalised through local non-governmental shelters led by the Swedish Association for Victim Support.

#### 3.3.2. Specialised victim support

Victim support services for specific groups of victims may be regionalised in Member States where generic services are centralised. This is the case in **Greece**,

133 See the press release by Transparency International at: [www.transparency.org/news/pressrelease/transparency\\_international\\_calls\\_for\\_an\\_immediate\\_end\\_to\\_intimidation\\_](http://www.transparency.org/news/pressrelease/transparency_international_calls_for_an_immediate_end_to_intimidation_).

134 <http://victimrightsalliance.com/about/>.

135 See: Victim Support Act §4(1).

136 Päll, E. and Raag, T. (2012), see also: [www.ensib.ee/ohvriabi-tootajate-kontaktandmed-4/](http://www.ensib.ee/ohvriabi-tootajate-kontaktandmed-4/).

where some NGOs provide support to minors in cities other than Athens and Thessaloniki, where centralised generic support services are located. The opposite is evident in **Spain**, where organisations specialising in specific groups of victims are not evenly distributed, while generic services are available in most autonomous regions. Similarly, in **Finland**, women's and children's centres are not available in all regions, despite the strong regionalisation of generic services (see Chapter 4).

### 3.4. The role of volunteers in victim support provision

The victim support system in the vast majority of Member States relies to some extent on volunteers. FRA research findings show that volunteerism is on the rise across EU Member States, and that there is a higher provision of generic victim support services in those countries with a long-standing culture of volunteering. Many Member States also have a strong tradition of social work which also links to victim support provision (for example, in the profile of those who volunteer for victim support organisations, as many volunteers have a professional background in social work).

The following section looks at the significance of the relationship between victim support and traditions of charity work or other forms of voluntary contributions in public matters, and how it has developed over the past few decades. It then examines the ratio between staff and volunteers working for victim support services in selected Member States.

#### 3.4.1. Development of volunteerism in EU Member States

The development of social work as a profession began in most Member States in the second half of the 20th century, and many Member States also have a strong presence and history of volunteers working in the victim support sector (such as **Germany** and the **United Kingdom**).

In newer EU Member States such as the **Czech Republic**, **Hungary**, **Latvia**, **Lithuania** and **Romania**, social work, as with volunteerism, is a relatively recent development, beginning in the late 1990s. Such Member States, where civil society activities were suppressed over decades of authoritarian rule, today show encouraging signs of increased citizen involvement in victim support. This applies, for example, to the steady increase in private victim support initiatives in **Poland** as well as to the voluntary involvement of private individuals, including students, in **Croatia**. These developments reflect the considerable number of specialised private initiatives

in both countries concerned in particular with domestic violence and the trafficking of human beings.

#### Promising practice

##### Encouraging volunteerism

In **Hungary**, volunteerism in the field of victim support is a relatively new phenomenon. In the framework of the ACT programme (*TEtt Program az Áldozatokért és a Tettesekért*),<sup>137</sup> implemented within the national development plan with the support of the European Social Fund, one key initiative was the organisation of volunteer networks to assist victims of crime. The ACT programme has recruited 200 volunteers since February 2011, including two in each sub-region situated in the nine counties ACT covers. Based on the *Hungarian National Social Inclusion Strategy* for 2012 to 2014, additional Roma volunteers were recruited into the network.<sup>138</sup> Victim support officers participate as mentors to volunteers and provide training.

Volunteerism in the field of victim support is also quite recent in **Croatia**, which has struck a balance between the paid professional work of civil servants and the unpaid work of volunteers. Recently established 'witness support offices' have enlisted the help of a network of more than 200 trained volunteers, many of them law students. Support staff and volunteers do not give legal advice or carry out psychological counselling or psychotherapy. The testimony of a witness or victim is kept confidential. Support officers and volunteers can refer victims/witnesses to organisations providing psychological counselling or psychotherapy.<sup>139</sup>

Source: ACT Programme Hungary, [www.tamop.irm.gov.hu/](http://www.tamop.irm.gov.hu/); Hungarian National Social Inclusion Strategy, <http://romagov.kormany.hu/hungarian-national-social-inclusion-strategy-deep-poverty-child-poverty-and-the-roma>

Profiles of volunteers vary across Member States, but in many countries volunteers are students or have a professional background in law, psychology, social work or healthcare, and to a lesser extent, in politics, education, journalism or languages (**Austria**, **Bulgaria**, **Croatia**, **Czech Republic**, **Cyprus**, **Denmark**, **Finland**, **Hungary**, **Malta** and **Portugal**). Police, prosecutors and judges in **Austria** also

<sup>137</sup> See: [www.tamop.irm.gov.hu/](http://www.tamop.irm.gov.hu/).

<sup>138</sup> Information is available at: <http://romagov.kormany.hu/hungarian-national-social-inclusion-strategy-deep-poverty-child-poverty-and-the-roma>.

<sup>139</sup> Each office has a list of such organisations with contact information, divided by areas of activity, and victims are given information about the options. Volunteers in victim and witness support departments in county courts are tasked with waiting for victims at court and accompanying them to separate waiting rooms, providing answers to questions related to court proceedings and explaining what to expect in the courtroom. They can also accompany the witnesses and spend time with them in the courtroom.

work as volunteers for the main generic victim support organisation (*Weisser Ring*). This is part of their training and could be considered a good practice in raising the awareness and sensitivity of practitioners about the rights and needs of victims of crime, helping also to prevent 'secondary victimisation' of victims during criminal proceedings. Victim support organisations in the **Czech Republic, Denmark and Germany** also have volunteers from the police, prosecution and judiciary.

It is difficult to draw firm conclusions about the gender, age or background profile of volunteers from the findings, but experience shared by the Ministry of Justice and Victim Support in the **United Kingdom**, for example, suggests that the diversity of volunteers has increased and the average age has fallen in recent years. The majority of volunteers working for victim support services in **Bulgaria, Croatia, Cyprus and Malta** also appear to be students. In contrast, many **Austrian** volunteers are retirees, while the majority of volunteers in **Hungary** are said to be over 40.

In **Hungary**, and perhaps many of the countries mentioned above, it is perceived that the rate of voluntary activity is closely related to a person's educational attainment. Those with higher qualifications are more active than those without.<sup>140</sup> In terms of gender, **Germany** and the **United Kingdom** both have a majority of female volunteers in the victim support sector.

Some countries (for example **Cyprus**) attribute an increase in the number of people volunteering in the field of victim support to the financial crisis and rising unemployment. Such voluntary jobs requiring professional knowledge help young people gain experience and improve their opportunities for future employment.

In contrast, in **Bulgaria**, economic and societal factors could account for the lack of popularity of volunteering. People may be unable to dedicate time to unpaid work; unpaid work may not be valued when applying for a job in the country; such initiatives may not offer promotion paths and the organisations may be largely unknown, meaning that the population at large does not value them. Prejudice also exists against certain human rights issues. Despite these factors, however, there is evidence that volunteerism in Bulgaria is growing, especially among young people, as volunteers are typically students of law, journalism, languages, politics or psychology who spend a limited amount of time with a particular organisation and move on. Volunteering by older adults in Bulgaria is rare.

<sup>140</sup> A 2011 Eurobarometer report on volunteering, although not focusing specifically on volunteering in the field of victim support, found that more educated respondents had a higher level of voluntary activity. European Parliament (2011).

### Policy on volunteering in Denmark

On 1 July 2013 the Ministry of Social Affairs and Integration in **Denmark** published a renewed Charter for interaction between the voluntary sector and the public sector (*samspil mellem den frivillige verden og det offentlige*). The charter contains visions and principles of the interaction between the voluntary sector and the public sector and focuses on trust between sectors, reciprocity and cooperation. According to the charter, almost half of the population in Denmark does some volunteer work.

Source: <http://duf.dk/charter/>

### Victim Support UK

"Our volunteers are central to the work we do and continue to outnumber paid employees by over four to one. We fundamentally believe that volunteers bring unique value through the help they give – often in ways that employees cannot. Volunteers are genuinely part of communities and are therefore very well placed to understand and engage with local people. The training and support we give our volunteers, backed up by their commitment, undoubtedly delivers a professional and high quality service."

Source: *Victims Support UK (2011), Annual Report, p. 11: [www.victimsupport.org.uk/](http://www.victimsupport.org.uk/)*

### Victim Support Netherlands

"Victim Support Netherlands is nothing without its volunteers, and we want to offer victims the best service." (*Slachtofferhulp Nederland kan niet zonder zijn vrijwilligers, en we willen onze slachtoffers het beste bieden.*)

Source: *Victim Support Netherlands, [www.slachtofferhulp.nl/](http://www.slachtofferhulp.nl/)*

## 3.4.2. Professionals and volunteers

The following section takes a closer look at the role and tasks of volunteers, examining the training they are provided and the ratio of paid staff to volunteers.

As discussed above, one prominent issue of the internal organisation of victim support organisations is the deployment of volunteer work. Victim support organisations in most Member States are staffed with a combination of full- and part-time paid staff and unpaid volunteers. As mentioned previously, volunteers are key to the functioning of victim support structures in many Member States. This section takes a brief look at the division of labour between professional staff and volunteers (many of whom are also professionals) and the tasks performed within some of the larger generic victim support organisations.

As Table 8 shows, victim support services rely on the work of volunteers in Member States such as **Austria, Croatia, the Czech Republic, Denmark, Finland,**

**Table 8: Overview of staff/volunteers working for main generic victim support organisations in selected EU Member States**

EU Member State	Organisation name	Number of staff	Number of volunteers
AT	Weisser Ring	16	300
CZ*	White Circle of Justice	46	225
DE	Weisser Ring	87	3,100
DK*	Victim Support Denmark (VID)	1	200
FI*	Victim Support Finland (RIKU)	28	300
FR*	Network of victim support accredited by the judiciary (including INAVEM members)	1,400 (approx.)	650
HR*	County Court level departments providing witness and victim support	13	200
HU*	Victim Support Service ( <i>Áldozatsegítő Szolgálat</i> )	48	200
NL	Victim Support Netherlands (VSN)	400	1,300
PT*	The Portuguese Association for Victim Support (APAV)	40	300
SE	Victim Support Sweden (The Swedish Association for Victim Support, BOJ)	7	1,350
UK* (England and Wales)	Victim Support England & Wales	1,200	6,500
UK* (Scotland)	Victim Support Scotland	130 (approx.)	1,000
UK* (Northern Ireland)	Victim Support Northern Ireland	60	200

Note: The data are from May 2013 unless marked with an asterisk (\*) in which case they are from August 2012. Volunteer numbers are approximate. The category 'Staff' includes both full- and part-time staff.

Source: FRA, 2014

Germany, Hungary, the Netherlands, Portugal, Sweden and the United Kingdom, where volunteer workers far outnumber staff. In 11 of the 12 Member States for which data are available, the ratio of staff to volunteers ranges from between three or four to one (Czech Republic, Hungary, Netherlands, United Kingdom (England and Wales)) to 200 to one (Denmark and Sweden).

In contrast in France, two-thirds of those working for NGOs providing victim support are paid staff. France has seen a trend towards a professionalisation of victim support in recent years,<sup>141</sup> away from the beginnings of victim support in the 1980s, when the majority of those working for victim support NGOs were volunteers. The National Council of Cities claims that volunteerism has declined as increasing numbers of full-time professional staff are employed (with cost implications for NGOs).

<sup>141</sup> Also in the framework of conventions developed with the Ministry of Justice (and the judiciary in the field), the Ministry of Interior and other administrations funding the operations of NGOs (including for hotlines).

### 3.4.3. Tasks of volunteers and time worked

Typical volunteer tasks in victim support include: answering helplines/victim counselling and providing information on who to approach for support (Austria, Cyprus, Finland, Ireland and the Netherlands); accompanying victims during court proceedings, public relations such as information desks, information events (Austria and Cyprus); answering questions in social media and internet discussion forums (Finland); filling out applications to insurance companies (Denmark) and providing practical information and support relating to the victim's role and rights at trial (Croatia and Sweden). Volunteers typically work two to eight hours per week (Belgium, Croatia, the Czech Republic, Denmark, Finland, Malta, the Netherlands, Portugal, Sweden and the United Kingdom).

### 3.4.4. Selection and training

Procedures for selecting volunteers vary across EU Member States, as do training requirements and the provision of training and supervision. In most countries,

volunteers working in the area of victim support receive some training, ranging from basic to quite comprehensive training programmes.

In **Belgium**, for example, volunteers are subject to a specific selection method following strict criteria and training. In **Denmark**, all volunteers must pass a basic course in structured crisis interviewing. After acquiring some experience, they must then pass an advanced course in victim counselling, legislation and practices relevant for victim support. In **Finland**, volunteers who work as support persons undergo 40 hours of training when they first begin, followed by supplementary annual training. Volunteers who give legal phone counselling must have a law degree in addition to some experience in criminal cases. Victim Support **Netherlands** (VSN) has its own training academy (*Slachtofferhulp Academie*) which trains professional volunteers, interns and external stakeholders. All volunteers receive special training before they begin working, including a basic course addressing interviewing techniques, victims’ needs and the services VSN provides. The training also includes some legal instruction, focusing on victims’ rights in the Netherlands. Volunteers working in specific fields receive additional specialised training.

The reasons and benefits of employing volunteers differ (see Table 9). One obvious benefit to the organisations, which already struggle to find funding, is that of having unpaid workers providing services to victims. Another benefit especially for younger volunteers could be the gain of professional experience and enhancement of opportunities for future employment. All this should not, however, compromise the quality of services provided to victims, or detract from the obligation of Member States to ensure that such services are available to all victims of crime, free of charge.

As organisations in many Member States struggle to fund already overstretched services to victims in times of austerity, there seems to be an increasing reliance on volunteers. Member States need to find a balance between the number of volunteers and of paid, professional personnel necessary to coordinate the work of volunteers and train them. Tasks performed by personnel of victim support organisations must also be in line with quality standards and appropriate to the professional background of the person providing the support or advice.

### 3.5. European umbrella organisations

At the European level (see Section 3.2.2 on umbrella organisations at national level), there are a range of umbrella organisations active in the fields of networking, coordinating and promoting generic victim support, or supporting specific groups of victims (see Annex 2 for an annotated list). This section examines such organisations, including their mandates and activities, and provides examples of promising practices. This is done to provide a comprehensive overview of victim support organisations in Europe, including linkages between national and European levels.

Information in the following four basic areas was used to analyse umbrella organisations active in victim support at EU level and promising practices at EU level that may also be of relevance at national level:

- membership
- transparency and funding
- support, capacity building, training and expertise
- participation and rights-based approach

**Table 9: Advantages and disadvantages of volunteers’ work in victim support organisations in selected EU Member States**

Advantages	Disadvantages
Lower costs for service providers	Less professional staff, potentially leading to lower quality service and decrease in trust by victims
Motivated staff	Unpaid work is not feasible for all individuals who are interested and qualified to help, in some Member States voluntary work is not recognised or valued
Continued provision of services	Higher staff turnover
Volunteers gain professional experience and can participate in training programmes	Staff may not be able to carry out all elements of support which require full qualification, e.g. legal representation or medical assistance
Volunteers are part of local communities and may be able to identify and engage with victims better	

Source: FRA, 2014





### 3.5.1. Membership and independence

Membership relates to the number of member organisations represented along with the balanced and wide geographical coverage of the national members making up the EU umbrella organisation. Membership is also about a common agenda or common principles for action or the same basic programme, the representativeness of the national members and the clarity and comprehensiveness of the conditions/criteria for becoming members of the umbrella organisation in question.

Victim Support Europe (VSE) is the organisation that perhaps best reflects both these aspects of membership. A policy-oriented organisation comprising 36 non-governmental victim-support organisations in 25 European countries, VSE has strict membership conditions. A member organisation, for example, “does not undertake campaigns concerning the sentencing of offenders, except where issues of compensation or other forms of reparation are concerned”.<sup>142</sup> This approach reflects Victim Support Europe’s philosophy in balancing the fundamental rights of suspects and of victims. Organisations must also provide a range of general services supporting victims of crime, operate at a state or national level, provide services free of charge,

and ensure that the confidentiality of the service user is respected and maintained in all its activities.

Women Against Violence Europe (WAVE) offers a good example of a European-wide, structured umbrella network with a large membership of more than 4,000 organisations and over 100 Focal Points working on the national level in 46 countries. Unlike VSE, which aims mainly at promoting the establishment and development of victim rights and services throughout Europe through policy and advocacy, WAVE is an operational network of European women’s NGOs working specifically to combat violence against women and children. Organisations include women’s shelters, counselling centres, SOS hotlines/helplines and organisations focusing on prevention and training.<sup>143</sup> The organisational structure and the relationships among members are simplified through a system of regional and national focal points.<sup>144</sup>

An example of a smaller EU umbrella organisation, but one that also applies strict membership criteria, is La Strada International. La Strada represents support services for victims of trafficking in human beings in four EU Member States and ensures that all members are victim support services and respect La Strada’s code of conduct.<sup>145</sup> Table 10 provides an overview of the

**Table 10: Selected European umbrella organisations in the area of victim support – members and coverage**

Umbrella organisation	Number of members	Geographical coverage
Victim Support Europe (VSE)	36	25 European countries
Women Against Violence Europe (WAVE)	About 4,000	46 European countries
International Centre for Missing and Exploited Children (ICMEC)	About 25	Worldwide, covers four EU Member States
ECPAT International	Over 80	Worldwide, covers 23 European countries
La Strada International	9	Nine European countries, four EU Member States
Global Alliance Against Traffic in Women (GAATW)	106	Worldwide, covers eight EU Member states
Network of Associations of Victims of Terrorism (NAVT)	34	Seven EU Member States

Note: For a more comprehensive list, see Annex 2.

Source: FRA, 2014

<sup>142</sup> See: Victim Support Europe’s membership conditions: [www.victimsupporteurope.eu/becomemember/conditions](http://www.victimsupporteurope.eu/becomemember/conditions).

<sup>143</sup> See: <http://wave-network.org/content/woman-against-violence-europe-wave>.

<sup>144</sup> See: [www.wave-network.org/content/wave-network](http://www.wave-network.org/content/wave-network).

<sup>145</sup> See: [https://lastradainternational.org/dynamic/files/Code\\_of\\_Conduct.pdf](https://lastradainternational.org/dynamic/files/Code_of_Conduct.pdf).

number and geographical coverage of the EU umbrella organisations under study.

Independence from public authorities, government or political activities, and involvement in criminal proceedings are criteria for membership of some umbrella organisations. WAVE member organisations, for example, must be non-governmental women's organisations in Europe. Similarly, Global Alliance Against Traffic in Women (GAATW) and VSE member organisations must be NGOs. Other umbrella organisations allow the participation of public actors but on the condition that the lead organisation at the national level is an NGO. This is the case for End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), for example.<sup>146</sup>

Other organisations have more mixed structures and membership, including public authorities. For instance, The International Centre for Missing and Exploited Children (ICMEC) has developed its cooperation with the Belgian government, private sector leaders, victims' parents and law enforcement. Using linkages with public authorities, ICMEC encourages the establishment of national and regional operational centres that are based on a public-private partnership model set up with national government support.<sup>147</sup>

### 3.5.2. Transparency and funding

Transparency, clarity and the level of accountability equally play a key role. Information available on funding and activities, as well as the existence of a clear mission statement on aims and target group(s) are among the most relevant aspects in this regard.

Many of the organisations examined could improve how they make available detailed information on their funding sources and annual budgets, including online. Some organisations, however, are role models in this regard, including La Strada International<sup>148</sup> and WAVE.<sup>149</sup>

Another common feature is these actors' participation in the public consultations launched by the European Commission, such as on the victims' package.<sup>150</sup> The European Network Against Racism (ENAR) and VSE, for example, provided contributions which the European Commission took into account. Victim Support Europe presented figures which the Commission used

in its *Communication on Strengthening victims' rights in the EU*.<sup>151</sup>

EU funding, made available by the European Commission, and membership fees are these organisations' main funding sources. The role EU funding plays is particularly important. Most of the organisations have relied on EU financial support, especially from different Directorates-General (DGs) of the European Commission. For instance, the EU's Daphne Operating Grant funded most of WAVE's principal activities and infrastructure. La Strada International also started its activities under the European Commission's PHARE Programme.

### 3.5.3. Support, capacity building, training and expertise

Some of these organisations provide direct support and assistance to victims. La Strada International, for example, provides social, legal and emotional support to trafficked persons.<sup>152</sup> Other organisations work to strengthen grassroots organisations. This is true of ECPAT, which has been active in improving the capacities of grassroots organisations. Local organisations are encouraged to reflect rights-based practices in the care and support of children, and to integrate care standards and child protection policies. ECPAT groups take part in the implementation of various initiatives to protect children at the local level.<sup>153</sup>

WAVE offers a noteworthy example in the provision of information and legal advice. Together with the Austrian Women's Shelter Network, WAVE set up the European Information Centre, a project supported by the European Commission's Daphne Programme. The centre acts as a community-wide information source to support NGOs and public institutions, promoting the establishment and enlargement of women's shelters and support activities.<sup>154</sup> Other organisations, such as GAATW, do not support the creation of victim support services specifically, but engage in initiatives seeking to provide victims of trafficking with pertinent information about their rights in specific countries. As an example, they provide links to national legislation, policies, action plans and cases that can be used to prosecute trafficking and related crimes in countries around the world. Country-specific information on Europe is available for Spain and the Czech Republic, as well as for other non-EU countries.<sup>155</sup> The European Federation of Road Traffic Victims (FEVR) provides free legal advice

146 See: [www.ecpat.net/sites/default/files/membership\\_information\\_revised\\_oct\\_2013.pdf](http://www.ecpat.net/sites/default/files/membership_information_revised_oct_2013.pdf).

147 See: [www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en\\_X1&PagelD=1222](http://www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&PagelD=1222).

148 See: <http://lastradainternational.org/>.

149 See: [www.wave-network.org/](http://www.wave-network.org/).

150 See the European Commission's website on the consultation on the victims' package: [http://ec.europa.eu/justice/news/consulting\\_public/news\\_consulting\\_0053\\_en.htm](http://ec.europa.eu/justice/news/consulting_public/news_consulting_0053_en.htm).

151 See: European Commission (2011c), p. 3, footnote 13.

152 La Strada International (2004).

153 See: [www.ecpat.net/what-we-do/](http://www.ecpat.net/what-we-do/).

154 See: [www.wave-network.org/content/establishing-european-information-center](http://www.wave-network.org/content/establishing-european-information-center).

155 See: [www.gaatw.org/atj/index.php?option=com\\_content&view=category&layout=blog&id=22&Itemid=100](http://www.gaatw.org/atj/index.php?option=com_content&view=category&layout=blog&id=22&Itemid=100).

for road crash victims in Europe through its website and those of its member organisations.<sup>156</sup>

As for training, ICMC developed models to train law enforcement officials on how to investigate internet-related child exploitation cases in collaboration with Interpol.<sup>157</sup> ECPAT is equally involved in training, holding workshops and other educational forums to extend and exchange knowledge among groups in different countries.<sup>158</sup> La Strada International trains professionals – such as the police, service providers and border officials – on trafficking issues.<sup>159</sup> WAVE has been particularly active in organising and coordinating training activities for experts and professionals, especially those designed to support local victims’ services through capacity-building measures.<sup>160</sup> Victim Support Europe also offers training and awareness events.<sup>161</sup>

### 3.5.4. Participation and rights-based approach

Some EU umbrella victim support organisations place the individual at the centre of their activities and encourage direct input and participation. ECPAT established a Child and Youth Action Committee (EICYAC), for example, whose role is to form a strong network of children and young people who can participate in ECPAT’s work at the local, national, regional and international levels.<sup>162</sup>

Another good example is La Strada International, which “recognises trafficked persons as active actors

in changing their own situation, rather than passive recipients of services or victims in need of rescue”.<sup>163</sup> This aspect is of particular relevance to the activities of GAATW, which include support for “self-representation and organisation of those directly affected by trafficking”. This aim is translated into self-help and self-organised groups under the structure of GAATW, which affirms the role of small organisations and directly affected groups in anti-trafficking efforts, including trafficking survivors, migrant women, sex workers, rural women, women workers and returnee migrant women.<sup>164</sup>

Some EU umbrella organisations use a rights-based approach in their work. La Strada International does so in its advocacy work.<sup>165</sup> Similarly, GAATW applies a human rights-based approach to address trafficking issues, which means:

- centring on the human rights of trafficked persons and those in vulnerable situations in all anti-trafficking activities;
- acknowledging the equality of all persons to exercise, defend and promote their inherent, universal and indivisible human rights;
- non-discrimination on any grounds;
- primacy of principles of accountability, participation and inclusivity/non-discrimination in working methodologies, and organisational structures and procedures. In this respect, the self-representation and organisation of those directly affected by trafficking are strongly encouraged and supported.<sup>166</sup>

<sup>156</sup> See information available at: <http://fevr.org/>

<sup>157</sup> See: [www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en\\_X1&PagelD=2036](http://www.icmec.org/missingkids/servlet/PageServlet?LanguageCountry=en_X1&PagelD=2036).

<sup>158</sup> See some training resource kits at: [www.ecpat.net/resources?keyword=training&=Search](http://www.ecpat.net/resources?keyword=training&=Search).

<sup>159</sup> See, for example: <http://lastradainternational.org/doc-center/1221/regional-standard-for-anti-trafficking-police-training-in-see>.

<sup>160</sup> See: [www.wave-network.org/content/training-institute](http://www.wave-network.org/content/training-institute).

<sup>161</sup> See, for example: <http://victimsupporteurope.eu/publications/3h-standardised-distance-training-for-victim-service-providers-patrick-coleman/>.

<sup>162</sup> See: [www.ecpat.net/child-youth-participation](http://www.ecpat.net/child-youth-participation).

<sup>163</sup> See La Strada International’s aims and philosophy: <http://lastradainternational.org/?main=information&section=aimsphilosophy>.

<sup>164</sup> See: [www.gaatw.org/index.php?option=com\\_content&view=article&id=94&Itemid=47](http://www.gaatw.org/index.php?option=com_content&view=article&id=94&Itemid=47).

<sup>165</sup> See: [http://lastradainternational.org/?main=newsletter&section=newsfacts&news\\_id=414](http://lastradainternational.org/?main=newsletter&section=newsfacts&news_id=414).

<sup>166</sup> See: [www.gaatw.org/index.php?option=com\\_content&view=article&id=94&Itemid=47](http://www.gaatw.org/index.php?option=com_content&view=article&id=94&Itemid=47).

## FRA ACTIVITY

## Expert perspectives on the challenges relating to victims' rights in the EU

As part of its research, FRA interviewed 11 leading senior-level experts from European umbrella victim support organisations surveyed in 2012 on their perceptions of the achievements and shortcomings of victims' rights in practice at EU Member State level. The resulting information highlights some of the main expert perceptions about challenges relating to the status of victim support and the rights of victims in practice.

- **Lack of knowledge and information:** experts stress the need for reliable data and information as a basic precondition of effective victim support in two contexts:
  - 1) There is little knowledge about the situation and targeted needs of certain specific groups of victims, the real extent of victimisation, the number of unreported cases, etc.
  - 2) Similarly, information is lacking on the work of victim support organisations. Reliable data about the actual work and quality of European victim support services is lacking, making it very difficult to assess their work on a comparative basis and to identify key areas for further improvement. Europe-wide, comparative data gathering could help with this.
- **Gap between legislation and practice:** experts agree that while most EU Member States have adopted adequate legislation on victims' rights, legislation at both the national and EU levels has had a limited impact on actual victim support practices. One problem highlighted is that not all victims are treated equally. While some groups of victims are prioritised, others – for example migrants and particularly undocumented migrants – are in a disadvantaged position regarding access to effective support services and protection in criminal proceedings. Access to support services should also be available even in cases where the victims of crime do not wish to report the crime to the police. Experts also point to insufficient criminal law definitions, for example in relation to victims of hate crimes, victims of trafficking in human beings and victims of road traffic accidents.
- **Insufficient funding:** the availability of high quality victim-support services is closely related to funding, and experts perceive that victim support services are often seriously underfunded. The lack of proper funding affects the quality of services: many organisations lack proper professional personnel, and staff members are not trained or do not have enough experience.
- **Providing victims with timely and comprehensive compensation for damages:** Experts criticise the difficult, lengthy and bureaucratic procedures to obtain compensation.

## Conclusions

This chapter has looked at how the principles derived from Articles 8 and 9 of the Victims' Directive translate into the practical reality of victim support in EU Member States. Within this context, it sought to present an overall perspective of some of the key aspects, dimensions and challenges of generic victim support provision in the EU, also referring to the role of EU-level umbrella organisations that advocate for and provide support to various categories of victims.

As regards the organisation of victim support services, the FRA findings confirm the variety of structures in place across the EU. Amongst other factors, the Member State models vary as to the state actor responsible for the oversight of support services, funding methods, the geographical distribution of services and the extent to which services rely on the work of volunteers as opposed to permanent staff. Nonetheless, the findings indicate some emerging themes. In the majority of Member States, responsibility for support services is distributed among several ministries. The most common

model regarding the geographical distribution of generic support services is that of strong regionalisation, regardless of the size of the Member State or the public or private nature of the main service provider. Volunteers outnumber permanent staff in most Member States, while their tasks and training vary depending not only on the nature of the service provider, but also on the historical development of volunteerism in the country in question. In addition, generic victim support provision in the majority of Member States relies on cooperation between public and private bodies.

However, while it is obvious that Member States may wish to take experiences of other Member States into account when establishing, extending or strengthening a system of victim support services, a careful assessment of the transferability of models and solutions from one Member State to another is necessary. Several aspects must be considered. These might include, for example, cultural differences relating to traditions of private initiatives and involvement in issues of common interest, or the readiness of citizens to engage in voluntary work.

## Ensuring access to generic victim support for all victims

Most Member States provide some form of generic victim support services, and all Member States provide support services to at least some specific groups of victims. Eight Member States, however, have yet to establish the generic victim support services required by Article 8 of the Directive. Article 8 (5) furthermore specifies that provision of services should not be dependent on a victim making a formal complaint. Funding to support services should be carried out in a transparent and objective manner that ensures access to victim support services for all.

### FRA opinion

*EU Member States which have not yet established generic support services are encouraged to take urgent steps to comply with the Victims' Directive (Article 8). Access to support services should be available to all crime victims free of charge and should not be dependent on a victim reporting the crime to the police.*

### FRA opinion

*EU Member States should ensure that victim support is coordinated and that referral – according to Articles 4 (1) and 8 (2) of the Victims' Directive – is effective, particularly for certain groups of victims who may have specific protection needs and may fall under the remit of different ministries and/or support organisations.*

*Victim support should be organised in a manner that allows victims, as much as possible, to benefit from a relation of trust. The support system should avoid handing the victim over from one support provider to another, where unnecessary. In this respect it is important that victims can be accompanied to court proceedings by the same person who supports them before and after the trial phase, as required by Article 20 (c) of the Victims' Directive.*

*Support services should be positioned in a manner that allows them to act in strict confidence and in the interests of the victim and ensures that support services can also be perceived to act in such a manner. In order to guarantee this orientation, organisations providing victim support should not also be tasked with providing mediation or probation services.*

## Providing comprehensive and confidential services

FRA research shows that a majority of EU Member States distribute responsibility for support services among several ministries. Most also rely on cooperation between public and private bodies to provide generic victim support. FRA research shows that generic support services in a large number of Member States are clearly regionalised. For effective support services, the organisation must be designed with a view to establishing trust and confidence with victims. This can be done, for example, by ensuring that victims are not transferred between organisations and individuals (although in some cases specialist referral may be necessary). The tasks of support services should also solely focus on providing support to victims. Mixing victim support with mediation and probation services, as some EU Member States do, would not, for example, instil sufficient confidence in the objective of the delivery of support. FRA findings also show that a number of EU Member States do not guarantee victims the right to be accompanied by support persons during trial.

## Involving volunteers

The tasks and training of volunteers working for victim support services vary depending not only on the nature of the service provider but also on the historical development of volunteerism in the country in question. FRA research shows increased reliance on volunteers, due in part to economic constraints and to a rise in volunteerism in several EU Member States where such traditions are less strong. While FRA findings highlight the need to strike a balance between the number of volunteers and professional staff working in victim support, overall, FRA evidence shows that victim support systems in the vast majority of Member States rely to some extent on volunteers. There tends to be a higher provision of generic victim support services in those countries with a long-standing culture of volunteerism.

FRA opinion

*FRA recognises the importance of encouraging citizens to become involved in the performance of public tasks and recommends initiatives at EU Member State level to foster volunteerism, particularly in Member States where voluntary work may be a relatively new concept. Consideration should be given to the relation between the number of professional staff and the number of volunteers. In particular, organisations relying on volunteers should make sure that permanent staff offer effective guidance to volunteers and supervise the quality of their work. Tasks performed by professionals or volunteers of victim support organisations must be in line with quality standards and appropriate to the professional background of the person providing the support or advice.*

FRA opinion

*The EU should continue its interaction with and support to victim support organisations working at the European level, drawing on their expertise and ability to pool best practices and knowledge among their members. This expertise includes the provision of further assistance with respect to the increasing need for cross-border facilitation of victim support. Generic services at EU and Member State levels should cooperate with and draw on the wealth of experience amassed by specialised services, in particular that of organisations that support women who are victims of violence.*

## Role of umbrella organisations at the EU level

A considerable number of organisations advocate at EU level for the rights of victims of crime in general or for specific groups of victims – such as women who are victims of violence. Such organisations contribute significantly to making the fundamental rights of persons living in the EU a reality. Importantly, the diversity of organisations at EU level mirrors the different approaches to the rights of victims and to the organisation of the provision of victim support both between and within Member States.



# 4

## Support for specific groups of victims



This chapter examines the requirement under the Victims' Directive for Member States to ensure that victims receive an individual assessment to identify specific protection needs. Various victim support initiatives target specific, often especially vulnerable victims – persons in situations of vulnerability, who are also victims. This chapter will outline various categories of victims, accompanied by a number of promising practices that have been identified in EU Member States and could be considered transferable. FRA research related to specific categories of victims, such as victims of violence against women, migrant victims and victims of hate crimes will also be referred to here.

As all Member States provide victim support services to at least some categories of victims, this section covers all 28 Member States (see Section 4.2).

### 4.1. Individual assessment

Some categories of victims, such as children, victims of domestic violence, victims of exploitation or hate crime and victims with disabilities, may be considered to be particularly vulnerable to secondary and repeat victimisation, intimidation and retaliation, and therefore require specific support and protection (some victims may also have 'multiple' vulnerabilities, such as migrant women or children with disabilities). The Victims' Directive recognises this by requiring an individual assessment of victims' needs, as well as specific services to address these needs. The two issues are closely related, as the initial individual assessment may lead to referral to either a specialised support organisation, or a specialised service within a generic organisation.

Article 22 of the Victims' Directive obliges EU Member States to ensure an individual assessment of victims to identify possible specific protection needs, including

victims who have suffered considerable harm due to the severity of the crime, victims of a crime based on bias or a discriminatory motive, or victims made vulnerable by their relationship to and dependence on the perpetrator.

#### EU legislation: Measure E of the Budapest Roadmap

Measure E (see Figure 5) of the Budapest Roadmap addresses the specific needs of certain groups of victims.<sup>167</sup> The Council recalls that some victims have specific needs based on the type or on the circumstances of crime they are victim of, given the social, physical and psychological repercussions of these crimes. Among other groups, the Roadmap mentions victims of trafficking in human beings and child victims of sexual exploitation.

See: [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011G0628\(01\)&qid=1402495822750&from=EN](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011G0628(01)&qid=1402495822750&from=EN)

The first point of contact with the victim, typically the police or a victim support organisation, should carry out the individual assessment. Where the police conduct the assessment, the identification of specific protection needs may lead to the referral of the victim to a specialised victim support organisation able to cater to these needs (see Section 4.2).

The assessment toolbox framework from Victim Support Scotland illustrates how such an assessment by victim support organisations may be structured in practice.

Source: Victim Support Scotland



<sup>167</sup> Council of the European Union (2011).

### Promising practice

#### Developing common practices for assessing victims' protection needs

The Ministry of Justice's Victim Support Service in **France** is aiming to set a common EU process for the evaluation of victims' protection needs and to promote a standardised implementation of Article 22 of the Victims' Directive. This pilot project is one of two the French support service is conducting concerning this article's implementation, which is funded by the Criminal Justice programme of the European Commission (JUST/2013/JPEN/AG).

#### Assisting victims of terrorism

The UN set up a global portal to support victims of terrorism. The portal, launched in June 2014, provides an overview of government-offered services from around the world and lists available legal resources. There are currently 14 services listed, of which five are from EU Member States. The portal also provides a directory of civil society organisations that offer support to victims and provides an overview of what the UN has done in terms of developing tools to support victims, such as handbooks, monitoring mechanisms and other instruments.

Available at: [www.un.org/victimsofterrorism/en](http://www.un.org/victimsofterrorism/en)

Among the groups that should be considered as typically having particular vulnerabilities, the Victims' Directive lists victims of terrorism, organised crime, human trafficking, gender-based violence, violence in closed relationships, sexual violence, exploitation or hate crime, and victims with disabilities. Children, irrespective of the nature of the crime, are always presumed to have specific protection needs.<sup>168</sup> More precisely, the Directive states that "persons who are particularly vulnerable or who find themselves in situations that expose them to a particularly high risk of harm, such as persons subjected to repeat violence in close relationships, victims of gender-based violence, or persons who fall victim to other types of crime in a Member State of which they are not nationals or residents, should be provided with specialist support and legal protection. Specialist support services should be based on an integrated and targeted approach which should, in particular, take into account the specific needs of victims, the severity of the harm suffered as a result of a criminal offence, as well as the relationship between victims, offenders, children and their wider social environment".<sup>169</sup> The Victims' Directive also emphasises the significant role played by specialist support services, and the importance of providing victims with information about their rights, in addition to support such as shelter and safe

<sup>168</sup> In addition to Art. 22, see Recitals 14–18, 36 and 56–59, Victims' Directive.

<sup>169</sup> Directive 2012/29/EU, Recital 36.

accommodation, immediate medical support, short- and long-term psychological counselling, trauma care and legal advice (for more information on the importance of the provision of information to crime victims, see Section 2.4).

## 4.2. Provision of support to specific groups

While not all EU Member States have support structures offering support to all categories of victims of crime (**Bulgaria, Cyprus, Greece, Italy, Latvia, Lithuania, Romania and Slovenia**), all Member States offer support to at least certain categories of victims. Article 8 (3) of the Victims' Directive requires Member States to ensure that victims, in accordance with their specific needs, have access to specialist support services. According to Article 9 (3), these services must as a minimum develop and provide "appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation", as well as "targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling".

As discussed in Chapter 3, the Directive leaves it up to Member States to establish specialist services separately and in addition to general support services or to integrate them into a generic organisation.

There are strong arguments in favour of both solutions. Robust and flexible referral mechanisms that operate without friction are easiest to achieve through an embedded service. A comprehensive organisation also avoids gaps and fragmentation and fosters a homogenous and consistent philosophy across the support of various groups of victims.

Specialised services, on the other hand, may be better positioned to promote the rights of certain groups of victims. Article 22 of the Council of Europe Convention on preventing and combating violence against women and domestic violence, known as the Istanbul Convention,<sup>170</sup> also obliges parties to establish specialist support services. This requirement can be seen as relating to the objective of implementing a gender perspective throughout state policies countering violence against women. Once again, this is less a matter of internal expertise than of external visibility. For example, the public is less likely to perceive a generic service as an advocate for the rights of women, even if the staff are all qualified to do so, than a smaller service that deals predominantly or exclusively with violence

<sup>170</sup> Council of Europe (2011).



against women. Similar considerations apply to the provision of support to specific groups of hate crime victims, for example LGBT persons. Specific groups of victims may find it easier to confide in and rely on the solidarity of smaller and highly specialised organisations advocating for their rights.

Building upon a general overview of victim support at the national level, part of the research focused on two specialised areas of victim support in each Member

State. It selected those areas considered to be particularly relevant for identifying promising practices which could assist other Member States when implementing legislation and measures related to the rights and support of victims of crime (see Table 11 for an overview by Member State of which areas were selected). The following section outlines the types of services available to specific groups of victims and highlights promising practices from Member States and other comparative findings identified during the research.

**Table 11: Overview of specific areas of victim support chosen, by EU Member State**

EU Member State	Generic	Domestic violence	Children	Human trafficking	Terrorism/torture	Hate	Road traffic
AT	x	x	x				
BE	x	x		x			
BG		x		x			
CY		x		x			
CZ	x	x		x			
DE	x			x		x	
DK	x			x		x	
EE	x		x	x			
EL		x		x			
ES	x				x		x
FI	x	x		x			
FR	x	x				x	
HR	x		x	x			
HU	x		x			x	
IE	x		x	x			
IT			x	x			
LT		x		x			
LU	x		x				x
LV			x	x			
MT	x	x	x				
NL	x			x		x	
PL	x	x		x			
PT	x	x		x			
RO			x	x			
SE	x		x	x			
SI	x	x		x			
SK			x	x			
UK	x				x	x	

*Note:* FRA research chose two areas per Member State that were considered particularly developed and likely to provide promising practices of interest to other Member States. The first column also denotes those Member States that have at least one generic victim support organisation. Many Member States also offer support services targeting multiple categories of victims – this table should be read only in light of which two areas were chosen as particularly relevant for the research.

*Source:* FRA, 2014. The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research

#### 4.2.1. Migrant and non-national victims (especially migrants with irregular status)

According to data compiled during the research for this report, in 19 of 28 EU Member States, support is available to victims of crime irrespective of their nationality, country of origin or legal status. Project data show that police and victim support services in most states have special measures in place to deal with at least certain categories of victims who may be irregular migrants, such as victims of human trafficking.

##### Promising practice

##### Deploying special measures for migrant victims with an irregular status

In **Belgium**, the Centre for Equal Opportunities and Opposition to Racism can file a complaint before the criminal courts in the name of victims, while the NGOs *Payoke*, *Pagasa* and *Sürya* can issue requests for a residence permit on behalf of victims who are irregular migrants.

In **Finland**, clients without legal immigration status are referred to the 'Paperless' services (*Paperittomat*) or to the Helsinki Deaconess Institute (*Diakonissalaitos/Diakoni-institut*).

In **Spain**, female victims of gender violence can obtain special residence independent of their spouse. In general, protective measures may be offered irrespective of the person's legal situation, depending on each case.

In **Sweden**, the Sisters' Shelter *Somaya* (*Systerjouren Somaya*) specifically provides services to migrant and Muslim women who are victims of violence and abuse.

Source: Centre for Equal Opportunities and Opposition to Racism, [www.diversiteit.be](http://www.diversiteit.be); Interview with Petra Kjällman, Executive Director of RIKU, 23 April 2013, see also: [www.paperittomat.fi/](http://www.paperittomat.fi/); and Sisters Shelter *Somaya*, [www.somaya.se/start/ditt-språk/english-5996417](http://www.somaya.se/start/ditt-språk/english-5996417)

Project data show that police provide migrant victims with interpretation free of charge in almost all Member States (26). Police make information available to victims in more than one language in 17 of the 28 states, and this is done by victim support services in 25 states. Support services offer interpretation and translation in at least 14 Member States. A particularly promising organisation in this regard is the **United Kingdom's** Victim Support England and Wales, which commissions interpreters from their 'Language line' to provide interpreting in approximately 200 languages. Victim Support **Sweden's** helpline (BOJ) provides support in 24 languages (*Stöd på eget språk*), while in **Finland**, the victim support organisation RIKU has translated general information about the organisation and its functions into 19 languages. For updated information

and details, see the online tables, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>.

##### FRA ACTIVITY

##### Securing the fundamental rights of migrant victims with irregular status

Securing the fundamental rights of migrants in an irregular situation – those who do not fulfil conditions for entry, stay or residence in an EU Member State – remains a challenge. FRA therefore launched a project to examine key aspects of the social situation of irregular immigrants in the EU to assess the extent to which their fundamental rights are respected and protected. Areas covered by the research included health, housing, education, social care, employment status and fair working conditions, access to remedies as well as implications of immigration law enforcement.

While EU Member States have a right to control immigration, non-compliance with migration regulations cannot deprive migrants in an irregular situation of certain basic rights to which they are entitled as human beings. In 2011, FRA published a report which examines the legal and practical challenges facing EU Member States as they strive to guarantee such migrants' fundamental rights and proposes ways to incorporate those rights into the policies, laws and administrative practices that affect migrants in irregular situations.

See: FRA (2011), Fundamental rights of migrants in an irregular situation in the European Union, <http://fra.europa.eu/en/publication/2012/fundamental-rights-migrants-irregular-situation-european-union>

##### Focusing on children

The arrival in the European Union of thousands of separated children from third countries poses a serious challenge to EU institutions and Member States, since, according to the EU Charter of Fundamental Rights and the UN Convention on the Rights of the Child, they have a duty to care for and protect children. A report by FRA examines the experiences and views of 336 separated, asylum-seeking children and those of 302 adults responsible for their care across 12 EU Member States. The report looks at the children's living conditions as well as legal issues and procedures which concern them. The different findings correspond to the various settings in which these children live, thereby addressing the need to incorporate children's views and experiences into work that seeks to inform policy action. The challenge for the EU and its Member States is how to deal with this issue effectively, while fully respecting fundamental rights and acting in the best interests of each child.

See: FRA (2010), Separated, asylum-seeking children in European Union Member States, <http://fra.europa.eu/en/publication/2012/separated-asylum-seeking-children-european-union-member-states>

## 4.2.2. Victims of domestic violence or stalking

In March 2014, FRA launched the results of its survey on violence against women, covering all 28 EU Member States.<sup>171</sup> The survey is based on face-to-face interviews with a representative sample of 42,000 women. Trained interviewers carried out the interviews in 2012, asking respondents about their personal experiences of violence, including physical and sexual violence, psychological violence by a partner, stalking, sexual harassment and violence in childhood.

### Promising practice

#### Implementing special measures for victims of domestic violence

In **Belgium**, the Centres for General Welfare Work offer an internet platform to assist general practitioners in identifying cases of domestic violence.<sup>172</sup>

Results from the FRA survey on violence against women show that victims contact doctors and healthcare institutions more often than any other professional organisation or agency. Healthcare professionals thus have a key role to play in identifying and providing initial support to victims of domestic violence. Evidence also shows, however, that doctors and other clinical professionals are rarely trained for an effective response to domestic violence. Hence initiatives that aim at training and informing healthcare professionals could be considered as promising practices.

See: FRA (2014), <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>

### FRA ACTIVITY

#### Surveying victims of domestic violence and stalking

The FRA survey report presents a comprehensive overview of women's experiences of violence from the age of 15 and in the 12 months before the interview. Overall, the survey found that one woman in three (33 %) surveyed had experienced physical and/or sexual violence by a (current or previous) partner or non-partner since the age of 15. The survey also showed that 8 % had experienced this type of violence in the 12 months before the survey.

The results highlight the vulnerability and specific needs of victims of sexual violence. Women who have experienced sexual violence indicate a number of psychological consequences. They were also more likely to say – compared with victims of physical violence – that they felt ashamed, embarrassed or guilty about what had happened, which can result in victims of sexual violence not reporting these incidents to the authorities. Depending on the type of violence and perpetrator, some 61 % to 76 % of women did not report the most serious incident of physical and/or sexual violence to the police or contact any other support services. The survey compared the experiences of victims who contacted some service or organisation for support. Victims were least satisfied with the assistance they received from the police, compared with other services such as healthcare, social support or victim support services, particularly in relation to crimes of sexual violence. FRA opinions in the report on violence against women refer to the need for multi-agency cooperation, involving police and other services providers, to address violence against women, as well as further specialised victim support services in line with the Victims' Directive and the Istanbul Convention.

FRA findings show that all EU Member States offer at least some support services to victims of domestic violence. However domestic violence against women in Europe remains widespread and under-reported and victims of violence are not effectively supported by public services.<sup>173</sup> It is hoped that the entry into force of the Istanbul Convention in 2014 will have a positive effect on the enforcement of the rights and protection of women across those Council of Europe member states that ratify the convention.

See main results report: <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>; and data visualisation tool: <http://fra.europa.eu/DVS/DVT/vaw.php>

171 FRA (2014), <http://fra.europa.eu/en/publication/2014/vaw-survey-main-results>.

172 See: [www.caw.be/](http://www.caw.be/)

173 See: ELGE (2012), <http://eige.europa.eu/content/document/violence-against-women-victim-support-report> and FRA (2014).

### EIGE research on support services to victims of violence against women

A 2012 report published by the European Institute for Gender Equality (EIGE), a sister agency of FRA, analyses and assesses the range, number, extent and actual use of support services in EU Member States and identifies recommendations for improvement.

One of the issues the report highlights is shortcomings in state funding for specialised services for women victims of violence. The report points out that while all EU Member States have counselling centres/services for victims of violence, EIGE's research shows that only nine Member States (**Croatia, Cyprus, Germany, Ireland, Luxembourg, Malta, Slovenia, Sweden** and the **United Kingdom**) fulfil the Council of Europe's recommended ratio of one counselling centre/service per 50,000 women.<sup>174</sup> Findings also point to insufficient specialised services for female victims of violence and the absence of mandatory gender-sensitive training for professional helpers of victims and perpetrators.

See: Review of the Implementation of the Beijing Platform for Action in the EU Member States: Violence against Women – Victim Support, <http://eige.europa.eu/content/document/violence-against-women-victim-support-report>

### USEFUL TOOLS FOR VICTIMS OF CRIME

#### Supporting women against violence

This app, called Clique180, guides women information on what to do if exposed to violence. The app, launched during the 2014 World Cup in Brazil, provides user-generated geodata on safe and unsafe areas and explains what violence against women is. The self-explanatory user-friendly interface gives links to support services and to Brazilian federal legislation on violence against women. The app also includes a direct call button to a support services hotline.



Available at: <http://clique180.org.br/download>

### 4.2.3. Child victims

Targeted victim support services are available to child victims in most EU Member States. Some promising practices are highlighted in the accompanying text box.

#### Promising practice

#### Adopting special measures for child victims of sexual abuse

In **Italy**, the *Center for Maltreated Children and family crisis treatment* (CBM) provides a 24-hour helpline for individuals, as well as assistance and advice to social services in the area of child abuse. It also carries out awareness-raising initiatives to support people directly involved in the protection of abused children to enable them to recognise signs of child abuse and to understand how to respond.

In **Hungary**, the *ESZTER Foundation's Ambulance* is an outpatient centre that has provided counselling, psychotherapy and free legal aid services for the survivors of child sexual abuse and sexual assault since 1994. Besides providing support to victims, the Foundation organises campaigns, carries out research, publishes books and leaflets and participates in national and international networks and projects.

In **Latvia** in 2010–2011, the NGO Centre against Violence *Dardedze* developed guidelines for the interviewing/interrogation procedure, which five NGOs that provide social services for abused children tested. The programme was funded by a Latvian-Swiss project 'A child as a victim or witness in criminal proceedings'.

Source: [www.cbm-milano.it/who-we-are/](http://www.cbm-milano.it/who-we-are/); *Eszter Foundation for the Rehabilitation of Victims of Violent Sexual Attacks* (Alapítvány az Erőszakos Szexuális Támadást Elszenvedettek Rehabilitációjára – ESZTER), <http://eszteralapitvany.hu/ambulancia/>; *Centre against Violence Dardedze* (Centrs pret vardarbibu Dardedze) (2011b). *Standard for Interview/Interrogation Room* (Nopratināšanas telpas standarts), [http://rasasperles.lv/eeriks/projektu\\_faili/Standarts\\_mini.pdf](http://rasasperles.lv/eeriks/projektu_faili/Standarts_mini.pdf)

174 EIGE (2012).

## FRA ACTIVITY

## Mapping child protection systems

Following a request from the European Commission, FRA mapped child protection systems in all 28 EU Member States. The research, due for publication in 2015, is designed to support the European Commission's work on drafting EU guidelines for child protection systems. It aims thus: to identify the general scope, structures and functions of the child protection systems in place in the 28 EU Member States; to provide information on interagency cooperation and describe how specific needs of diverse groups of children are addressed; to identify and prioritise opportunities for the EU to support child protection systems; to provide information on transnational cooperation of child protection.

See: <http://fra.europa.eu/en/project/2014/mapping-child-protection-systems-eu>

## Researching child-friendly justice

In January 2012, FRA launched a project which looks at the treatment of children in EU justice systems. The research aims to identify forms of child participation in criminal and civil judicial proceedings, as well as to collect promising practices, in 10 EU Member States. Practices of child participation in justice proceedings vary considerably across EU Member States. There are gaps in relation to clear, consistent standards and guidelines on how and when children should be involved. In 2011, the European Commission highlighted in the *EU Agenda for the Rights of the Child* that promoting child-friendly justice is at the centre of its actions. Therefore, in close cooperation with the Commission, FRA has engaged in research to examine practices and procedures of child participation in justice proceedings which should conform to the Council of Europe's guidelines on child-friendly justice.

See: Council of Europe (2010), [www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20\\_4\\_.pdf](http://www.coe.int/t/dghl/standardsetting/childjustice/Guidelines%20on%20child-friendly%20justice%20and%20their%20explanatory%20memorandum%20_4_.pdf)

The qualitative fieldwork research covers **Bulgaria, Croatia, Estonia, Finland, France, Germany, Poland, Romania, Spain** and the **United Kingdom**. The project has two phases, the first focuses on adult views and the second on children's views. Researchers carried out interviews with adults who work with children in 2012. These included legal professionals such as judges, prosecutors, court staff, legal counsellors, lawyers and law enforcement officials. They also interviewed staff of social service providers, NGOs, psychologists and social workers. In 2013 and 2014, researchers interviewed children to learn from their experiences as witnesses, victims or parties to civil and criminal proceedings in judicial proceedings. The focus is on cases of domestic violence, sexual abuse, neglect and custody conflicts in divorce proceedings. Child-friendly material about justice and the rights of the child is being developed for child interviewees and other interested children.

The main findings of the professionals' views will be presented in a comparative report at the end of 2014; children's views will be presented in 2015.

See: <http://fra.europa.eu/en/project/2012/children-and-justice>

## Investigating violence against children with disabilities

FRA's research project *Children with disabilities: targeted violence and hostility* looks at hostility, including violence, towards children with disabilities across the EU. It seeks to identify the legal and policy framework, as well as the services providing assistance to children and their families. The project, the findings of which will be published at the end of 2014, will also look for examples of promising practices of how some Member States are addressing the problem.

See: <http://fra.europa.eu/en/project/2012/children-disabilities-targeted-violence-and-hostility>

## Reinforcing guardianship systems to cater for the specific needs of child victims of trafficking

The *EU Strategy towards the Eradication of Trafficking in Human Beings 2012–2016* points out that, "there is at present no uniform definition of a guardian and/or representative across the Member States and their roles, qualifications and understanding of competences vary from one Member State to another". It also recognised that comprehensive child-sensitive protection systems, ensuring interagency and multidisciplinary coordination, are key in catering to the needs of diverse groups of children, including victims of trafficking.

It therefore asked FRA to develop guidance, together with the European Commission, on the role of guardians and/or representatives of child victims of trafficking.

FRA conducted desk research through its research network Franet, which collected data and information on guardianship systems in Member States, focusing in particular on the situation of child victims of trafficking. FRA analysed the research findings alongside existing legal standards, including relevant EU legal instruments such as the EU Anti-Trafficking Directive and the UN Convention on the Rights of the Child. To help develop the handbook, FRA also consulted representatives of relevant European and international organisations, NGOs, and selected practitioners and representatives of national guardianship authorities.

The resulting handbook, published in June 2014, aims to strengthen the protection of children by assisting national authorities and other stakeholders across the EU to further develop existing guardianship systems. It seeks to clarify the role of guardians as an essential component of an integrated child protection system. It underlines the importance of the role of guardians and legal representatives in preventing and responding to child abuse and exploitation, and in protecting and assisting child victims of trafficking. The handbook promotes a shared understanding of the main principles and features of a guardianship system. By presenting a set of core common principles and key standards it aims to improve conditions for children under guardianship and promote respect for their fundamental rights.

See: <http://fra.europa.eu/en/project/2014/guardianship-provisions-child-victims-trafficking>

### Tackling child trafficking in the EU

Trafficking in human beings is a major problem both in the EU and worldwide. Every year a substantial number of children fall victim to trafficking for sexual exploitation or other purposes. There are extremely low numbers of convictions in child trafficking cases. A FRA report finds that overall, the EU must do more to address the issue. In particular, it must improve the protection and care of victims.

See: FRA (2009), Child trafficking in the EU – Challenges, perspectives and good practices, <http://fra.europa.eu/en/publication/2009/child-trafficking-eu-challenges-perspectives-and-good-practices>

#### 4.2.4. Victims of hate crime

FRA research indicates that Member States are less advanced in the field of support for victims of hate

crime in comparison to other categories of crimes, although recognition of the need for support services in this area appears to be on the rise.

#### Promising practice

##### Instituting special measures for victims of hate crime

In **Germany**, the initiative Maneo supports gay and bisexual men affected by violence and discrimination. It records and documents homophobic offenses and engages in educational work. Support is offered to victims, persons close to the victim as well as witnesses of a crime related to homophobia. Maneo provides information and support on dealing with the police and other public authorities, refers victims to doctors or lawyers and advises on insurance issues or compensation.

See: <http://www.maneo.de/en.html>

In the **Netherlands**, police developed an online tool in 2013 to enable victims of hate crime to report the incident to the police anonymously. The website explains the concept of hate crimes and encourages reporting. Victims are invited to see a police office and are informed about their rights and legal proceedings.

See: [www.hatecrimes.nl/info-en-links/achtergrond](http://www.hatecrimes.nl/info-en-links/achtergrond)

This tool was inspired by True Vision, a web facility providing information for victims and facilitating the reporting of hate crimes, implemented by the Association of Chief Police Officers in the **United Kingdom** (England and Wales).

See: [www.report-it.org.uk/home](http://www.report-it.org.uk/home)

In **Poland**, a practical guide to antidiscrimination measures for the police defines and describes various forms of discrimination. The manual of good antidiscrimination practices advises on how to deal with hate crime and discrimination cases in a sensitive manner. The manual, published by the National Network of Police Plenipotentiaries for Human Rights Protection and funded by the Polish police, benefited from the input of a number of stakeholders, including the Polish Human Rights Defender, the Government Plenipotentiary for Equal Treatment and several civil society organisations representing LGBT people, religious minorities, people with disabilities and the elderly.

See: Poland, Plenipotentiary of the Commander Chief of Police for the Protection of Human Rights (Pełnomocnik Komendanta Głównego Policji ds. Ochrony Praw Człowieka) (2013), *Human first* (Po pierwsze człowiek), Warsaw 2013, <http://isp.policja.pl/isp/prawa-czlowieka-w-poli/aktualnosc/4344,dok.html>

In **Slovenia**, the *Legebitra* project provides support services to LGBT persons including advice, psychosocial assistance, a hotline, accompanying victims to the police, in court proceedings, and information on and referral to other available services. The project also engages in public advocacy, and provides police training programmes on dealing with victims of homophobic crime.

See: [www.lmit.org/baza/drustvo-informacijski-center-legebitra-2.html](http://www.lmit.org/baza/drustvo-informacijski-center-legebitra-2.html)

## FRA ACTIVITY

## Investigating discrimination and hate crime against Jews

FRA conducted a survey asking self-identified Jews their opinions about trends in antisemitism.

Key findings include:

- Almost half (46 %) of the respondents worry about becoming the victim of an antisemitic verbal insult or harassment in the next 12 months, and one third (33 %) fear a physical attack in the same period.
- Almost two thirds (64 %) of those who experienced physical violence or threats of violence did not report the most serious incident to the police or to any other organisation. Three quarters (76 %) of the respondents who experienced antisemitic harassment in the five years preceding the survey did not report the most serious incident. More than four in five (82 %) of those who said that they felt discriminated against in the 12 months preceding the survey because they are Jewish did not report the most serious incident to any organisation.
- Large proportions of respondents said they considered emigrating from the Member State they live in because they do not feel safe there as Jews.

The survey collected data from 5,847 self-identified Jewish respondents (aged 16 or over) in eight EU Member States: **Belgium, France, Germany, Hungary, Italy, Latvia, Sweden** and the **United Kingdom**. These countries cover over 90 % of the estimated Jewish population in the EU. It is the first EU survey to collect comparable data on Jewish people's experiences and perceptions of hate motivated crime, discrimination and antisemitism.

See: FRA (2013), Jewish people's experiences and perceptions of discrimination and hate crime in European Union Member States: <http://fra.europa.eu/en/publication/2013/jewish-peoples-experience-discrimination-and-hate-crime-european-union-member>; also see the data explorer tool at: <http://fra.europa.eu/DVS/DVT/as2013.php>

## Charting discrimination against LGBT persons

FRA's online survey of over 93,000 LGBT people across the EU reveals widespread bullying and harassment that starts early on in school and carries over into work, housing, social services and access to other goods and services. Without proper intervention, such behaviour may turn into hate crime. About 80 % of the respondents recalled negative comments or bullying at school and close to 50 % said they had felt personally discriminated against or harassed because they were LGBT.

Key findings include:

- A quarter (26 %) of all EU LGBT survey respondents had been attacked or threatened with violence in the five years preceding the survey.
- About three in 10 of all transgender respondents said they were victims of violence or threats of violence more than three times in the year preceding the survey.
- A majority of respondents who had experienced violence (59 %) in the year preceding the survey said that the last attack or threat of violence happened partly or entirely because they were perceived to be LGBT.
- Fewer than one in five (17 %) reported the most recent incident of hate-motivated violence to the police.

See: FRA (2013), EU LGBT survey – European Union lesbian, gay, bisexual and transgender survey – Results at a glance, <http://fra.europa.eu/en/publication/2013/eu-lgbt-survey-european-union-lesbian-gay-bisexual-and-transgender-survey-results>; see also the data explorer tool at: <http://fra.europa.eu/DVS/DVT/lgbt.php>

## Exploring discrimination against minorities

The FRA's *EU-MIDIS Data in Focus 6* presents data on respondents' experiences of victimisation across five crime types: theft of or from a vehicle; burglary or attempted burglary; theft of personal property not involving force or threat (personal theft); assault or threat; and serious harassment. The average rate of criminal victimisation for all groups surveyed in EU-MIDIS was 24 % – in other words every fourth-person from a minority group said that they had been a victim of crime at least once in the 12 months preceding the survey. More 'visible' minority groups – that is, those who look visibly different to the majority population – report, on average, higher levels of victimisation in EU-MIDIS than immigrant or minority groups who look similar to the majority population. These results, however, mask significant differences depending on the EU Member State in which generic respondent groups, such as 'Roma' or 'Sub-Saharan African', live.

See: FRA (2012), EU-MIDIS – Data in Focus 6: Minorities as Victims of Crime, <http://fra.europa.eu/en/publication/2012/eu-midis-data-focus-report-6-minorities-victims-crime>

## Tackling hate crime

Discrimination and intolerance persist in the EU despite the best efforts of Member States to root them out, FRA research shows. Verbal abuse, physical attacks and murders motivated by prejudice target EU society in all its diversity, from visible minorities to those with disabilities. Those who commit such 'hate crimes' – a loose term for this troubling reality – are drawn from across society. Their crimes cause incalculable damage to victims, families and society as a whole, making it ever more urgent to consider how best to respond. This FRA report is designed to help the EU and its Member States to tackle these fundamental rights violations both by making them more visible and by bringing perpetrators to account. This means encouraging victims and witnesses to report these crimes and increasing their confidence in the criminal justice system's ability to deal with them decisively and effectively.

See: FRA (2012), Making hate crime visible in the European Union: acknowledging victims' rights, <http://fra.europa.eu/en/publication/2012/making-hate-crime-visible-european-union-acknowledging-victims-rights>

### 4.2.5. Victims of human trafficking

All EU Member States offer at least some support services to victims of human trafficking. In many Member States, however, such support appears to include only

victims of trafficking for the purposes of sexual exploitation, with victims of labour exploitation often lacking the specific support they need to enforce their rights and access justice.

#### Promising practice

##### Ensuring special measures for victims of trafficking

In 2010 in **Bulgaria**, the Training Centre at the Local Commission for Combating Trafficking in Human Beings in Varna together with the National Commission for Combating Trafficking in Human Beings developed a shelter for the temporary placement of victims of trafficking. The shelter's key tasks are to provide the accommodated persons with decent living conditions and hygiene items, food and medicines, urgent medical and psychological help and an opportunity to establish contacts with their relatives, agencies and organisations. As of March 2012, the shelter is run by the SOS-families at risk Foundation with national budget funding.

Source: Bulgaria (2010), National Commission for Combating Trafficking in Human Beings, 2010 Annual Report, p. 46, and interview with representative of the SOS – families at risk Foundation, Varna, 7 March 2012

In the **Czech Republic**, *La Strada* Czech Republic carries out both reactive and proactive fieldwork seeking to identify cases of human trafficking. This includes the dissemination of information material on prevention and awareness-raising initiatives.

See: [www.strada.cz/en/our-activities/field-work](http://www.strada.cz/en/our-activities/field-work)

In **Latvia**, the NGO "Shelter "Safe House"" has created a multi-disciplinary team, which provides the services of a social worker, social rehabilitator, psychologist, general practitioner, gynaecologist and lawyer.

See: [www.patverums-dm.lv/en/about-us](http://www.patverums-dm.lv/en/about-us)

#### FRA ACTIVITY

##### Examining the fundamental rights challenges affecting migrants in an irregular situation employed in the domestic work sector

Based on research conducted with (predominantly female) migrants and civil society organisations in 10 EU Member States, this report highlights some of the fundamental rights challenges affecting migrants in an irregular situation employed in the domestic work sector. It focuses on the experiences of migrants in an irregular situation. While many fundamental rights issues raised in this report are common to other persons employed in the domestic work sector, the risk of violations is exacerbated for workers who do not have the right to stay in the host country.

See: FRA (2011), Migrants in an irregular situation employed in domestic work: Fundamental rights challenges for the European Union and its Member States, <http://fra.europa.eu/en/publication/2012/migrants-irregular-situation-employed-domestic-work-fundamental-rights-challenges>



## Focusing on child victims

For more information on this report please see Section 4.2.3.

See: FRA (2009), Child trafficking in the EU – Challenges, perspectives and good practices, <http://fra.europa.eu/en/publication/2009/child-trafficking-eu-challenges-perspectives-and-good-practices>

## Bolstering guardianship systems

For more information on this report please see Section 4.2.3.

See: FRA (2014), Guardianship for children deprived of parental care: a handbook to reinforce guardianship systems to cater for the specific needs of child victims of trafficking, <http://fra.europa.eu/en/project/2014/guardianship-provisions-child-victims-trafficking>

## Addressing labour exploitation

FRA began research in 2013 into criminal forms of work exploitation of migrants across the EU, involving fieldwork in 21 EU Member States and desk research in all 28 Member States. The project looks at criminal exploitation of the work of EU and non-EU migrants. It aims to collect information on the nature of and responses to severe forms of labour exploitation across the EU. It builds on previous FRA research, particularly concerning irregular migrants in domestic work, and is linked to work on victims' rights and support.

Through fieldwork interviews and desk research, the project will collect information about the situation on the ground with regard to: the forms and frequency of labour exploitation incidents; the economic areas affected; common risk factors that contribute to labour exploitation; prevention measures aimed to reduce the risk of labour exploitation; and the obligations of specific organisations involved in preventing labour exploitation and supporting victims and the cooperation that exists between them.

Using the information and evidence collected in 2014 by FRA, the Agency will prepare a comparative report based on the research findings, to be published in 2015.

See: FRA (forthcoming), Addressing severe forms of labour exploitation, <http://fra.europa.eu/en/project/2013/severe-forms-labour-exploitation>

## USEFUL TOOLS FOR VICTIMS OF CRIME

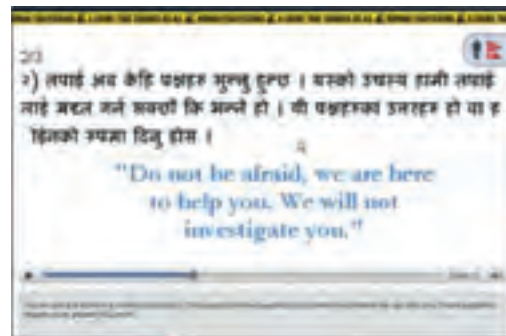
### Sending life support messages to victims of human trafficking

The Victim Translation Assistance Tool uses audio messages to enable law enforcement officials and victim service providers – often the first point of contact for victims of human trafficking who do not speak the language of the country they are in – to provide a level of basic assistance to victims of human trafficking.

Thirty-five basic questions and messages have been recorded and translated into 40 languages, including special questions for children.

The tool was developed by UN.GIFT/UNODC, the Austrian Criminal Intelligence Service and the Austrian NGO LEFOE-IBF. Human trafficking survivors contributed to the development of the messages, with the support of human trafficking experts who focus on victims' needs.

Download the tool from: [www.ungift.org/knowledgehub/en/tools/vita.html](http://www.ungift.org/knowledgehub/en/tools/vita.html)



#### 4.2.6. Victims with disabilities

FRA research shows that at least a third of police services in EU Member States have special measures in place to deal with victims with a disability, while at least a quarter of victim support services also have

special measures. Support measures are more likely to be provided on an ad hoc basis and most often relate to physical and communicative barriers faced by persons in a wheelchair, deaf persons or persons with intellectual disabilities.

##### Promising practice

#### Adopting special measures for victims with disabilities

**Denmark** has specialised centres for women (*Handikap, Udvikling i Kvindecentre, HUK*) aimed at improving services for women and children with disabilities who were victims of violence. From 2005–2009, seven such crisis centres were established.

*Source: Final evaluation of the project "Disability, Development of Centres for Women", which operated from 2005-2009, published by the National Board of Social Services, June 2009 (Afsluttende evalueringsrapport for projekt HUK i perioden 2005-2009, udgivet af Servicestyrelsen i juni 2009)*

In **Portugal**, the Portuguese National Republican Guard has special teams in place to deal with victims with a disability. These teams then communicate with other services to respond to the specific needs of these victims.

*Source: Guarda Nacional Republicana, [www.gnr.pt/default.asp?do=02721/avn8r](http://www.gnr.pt/default.asp?do=02721/avn8r)*

In **Spain**, the police (*Guardia Civil*) has a Support Unit for people with mental health problems. CERMI is a Spanish Committee representing victims of gender violence, terrorism and traffic accidents with various disabilities. Depending on the category of victim and the type of disability, CERMI offers free legal aid, full social care, provisional financial support for urgent needs, and priority access to social housing.

*Source: Unidad de Atención a Víctimas con Discapacidad Intelectual (UAVDI), [www.pardo-valcarce.com/uavdi/uavdi.php](http://www.pardo-valcarce.com/uavdi/uavdi.php); Comité Español de Representantes de Personas con Discapacidad, [www.cermi.es/es-ES/Paginas/Portada.aspx](http://www.cermi.es/es-ES/Paginas/Portada.aspx)*

In **Romania**, children with disabilities who are victims of abuse or violence can be questioned using special techniques, such as the use of anatomic dolls, drawing or playing.

*Source: Romania, Government Decision No. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence*

In the **United Kingdom**, for victims with a disability, Victim Support uses a Needs Assessment Tool to identify specific needs and tailor its services. Victim Support enables people with a disability to access its services using enhanced telephony and other communication systems, such as by email, fax, SMS/text message, directly to a text phone or via text relay. It also arranges to see victims in a location that is accessible to wheelchair users, where relevant.

*Source: [www.victimsupport.org.uk/](http://www.victimsupport.org.uk/)*

#### Supporting victims with learning disabilities

A United Kingdom-based not-for-profit social enterprise, Beyond Words, produced a guide on supporting victims aimed at people with learning disabilities. The guide offers the following features:

- explanations of special measures to assist victims, making them feel more comfortable and helping them to give evidence;
- description of the Crown Court officials;
- short glossary of terms;
- relevant organisations and literature for further help;
- guidance on using the book.

Beyond Words publishes books and provides services for adults with learning disabilities, their family carers, support workers and other professionals.

*For more information and to download the guide, Guide on Supporting Victims aimed at victims with a learning disability, see: [www.booksbeyondwords.co.uk/node/24](http://www.booksbeyondwords.co.uk/node/24)*

## Conclusions

The Victims' Directive requires Member States to take the needs of specific groups of victims into account. Specific needs must first be identified through an individual assessment, and then catered for either through the establishment of specialised support organisations, or that of specialised services within generic support organisations that offer targeted support to specific groups of victims.

FRA conducted limited research on specialised areas of victim support (such as support for victims of domestic violence, human trafficking and hate crime), underpinned by extensive FRA research on different vulnerable victim groups. Findings indicate that victims belonging to each of these groups may face particular problems in accessing justice, as opposed to victims who do not fall under any of the categories outlined in this chapter. These findings are supported by additional parallel research by FRA, outlined in this chapter, on a wide range of issues related to victims of crime, including studies of specific categories, such as migrant victims, victims of hate crime, violence against women and child victims. FRA research shows that victims face problems such as vulnerability to secondary and repeat victimisation, intimidation and retaliation, fear of facing bias from police or support service staff and a related unwillingness to report the crime in question.

The findings of this project show that specialised services for at least some specific groups of victims exist in all Member States. Several promising practices are of note in this regard. The nature and scope of specialised support offered, however, varies widely between Member States (also depending on the group in question). There is much room for improvement.

### Ensuring individual assessments to identify possible specific protection needs

Article 22 of the Directive stipulates that EU Member States must ensure that individual assessments of victims are carried out to identify possible specific protection needs. Such specific protection needs might refer to victims who have suffered considerable harm due to the severity of the crime, victims of crime based on bias or a discriminatory motive, or victims made vulnerable by their relationship to and dependence on the perpetrator. FRA findings show that the police often refers victims to generic support services who then have to further assess the possible individual need for specialised support.

#### FRA opinion

*EU Member States must ensure that individual assessments are carried out by the victim's first point of contact, typically the police or a victim support organisation. Victims should be referred in a timely fashion to specialised victim support services that are able to offer them the help and support they need. EU Member States must ensure that children are always treated as persons in need of special protection, taking into account their age, maturity, level of understanding and any communication difficulties they may have, and in accordance with Article 22 (4) of the Victims' Directive.*

### Recognising the important role played by support services for victims with specific needs in EU Member States

Whether integrated within a larger generic structure or established as separate, individual services, the Victims' Directive stipulates that support services should adopt an approach that considers the specific needs of victims, the severity of the harm suffered as a result of a criminal offence, and also the relationship between victims, offenders and their wider social environment. This would include, for example, the specific needs of children. Individual support services targeting victims with specific needs might be particularly well placed to promote the rights of certain groups. Hate crime victims, for example, might feel more comfortable confiding in and relying on the expertise of smaller and highly specialised organisations advocating their rights.

#### FRA opinion

*While recognising that specialist services can either be established separately and in addition to general support services or integrated into a generic organisation, EU Member States should ensure the existence of support services, including trauma support and counselling, that provide targeted support for victims with specific needs. These include child victims, victims of sexual violence and other gender-based violence, victims with a disability, victims who are irregular migrants and victims of violence in close relationships. In accordance with the Victims' Directive, these services must, as a minimum, develop and provide suitable interim accommodation for victims in need of a safe place due to an imminent risk of repeat victimisation, of intimidation and of retaliation.*

*In addition, when implementing the Victims' Directive, EU Member States should pay particular attention to the protection needs of victims of crimes committed with a discriminatory motive.*



# 5

## Performance standards and indicators



This chapter explores key elements of victim support services, specifically in terms of quality standards and performance. Performance in this context includes cooperation and referrals at national level (for EU-level cooperation see Section 3.5, and for cross-border referrals see Section 2.6.4).

### 5.1. Quality standards

While Article 8 of the Victims' Directive requires needs-based provision of "access to confidential victim support services, free of charge, acting in the interests of the victims [...]" (paragraph 1) and opens up the possibility for such support services to "be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis [...]" (paragraph 4), no mention is made of quality standards. Recital 63 of the Victims' Directive stresses that in order "to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner". To review whether this is indeed the case, Article 28 of the directive requires Member States to share data regularly on how victims have accessed the rights it guarantees.

As expanded upon later, broad quality standards beyond the aspects of Recital 63 of the Victims' Directive would reasonably be an essential criteria of victim support services and are therefore explored in more detail here.

This FRA research covered formally adopted key performance indicators on the quality of service provided by generic victim support services in EU Member States. It did not consider in detail how the standards were applied. The findings show that the generic support services of

fewer than half of the Member States use such indicators (for updated information and details, see the online table, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/quality>). Fourteen Member States have a generic support service for which quality standards have been elaborated. Among these are examples of government-developed standards, either as a free-standing set of norms or as part of obligations under which state-operated or non-state victim support services are provided instructions and funding. National umbrella organisations have also developed standards. In several Member States, performance indicators include victims' satisfaction, which is monitored by various kinds of surveys. For an explicit example of monitoring qualitative and quantitative indicators on a quarterly basis, see the following promising practices.

In **Austria**, an inter-ministerial working group developed standards for counselling women, children and situational violence.<sup>175</sup> In **Belgium**, the government needs to approve a victim support organisation for it to be recognised and receive funding. Required quality aspects concern, for instance, specific principles and criteria for staff training.<sup>176</sup> The **Czech Republic**<sup>177</sup> has designed a similar scheme and the **Netherlands**<sup>178</sup> has one in operation. **Croatian** legislation enacted in 2013 gives detailed criteria for the delivery of service, including on the rights of victims and on what information must be provided.

<sup>175</sup> Information provided by the White Ring (*Weißer Ring*) on 15 April 2013 in response to an information request.

<sup>176</sup> Belgium, Decree concerning Social Support to Litigants, 18 July 2001, <https://wallex.wallonie.be/PdfLoader.php?type=doc&linkpdf=280-277-6444>; Belgium, Decree concerning the general welfare, 19 December 1997; Belgium, Order of the Flemish government to implement the Decree concerning the general welfare, 12 October 2001.

<sup>177</sup> Czech Republic, Decree No. 119/2013 Coll – Decree of 7 May 2013 on Quality Standards of Services Provided according to the Law on Victims of Crime, 7 May 2013.

<sup>178</sup> The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research.

In **Spain**, the legislation setting up support services includes comprehensive listings of tasks and duties on victim support. Some services in Spain have also adopted 'service charters', detailing quality indicators such as the number of victims assisted by police or psychologists.<sup>179</sup> In **Poland**, the Ministry of Justice adopted uniform standards of work for victim support services, specifying, for instance, requirements of confidentiality and victims' consent.<sup>180</sup>

### Promising practice

#### Monitoring quality standards

In the **Netherlands**, Victim Support Netherlands has a dedicated quality manager for monitoring key performance indicators.

*Source: Victim Support Netherlands*

In **Romania**, there is a national standard for support services for victims of trafficking, which regulates their organisation and management, as well as confidentiality, assessment of victims, service provision, inter-institutional communication and post-intervention monitoring.

*Source: Romania, Government Decision No. 1238/2007 to approve the Specific National Standards for the Specialised Assistance Services for the Victims of Trafficking in Persons, 10 October 2007*

In the **United Kingdom**, both qualitative (for instance satisfaction with service) and quantitative (number of victims assisted) indicators are published annually and monitored quarterly in meetings between the Ministry of Justice and Victim Support.

*Source: Victim Support England and Wales*

In **Germany**, the umbrella organisation Working Group on Victim Support has developed standards for professional support, including a list of requirements, good practices and core principles.<sup>181</sup> Similarly, but in more detail, the main victim support service in **Portugal** has a monitoring framework in place, looking at indicators related to the adequacy and quality of support.<sup>182</sup> In **Sweden**, Victim Support Sweden has a quality management system that defines professional standards regarding responsiveness, confidentiality, quality of services and relations to other actors. They have also developed guidelines including mandatory training for staff as well as for volunteers

involved in providing victim support. Staff and volunteers also sign a confidentiality agreement to protect victims and their families.<sup>183</sup>

Many organisations have internal rules, such as the Association for the Prevention and Handling of Domestic Violence in **Cyprus**, which has protocols of operation and guidelines in place.<sup>184</sup>

In **France**,<sup>185</sup> and similarly in **Croatia**,<sup>186</sup> **Finland**,<sup>187</sup> the **Netherlands**,<sup>188</sup> **Portugal**,<sup>189</sup> and the **United Kingdom**,<sup>190</sup> indicators include the level of satisfaction expressed by victims through surveys or simple questionnaires.

An integral part of the delivery of services to victims of crime must be clear standards of both qualitative and quantitative nature. The data must be collected in a systematic way and monitored according to key indicators on a regular basis. Such a system can ensure that victim support is provided at an adequate level in accordance with the obligations under the Victims' Directive. Article 28 requires Member States to share data as of November 2017 – and every three years thereafter – on "how victims have accessed the rights" under the directive. Recital 64 of the Victims' Directive specifies that data shared should at least include "the number and type of the reported crimes and, as far as such data are known and are available, the number and age and gender of the victims". Submissions could include statistical data from prosecutors or courts (reported crimes, investigations, persons prosecuted and sentenced) and police, and from healthcare and social welfare services as well as from civil society organisations, including support services (such as the number of referrals by police, or the number of victims requesting and receiving services). Victim surveys such as those carried out by FRA (see Chapter 4, in addition to the following examples) can also indicate the level of victims' awareness of where to turn for support, reveal the level of unreported incidents as well as victims' reasons for not reporting and show the satisfaction of those victims who do report incidents.

179 See for example: Spain, Commitments Charter of the Support Service for Victims of Domestic Violence and Gender Violence of the City of Palma, p. 11, [http://policia.palmademallorca.es/portal/PALMA/policialocal/RecursosWeb/DOCUMENTOS/1/22\\_3498\\_2.pdf](http://policia.palmademallorca.es/portal/PALMA/policialocal/RecursosWeb/DOCUMENTOS/1/22_3498_2.pdf).

180 Certificate of quality issued in August 2009 by the International Organization for Standardization (ISO 9001:2008). Source: APAV website.

181 See: [www.opferhilfen.de/aufgaben.html](http://www.opferhilfen.de/aufgaben.html).

182 See: [http://apav.pt/apav\\_v2/index.php/pt/](http://apav.pt/apav_v2/index.php/pt/). For a legal framework governing shelters for victims of domestic violence see Portugal, Decree 1/2006 of 25 January 2006.

183 See in particular: [brottsofferjouren.se/uploads/userfiles/files/V%C3%A4rdegrund%20of%C3%B6r%20Brottsofferjouren.pdf](http://brottsofferjouren.se/uploads/userfiles/files/V%C3%A4rdegrund%20of%C3%B6r%20Brottsofferjouren.pdf); see also Statute with minimum requirements for member of Victim Support Sweden, p. 7, [www.brottsofferjouren.se/uploads/userfiles/files/lokala%20stadgar%20med%20minimikravA4%202013.pdf](http://www.brottsofferjouren.se/uploads/userfiles/files/lokala%20stadgar%20med%20minimikravA4%202013.pdf).

184 The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research.

185 France, Ministère des Finances et des Comptes Publics (2014), p. 57, [www.performance-publique.budget.gouv.fr/sites/performance\\_publicque/files/farandole/ressources/medias/documents/ressources/2014/PLF2014/liste\\_mpoi\\_plf2014.pdf](http://www.performance-publique.budget.gouv.fr/sites/performance_publicque/files/farandole/ressources/medias/documents/ressources/2014/PLF2014/liste_mpoi_plf2014.pdf).

186 The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research.

187 *Ibid.*

188 *Ibid.*

189 *Ibid.*

190 Victim Support England and Wales (2012), [www.victimsupport.org.uk/sites/default/files/Trustees%20report%202011-12.pdf](http://www.victimsupport.org.uk/sites/default/files/Trustees%20report%202011-12.pdf).

Victims' reasons for not reporting incidents make it possible to identify potential shortcomings in the quality of support services as perceived by their respective target

audience, including factors such as limited geographic availability, inefficient referral mechanisms or lack of trust in the service.

**Table 12: Victims of violence who said they were satisfied with the assistance they received following the most serious incident, by type of perpetrator and type of violence**

	Any partner (current and/or previous)				Non-partner			
	Physical violence		Sexual violence		Physical violence		Sexual violence	
	%	n	%	n	%	n	%	n
<b>Victim support organisation</b>	86	102	72	64	(88)	29	72	42

Notes: Respondents were able to give more than one answer, so categories may total to more than 100 %. Results based on a small number of responses are statistically less reliable, thus observations based on fewer than 30 responses are put in brackets.

Source: FRA gender-based violence against women survey data set, 2012

**Table 13: Awareness of institutions or services that offer services to victims of violence against women, by EU Member State (%)**

	Not aware of any of the three organisations	Aware of one organisation	Aware of two organisations	Aware of all three organisations
<b>EU-28</b>	19	25	27	29

Notes: Out of all respondents (N = 42,002). In Greece only two organisations were listed.

Source: FRA gender-based violence against women survey dataset, 2012

**Table 14: Reasons for not contacting any organisation or service (other than the police) following the most serious incident, by type of violence and perpetrator (%)**

	Any partner (current and/or previous)		Non-partner	
	Physical violence	Sexual violence	Physical violence	Sexual violence
Dealt with it myself/involved a friend/family member	55	47	49	37
Too minor/not serious enough/never occurred to me	34	21	40	20
Did not believe that anyone could help	8	15	7	15
Did not know where to turn to	6	9	5	10
No services were available	2	4	2	5
Services were too far away or difficult to get to	0	(1)	0	(2)
Could not afford it	2	2	(1)	(2)
The queues for services were too long	(0)	-	-	-
Fear of offender, of reprisal	6	10	4	9
Somebody stopped me or discouraged me	1	3	1	(1)
Shame, embarrassment	9	22	4	23
Did not want anyone to know/kept it private	9	21	4	20
Afraid I would be blamed	2	6	1	9
Thought it was my fault	2	5	2	7
Too emotionally upset	3	3	2	6
Would not be believed	2	5	2	8
Other reason	6	9	7	10
<b>n</b>	3,935	1,164	3,435	1,391

Notes: Respondents were able to give more than one answer, so categories may total to more than 100 %. Results based on a small number of responses are statistically less reliable, so observations based on fewer than 30 responses are put in brackets and observations based on fewer than five responses are suppressed (denoted with '-').

Source: FRA gender-based violence against women survey dataset, 2012

### Improving the quality of victim support services

Capacity Building for EU Crime Support Project (Cabvis) was an EU-wide project supporting victims of crime. Running from January 2011 until December 2012, it aimed at promoting the implementation of EU measures for supporting victims of crime and improving the quality of victim support services.

Partner organisations from several EU Member States participated in the project, which was funded by the European Commission's Criminal Justice Programme. It tackled difficulties arising from the lack of harmonised victim support services among EU Member States and from the legal implementation of EU measures. In this way, the project addressed the gap between the availability of and the need for victim support in the EU.

Cabvis focused on activities including:

- improving the networking and knowledge exchange of victim support organisations, with a special focus on cross-border victimisation issues;
- informing about EU Member States' legal systems and access to justice within them;
- enhancing the training capacity of victim support organisations; and
- organising informational seminars for police officers, judicial practitioners and other stakeholders.

Victim Support Europe, the umbrella network for national victim support organisations in Europe, developed the project with financial support from the European Commission Directorate-General Justice. Germany, Hungary, the Netherlands, Portugal, and the United Kingdom participated in the project, which was managed by the Portuguese Association for Victim Support (*Associação de Apoio à Vítima*, APAV).

Products developed within the framework of the project include:

- a leaflet on cross-border victimisation, translated into 32 languages;
- a handbook on the 116006 – Helpline for victims of crime, to support the implementation of the Framework Decision 2007/116/EC through the inclusion of organisational measures and the collection of promising practices; and
- a training manual *Victims of Crime in the EU*, filling in some gaps discovered over time and other gaps created by the challenges the present EU package on victims' rights has brought about. Materials included are therefore focused on cross-border victims and the shift in victims' rights that the new directive might entail.

All publications are available on Victim Support Europe's website.

See: <http://victimsupporteurope.eu/about/projects/cabvis>

## 5.2. Quality in a cross-border setting

Another 'quality standard' that reflects EU reality is cross-border support. Article 26 (1) of the Victims' Directive, concerned with "[c]ooperation and coordination of services", requires the facilitation of cooperation aimed at "consultation in individual cases [...]". The Guidance Document suggests the "establishment of national contact points".<sup>191</sup> Consular authorities are also referenced as suitable to be involved in cross-border cases. Travel companies, hotels, and insurance companies should make sure to reach persons who become victims of crime while travelling abroad. The Guidance Document stresses this target group as particularly vulnerable, given the likely challenges in terms of "different language, legal system and culture [...]".

Article 26 also calls on cooperation with European networks working on victim support (see further Chapter 1 and Section 3.5). Statistics from EU Member States (or regions within these) suggest that the proportion of non-nationals approaching victim support can be significant. In Catalonia (**Spain**), about a third of the victims assisted were non-nationals (either EU citizens or third country nationals).<sup>192</sup>

A number of practical aspects can greatly facilitate cross-border support to victims of crime, such as the possibility to report crimes – and be supported – in their home country, an efficient referral system between victim support services in different Member States and information about services available in different languages. A large number of Member States actually have systems in place that offer these services (for updated information and details, see the online table: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services/cross-border>).

<sup>191</sup> European Commission (2013), pp.49–50, [http://ec.europa.eu/justice/criminal/files/victims/guidance\\_victims\\_rights\\_directive\\_en.pdf](http://ec.europa.eu/justice/criminal/files/victims/guidance_victims_rights_directive_en.pdf).

<sup>192</sup> Spain, Catalan Regional Government, Departament de Justícia (2011), [http://justicia.gencat.cat/web/content/home/departament/estadistiques/dades\\_oav\\_2011.pdf](http://justicia.gencat.cat/web/content/home/departament/estadistiques/dades_oav_2011.pdf).





## Promising practice

### Guaranteeing cross-border victim support

In the *Grande Région* (**Belgium, France, Germany and Luxembourg**) a joint working group on crime prevention published a basic guide for victims of crime on what to do in the event of a crime.

In **Ireland**, the Tourist Assistance Service offers immediate, free and confidential help to tourists in the country. This includes both emotional and practical assistance – such as with language, contacting authorities, money transfers, and medical needs. In **Portugal**, the generic victim support organisation has developed targeted information to tourists who are victims of crime. The **Netherlands** offers similar services in Amsterdam and the Hague, through the tourist assistance services, and in **Spain**, through the Foreign Tourist Assistance Service. In **Croatia**, joint patrolling with police from countries from which many tourists originate has proven useful for victims of crime.

Source: <http://itas.ie/>; *Fonds slachtofferhulp* (2011), *Amsterdam Tourist Assistance Service*, <http://jaarverslag2010.fondsslachtofferhulp.nl/2.2-projecten/2.2.3-directe-hulp-aan-slachtoffers/2.2.3.5-amsterdam-tourist-assistance-service.html>; *den Haag* (2013), *Tourist Assistance Service (theft)*, [www.denhaag.nl/en/visitors/to/Tourist-Assistance-Service-theft.htm](http://www.denhaag.nl/en/visitors/to/Tourist-Assistance-Service-theft.htm); <http://apav.pt/proj/> and <http://helptouristvictims.org/>; [www.guardiacivil.es/es/servicios/planturismoseguro/ServicioAtencionTuristaExtranjero/index.html](http://www.guardiacivil.es/es/servicios/planturismoseguro/ServicioAtencionTuristaExtranjero/index.html)

Victim Support **Sweden** operates a helpline offering support in 24 different languages (10 of which are official EU languages). They also operate a webpage through which you can request assistance by leaving your name and number/email (in addition to some basic information about the crime), and a volunteer speaking any of 27 specified languages will contact the victim within days.

Source: [www.brottsofferjouren.se/](http://www.brottsofferjouren.se/)

In the **United Kingdom** the organisation Victim Support provides interpreter support through a service offering some 200 languages.

Source: The information supplied is based on the FRA project on victims of crime, which involved fieldwork and desk research. See also: [www.victimsupport.org.uk](http://www.victimsupport.org.uk)

Still, only 20 Member States have a formal cross-border referral system. The police, not just support services, also provide information in several languages in most (25) Member States. Half of the support services offer translation and interpretation services. Some of the support services offering information in other languages do so in many different languages. Even though most provide information in less than a handful of languages, some victim support organisations offer information in 10 (**Cyprus, Hungary**), 20 (**Denmark, Finland and Sweden**) and even 50 (**Austria**) languages, as well as (upon request) potentially up to 200 in the **United Kingdom**.

## 5.3. Emerging indicators of victims' effective access to criminal justice

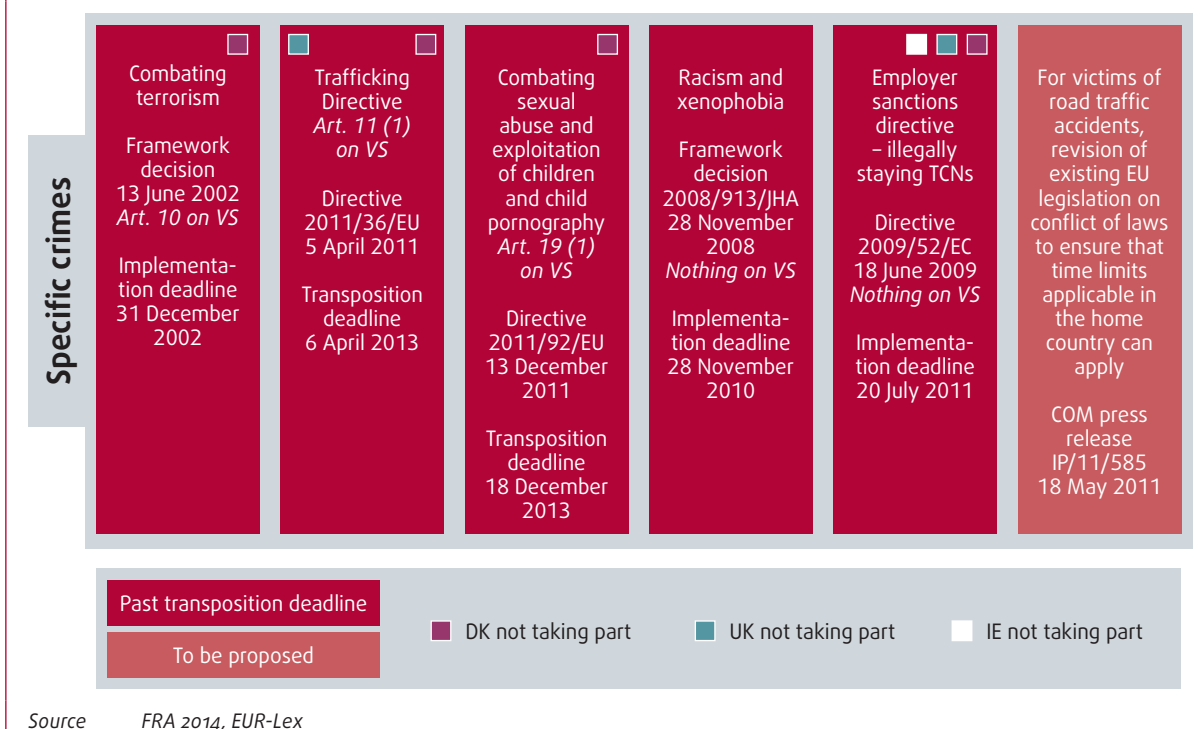
### FRA ACTIVITY

#### Expert meeting on indicators and victims of crime

In March 2012 FRA convened an expert meeting to identify possible indicators related to access to justice and victims of crime. The meeting examined how indicators can capture access to justice in the context of rights of victims.

The experts concluded that the indicators should focus on trust in services, monitoring and data collection, provision of information and support, participation in proceedings, protection of victims, compensation, training and quality and effective cross-border victim referral. The expert meeting stimulated the development of the emerging indicators outlined in this section. Victim support services in the EU would benefit from having clear indicators and benchmarks for quality standards. The European Commission will assess the situation in Member States (in relation to the Victims' Directive but also in relation to the other instruments concerned with rights of victims, see Figure 4 in Chapter 1 as well as Figure 7). Indicators will prove useful in that setting, and can also help identify promising practices.

Figure 7: EU instruments related to victims of crime



Analysing the Victims’ Directive, there are a number of specific requirements that could serve as indicators. Article 8 of the Victims’ Directive requires needs-based provision of:

1. “access to confidential victim support services [...]”
2. “free of charge [...]”
3. “acting in the interests of the victims before, during and for an appropriate time after criminal proceedings [..., including for] family members [...]” (“paragraph 1)

and the facilitation of:

4. “referrals of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services [...]” (paragraph 2); this is further elaborated on in the recitals, stressing that in cases where a victim brings a crime to the attention of authorities such as the police (but also “hospitals, schools, embassies, consulates, welfare or employment services”),<sup>193</sup> these should be able to refer victims to the appropriate support services (so as to avoid “repeat referrals”) (Recital 40)

Paragraph 4 says that such support services could “be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis”.

<sup>193</sup> European Commission (2013), p. 25.

Article 9 of the Victims’ Directive offers some minimum requirements:

5. “[I]nformation, advice and support relevant to the rights of victims, including on [...] compensation schemes [...] and on their role in criminal proceedings [...]” (paragraph 1 (a))
6. Information about or referral to specialised support services (paragraph 1 (b))
7. Emotional and psychological support (paragraph 1 (c))<sup>194</sup>
8. Advice on financial and practical issues related to the crime (paragraph 1 (d))
9. Advice on “risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation [...]” (paragraph 1 (e))
10. Assessment of specific needs of the victim (paragraph 2)
11. Access to victim support should not be dependent on the victim making a formal complaint about the crime (paragraph 5)

As for specialist support services (required under Article 8 (3)), details are provided in Article 9 (3), prescribing the provision of:

<sup>194</sup> According to Recital 39, support services are “not required to provide extensive specialist and professional expertise themselves [...] should assist victims in calling on existing professional support, such as psychologists”.

12. Shelters “for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation [...]” (sub-paragraph a)
13. “[T]argeted and integrated support [taking “into account the relationship between victims, perpetrators, children and their wider social environment to avoid the risk of assessing their needs in isolation or without acknowledging their social reality [...]”]<sup>195</sup> for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling”. (sub-paragraph b)

The Victims’ Directive elaborates on the nature of support services in the recitals:

14. “[P]rovided through a variety of means, without excessive formalities and through a sufficient geographical distribution [...]” (recital 37)
15. Such referrals should ensure “that data protection requirements can be and are adhered to [...]”. (recital 40)
16. “Member States should encourage and work closely with civil society organisations, [...] in particular in policymaking initiatives, information and awareness-raising campaigns, research and education programmes and in training, as well as in monitoring and evaluating the impact of measures to support and protect victims of crime [...]” (recital 62)
17. “[P]ublic services should work in a coordinated manner and should be involved at all administrative levels – at Union level, and at national, regional and local level [...]” (recital 62)
18. “Member States should consider developing ‘sole points of access’ or ‘one-stop shops’, that address victims’ multiple needs when involved in criminal proceedings, including the need to receive information, assistance, support, protection and compensation.” (recital 62)
19. “[T]o encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims’ reports in a respectful, sensitive, professional and non-discriminatory manner [... practitioners likely to receive complaints] should be appropriately trained to facilitate reporting of crimes [...]” (recital 63)
20. “[M]easures should be put in place to enable third-party reporting, including by civil society organisations.” (recital 63)

21. “It should be possible to make use of communication technology, such as e- mail, video recordings or online electronic forms for making complaints.” (recital 63)

The Guidance Document on transposition and implementation of the Victims’ Directive, issued by DG Justice of the European Commission,<sup>196</sup> stresses some additional points (pp. 24–28):

22. “Support should be available for the earliest possible moment after a crime has been committed [...]”
23. “[E]stablish internal procedures or protocols for assessing the support needs of victims and their families [...]”
24. Allocate the phone number 116-006 for victim support helpline (and 116-016 for victims of gender-based violence)
25. “Establishing a national fund for crime victims to fund non-public [victim support organisations which] could be directly State funded, funded for example by proceeds gathered by financial penalties, surcharges or fees imposed on offenders, from confiscated assets or as a solidarity fund financed by insurance policies [...]”

There are thus 25 explicit criteria required or strongly suggested for the delivery of effective victim support services and to correctly transpose the Victims’ Directive. In addition, for victim support to be effective, as discussed in this chapter in particular, the following elements are of key importance:

26. Criteria capturing the capacity to handle all victims of crime
27. Quality standards
28. Accommodation of ‘cross-border victims’

With these three elements added, there are 28 criteria (some with more than one element, marked as a, b, etc.) that could serve as the basis for indicators of victim support services in an EU Member State.

## Structural, process and outcome indicators

FRA applies the indicator framework developed by the UN Office of the High Commissioner for Human Rights, which groups indicators into structural, process and outcome categories. This approach enables the assessment first of legal and policy provisions – reflecting “acceptance, intent and commitment” to human rights standards (structural indicators), second, the assessment of specific measures – implementing these legal and policy provisions (process indicators),

<sup>195</sup> European Commission (2013), p. 28 (referring to requirements under the Istanbul Convention).

<sup>196</sup> *Ibid.*

and third, the assessment of changes in the enjoyment of rights, as experienced by the rights holders (outcome indicators).<sup>197</sup> Organising the 28 key criteria as indicators (or in some cases as issues on which more exact indicators would have to be formulated) within this framework highlights that they are basically of a structural and procedural nature.

By adding outcome indicators, the overview in Table 17 could be seen as capturing the situation on the ground.

All these indicators – under structure, process and outcome – would aim to capture victim support services narrowly. Other aspects of rights of victims of crime would be closely related and in part overlapping, such as those related to participation in criminal proceedings (some are included in the report and some additional ones are available online, <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>).

**Table 15: Structural indicators for victim support services (with indications of availability)**

<b>Structural - acceptance, intent and commitment</b>	<b>Basics</b>	Sole point of access / 'one-stop-shop' (18)	<i>Available in part online (FRA)</i>
		Support provided through a sufficient geographical distribution (14b)	
		Access not dependent on complaint (11)	Available online (FRA)
		Support available at earliest possible moment (22)	
		Before, during and after trial (3)	
		Shelters in place (12)	<i>Available in part through EIGE</i>
	<b>Reporting</b>	Dedicated EU-wide phone number (116 006) (24)	Available online (FRA)
		Complaints possible also by communication technology (21)	Available on file with FRA
		Third-party reporting possible, including by CSOs (20)	
		Reporting possible in country of origin (28a)	
	<b>Data protection</b>	Protection when transferring data – automatic transfer (15a)	Available online (FRA)
		Victim's consent needed to transfer data (15b)	Available online (FRA)
		Legal basis for transferring of data (15c)	Available online (FRA)
	<b>Quality &amp; funds</b>	Quality standards in place (27)	Available online (FRA)
		National crime victim fund (25)	Available online (FRA)

Notes: *Italics in the right-hand column indicates partial data availability by EU Member State and roman indicates full availability; see: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>*

Source: FRA, 2014

<sup>197</sup> UN Office of the High Commission for Human Rights (2012), pp. 34 et seq.

Table 16: Process indicators for victim support services (with indications of availability)

Process - effort to implement obligations	Information & advice	Information, advice and support (5a)	Available online (FRA)
		Information on compensation scheme (5b)	Available online (FRA)
		Information on role in criminal proceedings (5c)	Available online (FRA)
		Information /referral to specialised service (6)	
		Emotional and psychological support (7)	
		Advice on financial and practical aspects of the crime (8)	
		Advice on risk and prevention (9)	
	Capacity	Capacity to service all victims in need (26)	
		Free of charge (2)	
		Access to confidential service (1)	
		Support provided without excessive formalities (14a)	
	Adequacy	Specific needs assessment (10)	
		Internal procedure for assessing the needs (23)	
		Targeted and integrated support (13)	
		Respectful, sensitive, professional and non-discriminatory manner (19a)	
	Coordination	Training for professionals likely to receive complaints (19b)	
		Referrals by competent authorities to support services (4)	
		Member States in close cooperation with CSOs (16)	
	Cross-border	Public services joined up – horizontally and vertically (17)	
		Cross-border contacts established between support providers (28b)	Available online (FRA)
	Information available in different languages (28c)	Available online (FRA)	

Notes: Right-hand column indicates full data availability; see: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>

Source: FRA, 2014

Table 17: Outcome indicators for victim support services (with indications of availability)

Outcome - results on the ground	Quality & capacity	Level of 'customer satisfaction' through surveys	
		Quality of the support provided, in terms of sensitivity, timeliness and accessibility	
		Ratio of victims of crime supported v. estimated total	
	Awareness	Victims' awareness of their rights	Available for specific groups from FRA surveys
		Victims' awareness of victim support services and what they offer	See Table 13
		Duty bearers' awareness of victims' rights	
	Trust	Trust in police and judges	E.g. Eurobarometer
		Trust in victim support as neutral providers of support	See Table 14

Source: FRA, 2014

## Conclusions

This chapter has looked at quality aspects of victim support, including in cross-border cases. The Victims' Directive is not explicitly on quality and performance. But for victim support to be effective and efficient, quality standards need to be at the core of the design, improvement and continued delivery of victim support. An integral part of quality standards are indicators. By using the established methodology of clustering indicators under the headings of structural, process, and outcome, the full range of actions that need to be taken – from acceptance and intent, through efforts, to results on the ground – can be captured. This in turn will facilitate measuring progress as well as enabling comparison between systems, which is needed for a solid assessment of what practices actually work. This report has suggested a range of indicators within this methodological framework, based on existing standards for the delivery of victim support services. A more advanced and refined version of these indicators – which should be validated by relevant stakeholders, such as victim support organisations – would be a useful first step for a systematic follow-up and assessment of practices. Indicators would have to be coupled with clear benchmarks on the required level of 'compliance'. A system for data collection to populate all of the indicators would also have to be conceived. In this context Article 28 of the Victims' Directive should be recalled, requiring Member States to share data, as of November 2017 and every three years thereafter, on victims' rights in practice under the directive.

### UNODC-UNECE manual on victimisation surveys

In 2005, the UN established a joint Task Force on Victim Surveys, in which FRA participated. Amongst other projects, the task force developed a manual on victimisation surveys. The purpose of this manual was to provide basic information for developing national victimisation surveys; to identify key issues to assist in decision making about survey approach, methodology, analysis and presentation of results; to improve comparability of victim survey data across countries; and to identify best practices. It answers typical questions faced when planning a victimisation survey, including how often surveys should be repeated, which types of crime should be included, and how to identify the correct sampling design.

See: [www.unodc.org/unodc/en/data-and-analysis/Manual-on-victim-surveys.html](http://www.unodc.org/unodc/en/data-and-analysis/Manual-on-victim-surveys.html)

## Establishing quality control standards that respect the independence of civil society

Recital 63 of the Victims' Directive stresses that in order "to encourage and facilitate reporting of crimes and to allow victims to break the cycle of repeat victimisation, it is essential that reliable support services are available to victims and that competent authorities are prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner". To assess whether a given Member State's services meet these criteria, clear and consistent quality control mechanisms should be established, including across borders.

### FRA opinion

*FRA stresses the responsibility of EU Member States to develop a comprehensive network of victim support services and to monitor support services' performance, ensuring that they conform to designated standards while also respecting the independence of civil society.*

*FRA analysis highlights good examples of criteria and/or membership conditions developed by EU-level umbrella organisations active in the fields of networking, coordinating and promoting generic victim support, or supporting specific groups of victims. Such criteria include, for example: separation between victim support and probation services, independence from political activities, confidentiality of service users (i.e. victims) and transparency concerning sources of funding. Such standards could form a basis on which to explore additional criteria that could be developed at national, regional and EU levels, as appropriate.*

*Inspiration for a system of quality control for victim support services could also be drawn from the peer-review system used globally by National Human Rights Institutions (a self-accreditation system under the so-called Paris Principles).*

*To this end, and taking these examples into account, Member States could consider establishing an accreditation system for victim support services.*

## Benchmarking quality standards

Quality standards for victim support services would benefit from clear indicators and benchmarks. FRA research covered formally adopted key performance indicators on the quality of service EU Member States' generic victim support services provide. Such indicators, when measured over time, would help assess the implementation and effect of the Victims' Directive on victims and on their enjoyment of rights in practice.

### FRA opinion

*FRA emphasises the importance of defined and generally accepted organisational and performance standards for victim support delivery. FRA findings show that generic support services have adopted such standards in fewer than half of the Member States.*

*Article 28 of the Victims' Directive obliges Member States to communicate to the European Commission available data on how victims have accessed the rights established in the Victims' Directive, beginning in November 2017 (two years after the transposition deadline) and every three years thereafter. Such data should take into account indicators related to victim support and victims' rights, including performance indicators related to the quality of service provided by generic victim support services. Indicators about the service provision quality should also be directly collected from victims who use these services.*

*Victim support organisations and/or governments, as appropriate in the respective EU Member States, should consider developing shared indicators on victim support – and more broadly on victims' rights. Data for such indicators could in part make use of the required collection of data under Article 28 of the Victims' Directive.*





# General conclusions

When it comes to transposing the Victims' Directive at Member State level, one of the greatest challenges is the obligation to ensure that all victims have access to victim support services in accordance with their needs.

Where robust structures exist, they are often less the result of decisions and actions taken by governments than of devoted private initiatives and extensive voluntary contributions, often developing from a grassroots level over many years. Hence, in establishing or extending a network of support services by the end of 2015, the undoubted achievements in a number of Member States may not necessarily provide a model of how to proceed as they might have come about under considerably different cultural parameters and time constraints.

What therefore may prove relevant to policy makers are some encouraging developments in countries that do not look back at a history of continuous robust civil society structures and a long-established culture of private initiatives, including volunteering by citizens. In this respect, what has recently been achieved under less favourable conditions in partnership with ministries and private initiatives, for example in Poland and Croatia, deserves attention and recognition. At the same time, Member States with robust and well-established services for victims of crime should be encouraged to continue their work and to revise and adjust initiatives – where necessary – to reflect recent developments and the demands of the Victims' Directive, including the recognition of 'new' victims groups.

By providing an overview of victims' rights in European and national law, the principles of victim support generally and the concrete application of these matters through victim support services in EU Member States more specifically, this report emphasises the fundamental rights dimension of victim support. The message is that the rights of victims to access justice and be protected against repeat victimisation will often remain theoretical and illusory as long as the victim is not advised and supported in a professional manner. In the language of human rights: the report is less interested in abstract fundamental rights standards than in the processes that mediate between the abstract standards and the final outcome at the level of individual rights holders. Whether victim support services are available or not is one of the key factors determining the practical effectiveness of victims' access to justice, along with factors such as victims' awareness of their rights or their trust in the police. It is the daily work of the staff of victim support services across the EU, including volunteers, that crucially contributes to making victims' rights of access to justice a reality.

This report highlights that governments, in taking responsibility for ensuring victims' access to support services, should respect the contributions and the independence of NGOs working in this area. Whether Member States are successful in ensuring the availability of support services may depend on their readiness to cooperate with and to support NGOs often drawing from a wealth of experience and an intimate knowledge of the needs of victims. Hence, safeguarding victims' access to support services and to justice is one of the policy areas that lends itself particularly well to a partnership between states and non-governmental actors. The FRA opinions found in this report are intended to support the further development of such a partnership through a fundamental rights-based approach, focusing on areas in which Member States need to invest further to meet the requirements of the Victims' Directive regarding the provision of victim support services.

The research findings presented in this report show that despite differences in the historical development of victim support services throughout the EU, it is possible to identify some similarities among Member States. In a number of Member States, victim support services began to develop in the 1970s and 1980s, often driven by important socio-political trends such as women's movement. Most were initiated by NGOs or private organisations founded by police and parole officers, lawyers, journalists and activists. The involvement of volunteers has been key to this development, with volunteerism constantly increasing across the EU. A long-standing culture of volunteerism is linked to a higher provision of generic victim support services.

While there are still no generic victim support services in eight Member States, all of these provide services for specific groups of victims, typically child victims, victims of human trafficking and domestic violence. This type of targeted support has played an important role in the overall development of support services in many Member States in which victim support services were initially only linked to specific groups of victims of crime.

EU legislative developments concerning the rights of victims of crime have also played a role in the development of support services at the national level. A focus on the effective implementation of the Victims' Directive has in some Member States led to the development of promising practices (some of which are included in this report), which could potentially serve as models for further developments across the EU. While legislation on the rights of victims has improved in EU Member States, the actual situation on the ground needs to be carefully reviewed, as the evidence presented to FRA warrants concerns about implementation in practice.



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# Annex 1: List of generic victim support organisations, by EU Member State

Countries that are blank have been identified as not having any generic victim support organisations.

	Name	Public / private entity	Short description	Number of branches/ member organisations/ geographical scope
AT	White Ring ( <i>Weisser Ring</i> )	Private (NGO)	<i>Weisser Ring</i> is Austria's largest generic victim support organisation. It has a federal office in Vienna and is organised into nine regional branches.	Nine branches and 14 offices at regional level
BE	Victims Reception Service ( <i>Dienst Slachtofferonthaal - Service d'accueil aux victimes</i> )	Public	Each Office of the Public Prosecutor has a victim reception service which employs 'judicial assistants' in order to support victims through the courts and the public prosecution.	Federal level
	Victim Support Services ( <i>Services d'Aide aux Victimes-Slachtofferhulp</i> )	Public	Provide assistance to crime victims at the regional level (Communities).	Regional level
	Centre for Support to Victims of Crime ( <i>Dienst Slachtofferhulp</i> ) Centres for Help to Victims of Crime ( <i>Service d'Aide aux Victimes</i> )	Public	Support to crime victims in the Flanders region. Support to crime victims in the Walloon region.	Community level
BG				
CY				
CZ	The Probation and Mediation Service (PMS).	Public	PMS carries out legal and psycho-social counselling, crisis intervention and support to victims in the framework of criminal proceedings.	National level
	The White Circle of Justice ( <i>Bílý kruh bezpečí</i> )	Private (NGO)	The White Circle of Justice provides legal, psychological and social counselling to crime victims. It also aims to improve the position of victims in criminal proceedings.	National level
DE	Weisser Ring e.V.	Private (NGO)	The Weisser Ring NGO, founded in 1976, offers generic victim support based on volunteer work. It is the oldest and only country-wide organisation providing generic victim support to all victims of crime.	420 local contact centres across Germany with more than 3,000 volunteer staff members
	Opferhilfe e.V.	Private (NGO)	Independent professional generic victim support charities (Opferhilfe e.V) run local offices in various provinces. In Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia there are no generic professional victim support services and volunteer support services fill this gap.	Branches in Berlin, Hamburg, Lower Saxony, Saxony, Mecklenburg-Western Pomerania and Hesse
	Umbrella organisation Working Group of Victim Support in Germany (ado)	Private (NGO)	The Working Group of Victim Support NGO (ado) acts as an umbrella organisation and coordinates the networking and exchange of information between support services. It also supports the founding of new support organisations and organises training for counselors and information seminars.	It operates in: Bavaria, Baden-Württemberg, Bremen, Saarland, Rhineland-Palatinate, Saxony-Anhalt, Schleswig-Holstein and Thuringia.

	Name	Public / private entity	Short description	Number of branches/ member organisations/ geographical scope
DK	Victim Support Denmark (VID) ( <i>Offerrådgivningen, OID</i> )	Public	Established in 1998, VID provides free and independent support to crime victims, witnesses and their families and provides information about support from psychologists, lawyers and the possibility of compensation.	33 different general local entities with VID as their umbrella organisation
EE	Victim Support Department within the Social Insurance Board ( <i>Sotsiaalkindlustusamet</i> )	Private (NGO)	Acts as the main general service provider for crime victims, delivering services through local government. The regional offices provide information on available services and assistance.	National level
	Union of Support to Victims of Crime "Victim Support" ( <i>Kuriteoohvrite Toetamise Ühing "Ohvriabi"</i> )	Private (NGO)	The Union of Support to Victims of Crime NGO also provides general victim support services but their activity has largely been limited to online services in recent years.	
EL				
ES	Offices for Support to Victims of Crimes ( <i>Oficinas de Asistencia a las Víctimas de Delitos, OAV</i> )	Public	The Offices for Support to Victims of Crimes (OAV) inform, guide and offer counselling to all victims of crime. The OAV offers the only victim support services in Spain of a generic character as it deals with many types of victims (but gives preference to those who have been victims of violent crimes resulting in death, serious injury or damage to physical or mental health, as well as to victims of sexual violence).	Regional governments in Andalusia, Basque Country, Catalonia and Madrid
FI	Victim Support Finland ( <i>Rikosuhripäivystys/ Brottsofferjouren-RIKU</i> )	Private (NGO)	Victim Support Finland (RIKU) began its activities in 1994 and was the first organisation to offer victim support services, including practical advice and psychological support to victims of crime and those close to them, as well as to witnesses of crime. RIKU is still the only organisation providing services to victims of various different types of crimes, with most other third-sector actors specialising in providing assistance to certain specific victim groups.	RIKU is an umbrella organisation with seven partner organisations.
FR	The National Institute for Victims and Mediation ( <i>L'Institut national d'aide aux victimes et de médiation, INAVEM</i> )	Private (NGO)	The National Institute for Victims and Mediation (INAVEM) was established in 1986 to promote greater coherence in victim support services. Since June 2004, INAVEM has been a federation which represents member associations 150 associations belong to INAVEM and provide psychological, logistic, financial and legal support to victims. INAVEM ensures the consistent implementation of policies to support victims, trains staff and publishes studies and reports at national and European level.	More than 150 member associations



	Name	Public / private entity	Short description	Number of branches/ member organisations/ geographical scope
HR	Victim and witness support ( <i>Odjeli za organiziranje i pružanje podrške svjedocima i žrtvama</i> )	Public	Victim and witness support departments: a) provide emotional support to witnesses/injured persons before, during and after court proceedings; b) provide practical information to witnesses, victims and their family members; c) standardise procedures/treatment of injured parties and witnesses; d) select, train and coordinate volunteers who provide support.	There are seven county courts, each with a victim support department: Zagreb, Split, Rijeka, Osijek, Zadar, Vukovar, Sisak.
HU	Victim Support Service ( <i>Igazságügyi Szolgálat Áldozatsegítő Szolgálat</i> )	Public	The Victim Support Service provides victims with information and assistance and refers victims to the Legal Aid Service in case they need specialised legal assistance, irrespective of their financial situation. The service can also provide financial aid.	National level
	The White Ring Association	Private (NGO)	The White Ring Association specialises in assisting victims of all crimes. It provides services similar to those of the state agency, however, the scope of its activities is rather limited due to financial issues.	
IE	Various non-governmental victim support organisations	Private (NGO)	Federation for Victim Assistance – voluntary organisation that offers Emotional and Practical Assistance to all Victims of Crime (and family members).	11 branches nationwide
			Support After Crime Services – voluntary service available free of charge to all victims of crime.	5 branches nationwide
IT				
LT				
LU	Services for victims ( <i>Le service d'aide aux victimes, SAV</i> )	Public	Provides support to crime victims, including advising victims on their rights throughout the criminal justice process. There are also persons who can accompany victims throughout trial.	National level
	Waisser rank	Private (NGO)	Waisser rank provides a wide range of confidential services to victims free of charge, such as consultation, financial and legal aid. They can also accompany victims to court.	
LV				
MT	Victim Support Malta (VSM)	Private (NGO)	VSM supports crime victims by providing professional, independent, confidential and impartial information and assistance; helping to orientate victims of crime within the systems of criminal and penal justice. VSM advises and monitors the needs of victims of crime, educates and trains both staff members and the public in matters related to victim issues. The organisation also provides legal advice and representation and support during court proceedings.	National level

	Name	Public / private entity	Short description	Number of branches/ member organisations/ geographical scope
NL	Victim Support Netherlands (VSN) ( <i>Slachtofferhulp Nederland, SHN</i> )	Private (NGO)	Victim Support Netherlands (VSN) offers legal, practical and emotional support and advice to victims of crime, their families, witnesses and others.	Around 85 offices and service points with a head office in Utrecht
PL	Support Network for Victims of Crimes ( <i>Ośrodki Pomocy Społecznej</i> )	Public	The Support Network for Victims of Crimes' regional support centres offer services to all victims of crime and violence. They cannot reject any type of victim, but if they cannot offer specialised services, they can refer the victim to other institutions.	16 regional centres
PT	Portuguese Association for Victim Support ( <i>Associação Portuguesa de Apoio à Vítima, APAV</i> )	Private (NGO)	APAV supports victims of crime and their families and friends. Aside from the generic support given, APAV also supplies specialised services such as legal, psychological and social support. APAV also plays a role in crime prevention by carrying out awareness and prevention campaigns directed at various kinds of audiences, mainly schools. It also does <i>pro bono</i> legal work, although it is not the APAV's mission to represent victims in court proceedings.	APAV has about 15 victim support offices located throughout the country.
RO				
SE	Victim Support Sweden ( <i>Brottsofferjourernas Riksförbund, BOJ</i> )	Private (NGO)	Victim Support Sweden (BOJ) is the national umbrella organisation for victim support services. Founded in 1988, it has more than 8,000 members. It supports all victims of crime, witnesses and relatives by providing psychosocial support and advice, financial support, legal advice/representation, accompanying victims to the police and throughout court proceedings. BOJ also engages in crime prevention, public advocacy, legislation and training of professionals.	BOJ has about 100 local victim service centres in Sweden.
SI				
SK	Help to Violence Victims (HVV, <i>Pomoc obetiam násilia</i> )	Private (NGO)	Help to Violence Victims (HVV), founded in 1999, provides legal counselling psychosocial counselling and can accompany victims to police stations and courts. It encourages public awareness of the problems facing victims of crime.	Seven regional advisory offices in Bratislava, Trnava, Nitra, Trenčín, Banská Bystrica, Prešov and Košice. All staff members (30 people) work as volunteers.
UK	Victim Support (England and Wales) Victim Support (Scotland) Victim Support (Northern Ireland)	Private (NGO)	The NGO Victim Support, founded in 1973/74 in Bristol, offers confidential help to victims, their families and anyone affected by crime. It provides information, practical help and emotional support and works with other organisations to help victims and witnesses get what they need.	There are separate organisations in England and Wales, Scotland and Northern Ireland.



## Annex 2: Annotated listing of umbrella organisations in Europe with relevance to support services for victims of crime<sup>198</sup>

### European umbrella organisations in the area of victim support – members and coverage

Umbrella organisation	Number of members	Geographical coverage	Membership	Target group
<b>Victim Support Europe</b>	36 organisations in 25 European countries	Europe	Organisations	All victims of crime
<b>European Forum for Restorative Justice</b>	Over 300 in 18 EU Member States	Europe	Organisations and individuals	All victims of crime
<b>World Society of Victimology</b>	Over 500, including organisations in eight EU Member States	Worldwide	Organisations and individuals	Research and practices on victimology
<b>Women Against Violence Europe (WAVE)</b>	About 4,000, in 46 European countries	Europe	Organisations	Women victims of violence
<b>International Centre for Missing and Exploited Children (ICMEC)</b>	About 25, including organisations in four EU Member States	Worldwide	Organisations	Sexually exploited and abducted children
<b>Missing Children Europe (MCE)</b>	30 in 19 EU Member States	Europe	Organisations	Missing children
<b>ECPAT International</b>	Over 80, including organisations in 23 European countries	Worldwide	Organisations and individuals	Child prostitution, pornography and trafficking of children for sexual purposes
<b>La Strada International</b>	Nine European countries, four EU Member States	Europe	Organisations	Persons and groups victims of human trafficking
<b>Global Alliance Against Traffic in Women (GAATW)</b>	106, including organizations in eight EU Member states	Worldwide	Organisations	Women migrant workers
<b>Euro-Mediterranean Network for Youth Trafficking Prevention (EMNYTP)</b>	74, including organizations in 23 countries	Regional (Europe – Mediterranean)	Organisations and individuals	Young people victims of human trafficking
<b>FLARE Network</b>	34 in 25 European countries	Europe	Organisations	Persons victims of human trafficking

<sup>198</sup>European umbrella organisations are associations, alliances, forums and networks active in at least four European countries in the fields of networking, coordination, cooperation or promotion of organisations offering generic victim support or focusing on specific groups of victims. To evaluate the chosen organisations FRA used the following criteria and standards: membership, transparency, clarity and accountability, visibility, advocacy and campaigning, support, capacity building, training and expertise, networking and exchange of information, sustainability and financial support, independence, inclusivity and fundamental rights.

Umbrella organisation	Number of members	Geographical coverage	Membership	Target group
<b>European Network Against Racism (ENAR)</b>	Over 700 in 26 European countries	Europe	Organisations	Organisations working to combat racism
<b>European Federation of Road Traffic Victims (FEVR)</b>	23 in 18 European countries	Europe	Organisations	Victims of road traffic accidents
<b>Network of Associations of Victims of Terrorism (NAVT)</b>	34 in seven EU Member States	Europe	Organisations	Victims of terrorism

Source: FRA, 2014

### European umbrella organisations in the area of generic victim support – missions, tasks and funding

Umbrella organisation	Mission	Tasks	Funding
<b>Victim Support Europe</b>	To promote effective services, fair and equal compensation, the exchange of experience, information and best practices across Europe	Supports networking, coordination and cooperation among member organizations; leads members' EU-funded projects; carries out EU advocacy and collaborates with the European Commission	European Commission operating grant
<b>European Forum for Restorative Justice</b>	To help establish and develop victim-offender mediation and other restorative justice practices throughout Europe	Offers a channel for participation, mutual support and contact, carries out follow-up and stimulation of policymaking; participates in members' EU-funded projects; carries out advocacy at the EU and Council of Europe	European Commission operating grant; grants from the Norwegian and Belgian governments
<b>World Society of Victimology</b>	To advance victimological research and practices, encourage interdisciplinary and comparative work; to advance the cooperation of international, national, regional and local agencies active in this field	Organises International Symposium on Victimology; sponsors workshops, courses and seminars; carries out advocacy at the Council of Europe and the UN; publishes quarterly newsletter	Membership fees

Source: FRA, 2014



## European umbrella organisations in the area of specific victim support – missions, tasks and funding

Umbrella Organisation	Mission	Tasks	Funding
<b>Women Against Violence Europe (WAVE)</b>	To establish gender equality by eliminating all forms of domestic violence against women and children	Gathers and exchanges information; influences national and European policies and promotes criteria and guidelines at the European level; organises annual WAVE conference; provides training for experts and professionals; regularly publishes reports	EU Daphne Operating Grant, co-financing through national authorities
<b>International Centre for Missing and Exploited Children (ICMEC)</b>	To establish global resources to find missing children and prevent child sexual exploitation	Exchanges experience and networking; provides contacts and information; drafts model law on child protection and policy papers; partnership with Hague Conference on Private International Law; conducts law enforcement training and research, regularly publishes reports	Private foundations and individual donors
<b>Missing Children Europe (MCE)</b>	To ensure minimum standards to prevent and assist in cases of missing children and child sexual exploitation	Organises and coordinates working groups, provides staff training and traineeships, regularly publishes reports, newsletters and statistics; European telephone hotline for missing children	Daphne Operating Grant; EU-funded projects; sponsors, donors and membership fees
<b>ECPAT International</b>	To eliminate child prostitution, child pornography and trafficking of children for sexual purposes	Organises Regional Network Resource Exchange workshops, an online CSEC database, training for grassroots organisations; carries out national and international advocacy	Donations, donors include EU governments and the Oak Foundation
<b>La Strada International</b>	To prevent trafficking in human beings and to defend the rights of persons who have been bought or sold	Provides information and carries out lobbying at the national and EU level; supports prevention and education trainings; provides assistance and support	Daphne Operating Grant; Sigrid Rausing Trust; Dutch MFA
<b>Global Alliance Against Traffic in Women (GAATW)</b>	To improve the lives of trafficked women through understanding trafficking from a human rights perspective, to ensure that the human rights of all migrant women are respected and protected by authorities and agencies	Provides capacity-building of member organisations; strengthens regional cooperation of members; leads projects and programmes offering tools and best practices on specific topics; collects and disseminates essential documents on trafficking; carries out research, advocacy and communication	Unknown
<b>Euro-Mediterranean Network for Youth Trafficking Prevention (EMNYTP)</b>	To promote the wide dissemination of information on youth trafficking prevention through research, delivering educational programmes and facilitating exchange among its members	Supports information exchange through Annual Conference, organises conferences within EU-funded projects, participates in a variety of EU-funded projects	EU-funded projects; Membership fees

Umbrella Organisation	Mission	Tasks	Funding
<b>FLARE Network</b>	To represent a new approach to tackle organised crime in Europe and neighbouring countries by raising awareness and informing the public, supporting victims and their families, and EU advocacy	Provides communication and information; supports FLAREz1 youth platform; carries out 'Memory' project focused on commemorating victims of organised crime; publishes online magazine BRIGHT; carries out EU advocacy	Unknown
<b>European Network Against Racism (ENAR)</b>	To foster a collective civil society voice and influence decision-making in the EU to redress negative consequences of discrimination, promote diversity and ensure the mainstreaming of anti-racism, equality and diversity in all EU public policies	Coordinates members by exchanging information, best practice and experience; organises events and conferences; provides capacity-building projects for European NGOs; engages in partnerships with other European networks and foundations; carries out EU advocacy; regularly publishes policy papers, memoranda and shadow reports; provides training; carries out research and regularly publishes reports	Commission funding; Network of European Foundations; Open Society Justice initiatives; Business sector donations
<b>European Federation of Road Traffic Victims (FEVR)</b>	To support road crash victims and contribute to road safety by highlighting dangers and influencing the effective enforcement of road safety measures	Provides victim support (also legal support) and information; carries out EU advocacy; regularly publishes statements, articles and opinions; carries out joint projects with member organisations	Membership fees; Administration fees covered by Luxembourg association; previously EU-funded projects
<b>Network of Associations of Victims of Terrorism (NAVt)</b>	To stimulate trans-national cooperation between associations of terrorism victims and enhance the representation of victims' interests at the EU level	Organises seminars, workshops and an annual commemoration on 11 March; provides an exchange platform on the website; carries out EU-funded projects	European Commission service contract

Source: FRA, 2014





## Annex 3: Tabulated comparison between the Framework Decision and the Victims' Directive

	Framework Decision 2001/220/JHA, 15 March 2001	Directive 2012/29/EU, 25 October 2012
Number of recitals	12	72
Number of articles	19	32
Main article on victim support services	13	8
Title of main article	<b>Specialist services and victim support organisations</b>	<b>Right to access victim support services</b>
Paragraph 1 (emphasis added)	Each Member State shall, in the context of proceedings, <b>promote the involvement of victim support systems</b> responsible for organising the initial reception of victims and for victim support and assistance thereafter, whether through the <b>provision</b> of specially trained personnel within its public services or through <b>recognition and funding</b> of victim support organisations.	Member States shall <b>ensure</b> that victims, in accordance with their needs, have <b>access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members</b> shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.
Paragraph 2 (emphasis added)	Each Member State shall <b>encourage action</b> taken in proceedings by such personnel or by victim support organisations, particularly as regards: (a) providing victims with <b>information</b> ; (b) assisting victims according to their immediate <b>needs</b> ; (c) <b>accompanying</b> victims, if necessary and possible during criminal proceedings; (d) <b>assisting</b> victims, at their request, after criminal proceedings have ended.	Member States shall facilitate the <b>referral</b> of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services.
Paragraph 3 (emphasis added)		Member States shall take measures to establish <b>free of charge</b> and <b>confidential specialist support services</b> in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have <b>access to such services</b> and <b>family members</b> shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

Paragraph 4 (emphasis added)		Victim support services and any specialist support services may be set up as <b>public</b> or <b>non-governmental organisations</b> and may be organised on a <b>professional</b> or <b>voluntary</b> basis.
Paragraph 5 (emphasis added)		Member States shall ensure that access to any victim support services is <b>not dependent on a victim making a formal complaint</b> with regard to a criminal offence to a competent authority.
Auxiliary article on victim support		9
Title		<b>Support from victim support services</b>
Paragraph 1 (emphasis added)		Victim support services, as referred to in Article 8 (1), shall, as a minimum, provide: (a) <b>information, advice and support</b> relevant to the <b>rights of victims</b> including on accessing national <b>compensation</b> schemes for criminal injuries, and on their <b>role in criminal proceedings</b> including preparation for attendance at the trial; (b) information about or direct <b>referral</b> to any relevant specialist support services in place; (c) <b>emotional</b> and, where available, <b>psychological support</b> ; (d) <b>advice</b> relating to <b>financial</b> and <b>practical</b> issues arising from the crime; (e) unless otherwise provided by other public or private services, <b>advice</b> relating to the <b>risk</b> and <b>prevention of secondary and repeat victimisation, of intimidation and of retaliation</b> .
Paragraph 2 (emphasis added)		Member States shall <b>encourage</b> victim support services to pay particular attention to the <b>specific needs</b> of victims who have suffered considerable harm due to the severity of the crime.
Paragraph 3 (emphasis added)		Unless otherwise provided by other public or private services, <b>specialist support services</b> referred to in Article 8 (3), shall, as a minimum, <b>develop</b> and <b>provide</b> : (a) <b>shelters</b> or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation; (b) <b>targeted</b> and <b>integrated support</b> for victims with <b>specific needs</b> , such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.

Source: FRA 2014



## Annex 4: Overview of comparative tables available online

The following tables are available on the FRA website at <http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/victims-support-services>.

1. Helplines for victims
2. Models of generic victim support organisations
3. Quality standards
4. 'Victims of crime funds'
5. Victims' rights at trial
6. Challenging the decision not to prosecute
7. Cross-border support
8. Authorities' obligation to provide information to crime victims
9. Member State approaches to victims: conceptualisation of victims and their role in criminal proceedings
10. Victims' rights to compensation during criminal proceedings
11. Legal aid provision
12. Public coordination of victim support services
13. Transfer of victim's personal data from police to victim support services
14. Victim support not dependent on complaint







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## HELPING TO MAKE FUNDAMENTAL RIGHTS A REALITY FOR EVERYONE IN THE EUROPEAN UNION

The rights of victims of crime to access justice and to be protected against repeat victimisation may remain illusory in practice if the victim fails to receive professional advice and support. This research by the European Union Agency for Fundamental Rights (FRA) examines support service provision for such victims across the 28 EU Member States, in line with the 2012 EU Victims' Directive. It focuses not on abstract fundamental rights standards but on the final practical results. FRA research identified promising practices that Member States looking to improve their victim support structures might turn to for inspiration. It also found several areas where Member States currently fall short of meeting the directive's requirements. They will need to take further legislative and policy steps to ensure they comply with the directive by the implementation deadline of 16 November 2015.

