



**THE GOVERNMENT'S REVIEW OF THE BALANCE OF COMPETENCIES BETWEEN THE  
UNITED KINGDOM AND THE EUROPEAN UNION (POLICE AND CRIMINAL JUSTICE)  
VSS RESPONSE**

Victim Support Scotland (VSS) is the largest voluntary organisation in Scotland helping people affected by crime. We provide emotional support, practical help and essential information to victims, witnesses and others affected by crime in every Scottish local authority area, and in every Sheriff and High Court in the land. The service is free, confidential and is provided by volunteers. In advocating for victims and witnesses, VSS welcomes the opportunity to comment on the UK Government's review of the balance of competencies between the United Kingdom and the European Union.

*Judicial cooperation*

Cooperation between the UK and the EU in matters of criminal justice is an essential element of an effective EU, promoting the free movement, safety and security of its citizens. EU member states must work together effectively and efficiently in order to tackle cross-border crimes, especially in regards to cases of organised crime and terrorism. VSS believes that cross-border cooperation within Europe is demonstrated to a good extent through instruments and actions to improve access to justice, including the European Arrest Warrant, the European Investigation Order, Eurojust and Europol. The prolonged investigation and prosecution of crime adversely impacts on crime victims and their families, with the recovery process often suspended until a justice outcome has been reached. Victims of crime should be confident that the investigation and prosecution of crime will not be restricted or limited if a crime has occurred out with the country of residence of the victim or offender. Swift action in the investigation and extradition of criminal suspects can reduce unnecessary delays in prosecution, while the collection of evidence while it is fresh can increase chances of conviction. It is therefore in the interests of crime victims that European countries use the aforementioned 'post-Lisbon' judicial cooperation measures to expediently bring offenders to justice.

In addition to these instruments, the European Commission has also introduced the European Protection Order (EPO), a measure which extends the protection afforded to victims by their native state to the entirety of the EU. As part of its call for extended cross-border cooperation in international cases, Victim Support Europe (VSE), the umbrella network for European victim support organisations, calls for the implementation of the European Protection Order (EPO) directive across Europe. VSS reiterates this call, as we believe that the EPO is essential in allowing victims of crime who require protection to exercise their right to free movement within the EU.

### Minimum standards in criminal law and procedure

Victimisation is increasingly a global and European-wide phenomenon, with a large number of European citizens now travelling, working or living away from home. For example, there is estimated to be between 1 and 1.8 million UK migrants living in the EU<sup>1</sup>, and Europeans make around 1.25 billion trips as tourists within the EU every year<sup>2</sup>. Furthermore, it has been reported that around 15% of individuals in Europe are likely to be a victim of crime<sup>3</sup>. Victims of crime abroad tend to be more vulnerable than they would be in the aftermath of a crime at home; language and cultural differences, a lack of familiarity with the country's legal system and a lack of knowledge in relation to their access to rights within the foreign territory all contribute to the exacerbation of an already difficult and traumatising experience. Taking this into account, it is clear that the establishment and maintenance of minimum standards in criminal law and procedure is in the interest of UK citizens travelling, working and living in the EU.

Victim Support Scotland strongly supports the European Commission's objective that:

"victims must be able to benefit from minimum level of rights without discrimination across the EU, irrespective of their nationality or country of residence and whether a minor or serious crime is involved, whether they have reported the crime and whether they are the victim or a family member."<sup>4</sup>

We are confident that the establishment of minimum standards for rights, protection and support for victims of crime across Europe through the EU Directive establishing minimum standards on the rights, support and protection of victims of crime (the Victims' Directive) will raise the standard of justice experienced by victims across the EU to a level similar to that experienced within the UK. In addition to this, implementation of the Directive further promotes the rights of victims of crime *within* the UK; the Victims and Witnesses (Scotland) Act 2014, for example, introduces provisions that will ensure that victims are provided with better treatment, enhanced levels of protection, increased access to information and the ability to participate more fully in the criminal justice system. VSS believes that the Victims' Directive has prioritised victims' rights within the UK by encouraging its governments to prompt action than would have occurred through the domestic legislative agenda. In general, we contend that the 'post-Lisbon' EU measures in the area of minimum standards in criminal law and procedure have acted to, and will continue to, improve the care, treatment and support of victims of crime across Europe.

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<sup>1</sup> The Migration Observatory at Oxford University and the Institute for Public Policy Research, cited in [https://fullfact.org/immigration/net\\_migration\\_eu\\_nationals\\_uk-30857](https://fullfact.org/immigration/net_migration_eu_nationals_uk-30857) [accessed 01/07/2014]

<sup>2</sup> European Commission, [http://ec.europa.eu/unitedkingdom/press/press\\_releases/2011/pr1147\\_en.htm](http://ec.europa.eu/unitedkingdom/press/press_releases/2011/pr1147_en.htm)

<sup>3</sup> *The Burden of Crime in the EU. Research Report: A Comparative Analysis of the European Survey of Crime and Safety (EU ICS) 2005.* van Dijk, J., Manchin R., van Kesteren, J., Nevala, S., Hideg, G  
<http://vorige.nrc.nl/redactie/binnenland/Misdaad.pdf>

<sup>4</sup> EU Commission, Criminal Justice, Victim Objectives, <http://ec.europa.eu/justice/criminal/victims/>

### Benefits and improvements

VSS notes that the UK benefits from the financial support of the EU in respect to the availability of grant funding, which contributes to raising minimum standards in criminal law and procedure. In addition to this, the UK are well represented in bodies setting minimum standards, and work well in influencing these bodies to reflect UK interests in addition to improvement within the EU more generally. To deliver more in the UK interest, VSS believes that the EU could make funding available for programmes aimed at individual member states, or organisations within them. This would result in the development of more relevant programs that can be used to target specific issues experienced as regional or national phenomena rather than solely cross-border issues. For example, thematic work programmes could be put in place at both regional and member state level for minimum standards on criminal law and procedure (including in relation to suspects and victims of crime). We also suggest that training is provided to ensure that all relevant parties have the knowledge they need to apply EU regulations, directives and decisions.

### Conclusion

It is in the interests of British and European victims of crime that there is continued and extended cross-border cooperation between EU member states, as demonstrated through the use of 'post-Lisbon' measures such as the European Arrest Warrant, the European Investigation Order, Eurojust, Europol and the European Protection order. UK citizens and victims of crime should be afforded the same protection, support, information and rights throughout the EU as within their own country. Victims throughout Europe benefit from the minimum standards in criminal procedure and law; measures such as the Victims' Directive will help ensure that regardless of the location of the crime or the nationality of the perpetrator, victims are aware of their rights, have access to support and can expect efficient and effective investigation and prosecution of their crimes. For more detailed information on the required next steps for victims of crime in Europe, please see the attached Victim Support Europe Manifesto for 2014-2019.

# VICTIM SUPPORT EUROPE **MANIFESTO**

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## 2014 · 2019

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**TOWARDS A  
UNION OF FREEDOM,  
SECURITY AND JUSTICE  
FOR VICTIMS OF CRIME**

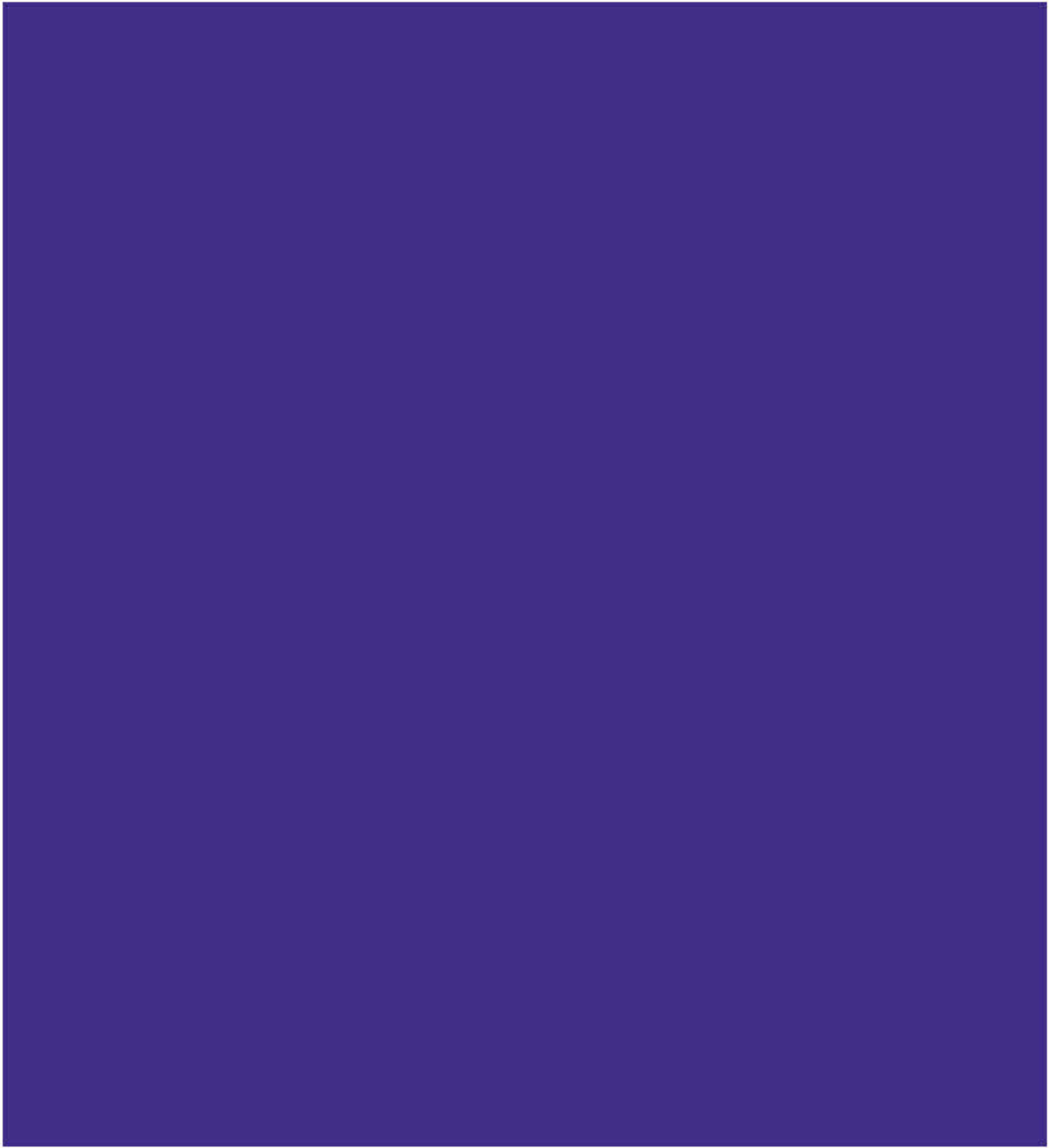
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OF THE EUROPEAN UNION



**Victim Support**  
Europe



# SUMMARY OF VSE CALLS

1

FULL IMPLEMENTATION OF THE *EU DIRECTIVE ESTABLISHING MINIMUM STANDARDS ON THE RIGHTS, SUPPORT AND PROTECTION OF VICTIMS OF CRIME* IN ALL EU MEMBER STATES

2

EFFICIENT ACCESS TO VICTIM SUPPORT SERVICES BY REFERRAL ARRANGEMENTS

3

INDIVIDUAL ASSESSMENTS - FIRST STEP TO ENSURE PROVISION OF RIGHTS AND SERVICES THAT MEET THE NEEDS OF VICTIMS

4

EFFECTIVE, INDEPENDENT AND WELL-FUNDED VICTIM SUPPORT SERVICES IN EVERY EU MEMBER STATE

5

ENCOURAGE STATUTORY AGENCIES TO PROMOTE AND DEVELOP THEIR COOPERATION WITH VOLUNTARY ORGANISATIONS BY HAVING VICTIMS' NEEDS AS A KEY PRIORITY

6

EXTENDED COOPERATION IN CROSS-BORDER CASES

7

RECOGNITION OF A EUROPEAN BODY FOR THE COORDINATION AND PROMOTION OF VICTIMS' RIGHTS

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MINIMUM STANDARDS FOR VICTIMS' PROCEDURAL RIGHTS

9

EU-WIDE AWARENESS RAISING ON THE IMPACT OF CRIME AND NEEDS OF VICTIMS

10

REGULAR EUROPEAN VICTIMISATION SURVEYS

## VICTIM SUPPORT EUROPE

Victim support services have existed in Europe for over 30 years. Victim Support Europe is the umbrella network for national victim support organisations in Europe. Our members provide support and information services to victims and other people affected by crime and disasters. Through the promotion of establishment and development of rights and services, the organisation aims to ensure that every victim in Europe is able to access information and support services in the aftermath of crime, regardless of where the victim lives or where the crime took place. Victim Support Europe also works to ensure that victims and witnesses are respected, have access to strong rights and are able to make their voice heard throughout the criminal justice process. We strongly support the EU Commission's objective that "victims must be able to benefit from minimum level of rights without discrimination across the EU, irrespective of their nationality or country of residence and whether a minor or serious crime is involved, whether they have reported the crime and whether they are the victim or a family member."<sup>1</sup> Victim Support Europe's members provide universal support services for all victims of crime, irrespective of crime category, including families bereaved by murder/homicide, victims of assault, rape and sexual violence, robbery, house-breaking, domestic abuse and gender-based violence. Yet, individual assessments ensure that victims are seen as individuals and their individual needs recognised and met on a case by case basis. Victim Support Europe's membership currently consists of 34 member organisations<sup>2</sup>, around 3.000 staff members, 20.000 volunteers and provides assistance to around 2 million people affected by crime and disasters each year.

## VICTIMS' RIGHTS IN EUROPE – NEW EU DIRECTIVE SETS THE STANDARD

Victims' rights in Europe have never been more important. The adoption of the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* provides a new level of standards that all EU Member States must fulfil in relation to victims of crime. It clarifies that all victims of crime must be able to access information, support, protection and a range of other rights and services in the aftermath of crime. Professionals are required to assist victims in their recovery and provide services in a respectful, sensitive, tailored, professional and non-discriminatory manner<sup>3</sup>, protecting the dignity of all individuals involved. Following the adoption of the European legislation, it is now time to ensure the rights are accessible in practice for victims across Europe.



## PURPOSE OF THIS MANIFESTO – IMPROVE THE POSITION OF VICTIMS ACROSS EUROPE

### VICTIMISATION IN EUROPE – NEED FOR SUPPORT

Crime often affects more than one person and those close to the victim may also suffer indirectly. Conservative estimates of crime trends suggest there are over 30 million crimes committed in the EU each year<sup>4</sup>. With almost 15% of the EU population victimised by crime<sup>5</sup> this equates to around 75 million people who fall direct victim to crime each year<sup>6</sup>. This includes around 7000 victims of murder/homicide and more than 3 million violent crimes including rape, sexual assault, housebreaking and robbery. This leaves many victims, families, friends and other people affected by crime such as witnesses or first responders in desperate need of support services to deal with the impact of the crime. Europe must ensure that all people affected by crime are given the help they need to deal with any emotional, practical or legal implications.

With the continual changes in society, crime trends and innovations such as technology and changes in demographics, it is important that victim support services continue to develop to ensure they can still meet the needs of victims in the 21<sup>st</sup> century. For countries that have not yet organised their support to victims, the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* should be seen as an incentive – this is the time to act. Legislators, politicians, national representatives and public decision makers play a key role in providing the tools required to make victims' rights a reality in practice. This Manifesto clarifies Victim Support Europe's visions and hopes for the future, by identifying the areas we feel should be addressed in order to improve the position of victims across Europe. The actions listed in this Manifesto will ensure that victims in every EU Member State:

1. have access to the rights given by the European Union
2. is efficiently referred to victim support services
3. have their individual needs assessed and met throughout the criminal justice process
4. can count on the delivery of victim support services
5. are granted minimum standards of procedural rights
6. may benefit from good cooperation between criminal justice agencies and victim support organisations
7. can rely on appropriate referral to access support and information in cross border cases

*In the adoption of the EU Directive establishing minimum standards on the rights, support and protection of victims of crime, we have received invaluable help and input from Victim Support Europe, from its members, and I thank you for that.*

Viviane Reding, Vice-President of EU Commission,  
Speech at Victim Support Europe Annual Conference, Edinburgh, 30 May 2013



# VICTIM SUPPORT EUROPE CALLS FOR

1

## FULL IMPLEMENTATION OF THE *EU DIRECTIVE ESTABLISHING MINIMUM STANDARDS ON THE RIGHTS, SUPPORT AND PROTECTION OF VICTIMS OF CRIME* IN ALL EU MEMBER STATES

Victims' access to the rights included in the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* is dependent on Member State implementation. To provide tangible improvements in the rights and services available to victims in the aftermath of crime, Victim Support Europe calls for full and comprehensive implementation of the EU Directive in all EU Member States. Below, we have highlighted areas where particular attention should be given:

### A. RIGHT TO INFORMATION

In order to participate in the criminal justice process and make informed decisions about their engagement with the system, victims need information on what their rights are and what services they can access. Right to information is therefore one of the most important rights in the aftermath of crime. Many victims are unaware of what information is available to them. It is therefore important that the burden is not put on the victim to request a certain piece of information. Instead, the State and applicable criminal justice agencies should proactively provide information to victims. It is the right of victims to *receive* information, not to be made responsible for the practicalities surrounding its delivery. Information should be given to all victims, irrespective of their role in the criminal justice process and whether or not the accused pleads guilty. Agencies should ensure that the victim is able to understand the information given. Information should be repeated and, if necessary, followed up with an offer of support.

*"I just felt overwhelmed, I didn't understand what was happening, but Victim Support explained what happened which helped me"*

 victim

## **B. DEVELOPMENT OF RECOMMENDATIONS PROVIDING FURTHER DETAILS ON THE EU DIRECTIVE ESTABLISHING MINIMUM STANDARDS ON THE RIGHTS, SUPPORT AND PROTECTION OF VICTIMS OF CRIME, AS HIGHLIGHTED IN THE BUDAPEST ROADMAP**

*The Resolution of the Council on a roadmap for strengthening the rights and protection of victims, in particular in criminal proceedings (hereafter the Budapest Roadmap) calls on the completion of a Recommendation, or several Recommendations, to facilitate Member States' implementation of the EU Directive establishing minimum standards on the rights, support and protection of victims of crime. Victim Support Europe and our member organisations across Europe would welcome the opportunity to work with the Commission on the development of such Recommendation(s) to ensure they take account of best practice and the expertise in the field, including those established by non-governmental organisations.*

## **C. DELIVERY OF TRAINING TO ALL PROFESSIONALS IN CONTACT WITH VICTIMS**

*The EU Directive establishing minimum standards on the rights, support and protection of victims of crime highlights training as a requirement for all professionals working with victims of crime. In addition, the Budapest Roadmap highlights that the EU should take steps to design procedures and structures aimed at preventing secondary and repeat victimisation. Appropriate training for all professionals working with victims and witnesses is a vital step to ensure that people affected by crime are treated with respect, dignity, sensitivity and professionalism, which in turn will limit the risk of secondary or re-victimisation. Training is also an important tool in the implementation of other rights, as it will increase the professionals' awareness and understanding of victims' reactions and needs in the aftermath of crime. Many Victim Support Europe members work closely with their national criminal justice partners to develop and deliver victim awareness training on the impact of crime and needs of victims. Victim Support Europe calls on victim awareness training to become part of the foundation training for all professionals working with people affected by crime.*

*"Victim Support Europe really understands the needs of crime victims and provides them with hope, care and most of all support when they need it the most. Victim Support Europe's work on the EU Directive on Victims Rights is a remarkable contribution that will serve victims for years to come".*

Kathleen O'Hara,  
survivor of a family homicide and international specialist in victim services.

## EFFICIENT ACCESS TO VICTIM SUPPORT SERVICES BY REFERRAL ARRANGEMENTS

For people affected by crime, early intervention and support can have a substantial impact on their recovery. The *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* gives every victim of crime, and their family members, right to access victim support services in the aftermath of crime. Insufficient referrals, or complete lack thereof, is the biggest barrier to victims' ability to access support<sup>7</sup>. Victim Support Europe supports a requirement on the Police to, in agreement with accredited victim support services, refer the victim to access such services.

The obligation in the Directive to refer victims to support services does not apply only to the Police but also to 'other relevant agencies'. To ensure equal access to support in the aftermath of crime, Victim Support Europe calls for the set up of referral arrangements to ensure all professionals in contact with victims refer them to access support to limit the impact of crime. Efficient referral arrangements should not merely be based on crime categories, as that is not always a reliable indicator of need. Reducing referrals to certain crime categories, or victims considered vulnerable or intimidated, will reduce access to support services for many victims in need. It can also result in vulnerable or intimidated victims not being identified at an early stage and therefore being unable to access appropriate support and protection.

In cases where the victim has specific needs that cannot be met by generic victim support services, referral arrangements should be in place between victim support organisations to ensure the victim has efficient access to specialised services tailored to meet these needs.

*"I lost all my confidence and I would not have been able to move forward without Victim Support."*

victim



## INDIVIDUAL ASSESSMENTS – FIRST STEP TO ENSURE PROVISION OF RIGHTS AND SERVICES THAT MEET THE NEEDS OF VICTIMS

All victims react differently in the aftermath of crime. To ensure measures are adopted to provide the most suitable support and assistance, the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* gives every victim the right to an individual assessment. The individual assessment is the most important tool to ensure that adequate services are delivered in the aftermath of crime. Victim Support Europe stresses the importance of equal rights to all victims of crime and therefore calls on the EU to support the development of an individual needs assessment that can be implemented across all EU Member States. Particular focus should be given to:

- A. SUPPORT THE DEVELOPMENT OF A EUROPEAN MODEL FOR CONDUCTING INDIVIDUAL ASSESSMENTS OF VICTIMS' NEEDS**
- B. DELIVER TRAINING TO PROFESSIONALS HOW TO ASSESS VICTIMS' NEEDS IN PRACTICE**
- C. HOLD MEMBER STATES ACCOUNTABLE FOR ASSESSING NEEDS AND PROVIDING ADEQUATE MEASURES TO MEET IDENTIFIED NEEDS**

Victim Support Europe and its members would welcome the opportunity to assist in this development to ensure the new tool takes established best practice and practitioner expertise into account when designing the tool and delivering associated training for professionals conducting the assessments.

*"Victim Support Europe is establishing new progresses and developments for victims all over Europe. On account of this it is of high importance to learn, participate and engage for an advanced Europe for people drawn by crime. It is therefore a far-reaching and compassionate organisation, whose work is indispensable."*

Axel Voss, Member of the European Parliament

## EFFECTIVE, INDEPENDENT AND WELL-FUNDED VICTIM SUPPORT SERVICES IN EVERY EU MEMBER STATE

Many victims, witnesses and other people affected by crime need assistance to cope. While numerous victims rely on family members and friends for support, it may sometimes be difficult for victims to tell, and for those close to the victim to hear, details of the crime. Some victims do not have support available from close family and friends, or would prefer not to turn to them for help. In addition, victims often need detailed information regarding the criminal justice system and their rights within the system, which requires expert knowledge. It is therefore vital to ensure that victim support services are available to complement and substitute any support provided by family and friends.

The EU Directive establishing minimum standards on the rights, support and protection of victims of crime provides a right for every victim of crime, and their family members, to access victim support services in the aftermath of crime. Today, only around 16% of all victims in the EU have access to victim support services<sup>6</sup> and we note with concern the current dramatic shortfall in resources required to achieve the agreed EU-wide standard of access to support services. Although some Member States have long experience of providing victim support

services, others are in the initial stages of coordinating their service delivery to victims of crime. Mobilising and increasing the effective use of financial resources to achieve the standards set out in the EU Directive is a first step in fulfilling the rights of victims in the 21<sup>st</sup> century. Non-governmental organisations are able to provide cost-effective services to all victims of crime, including victims of unreported crime who never enter the formal criminal justice system. A main aim is that support services should be *independent*. In the same sense as the prosecution service, the court service and criminal defence agents operate independently in the best interest of their client or the public interest, victim support services should focus on the interest and needs of the victim.

Access to victim support services will not only fulfil victims' right to support, but will also assist in the fulfilment of other rights included in the Directive. For instance, the *Budapest Roadmap* highlights that fostering victim support services enhances victims' access to justice. Victim Support Europe therefore calls on earmarked resources to be made available for the establishment and development of quality victim support services in every EU Member State.

*"The international synergy we are starting to see on victims' issues speaks both to the importance of these issues, and to a growing global cultural shift. In evaluating Canada's system, our Office often looks to our international partners – their best practices and models. In the case of Victim Support Europe, their dedication to advancing the treatment, respect, protection and support of victims of crime is a powerful example of the meaningful type of work that can be done and the difference that working together can make for victims of crime."*

Sue O'Sullivan, Federal Ombudsman for Victims of Crime, Canada

## ENCOURAGE STATUTORY AGENCIES TO PROMOTE AND DEVELOP THEIR COOPERATION WITH VOLUNTARY ORGANISATIONS BY HAVING VICTIMS' NEEDS AS A KEY PRIORITY

Crime and victimisation can impact on many areas of a victim's life. Reactions often extend beyond thoughts and feelings to influence everyday behaviours. In addition to any legal ramification, victimisation may affect a victim's health, education, employment, housing and ability to engage in social activities. In contrast to this multi-faceted impact of crime, most agencies conduct their work with victims in isolation, only focusing on their part of the societal response to crime. Giving victims access to coordinated services and support will help their recovery and limit the impact of crime.

Effective cooperation can help ensuring that victims' needs are identified and tailored for in the immediate aftermath of crime. It establishes through-care of victims, ensuring that no victim falls through the gaps between the different agency remits. Victim Support Europe therefore encourages statutory agencies working with people affected by crime to have victims' needs as a key priority and to extend cooperation with voluntary organisations, to fulfil set standards and provide the most successful outcomes for people affected by crime.

*"Victim Support Europe fulfills an important space in progressing the human rights of victims of crime under national and EU laws. The network ably occupies this position through an understanding of the needs of victims of crime and their support networks, accompanied by evidence-based policy work and linkage between like-minded organisations throughout the continent."*

Irish Council for Civil Liberties



## EXTENDED COOPERATION IN CROSS-BORDER CASES

Victims of crime are entitled to support, protection and compensation irrespective of where in the EU they live or where the crime was committed. However, many victims are still left to fend for themselves in the aftermath of crime. Victims in cross-border cases face additional challenges based on language barriers, lack of supporting social networks and unfamiliarity with the applicable criminal justice system. In line with the notion of a European Union of Freedom, Security and Justice, Victim Support Europe calls on particular attention to be given to victims of cross-border crime, to ensure current legislation is implemented to allow them access to applicable rights and services. Focus should in particular be given to:

**A. CROSS-BORDER REFERRALS TO SUPPORT SERVICES** – ENSURING VICTIMS CAN ACCESS SUPPORT SERVICES IN A COUNTRY SUITABLE TO THEM

**B. EUROPEAN PROTECTION ORDERS** – ASSISTING VICTIMS LOOKING TO ENFORCE EUROPEAN PROTECTION ORDERS IN THEIR NEW COUNTRY OF RESIDENCE

**C. COMPENSATION** – PROVIDING EFFECTIVE ACCESS TO COMPENSATION REGARDLESS OF WHERE THE VICTIM LIVES OR WHERE THE CRIME OCCURRED

*"Victim Support Europe is the recognized international leader in promoting the legal rights and practical needs for victims of crime in the European Union."*

Will Marlin,  
CEO, National Organization for Victim Assistance, USA

## RECOGNITION OF A EUROPEAN BODY FOR THE COORDINATION AND PROMOTION OF VICTIMS' RIGHTS

Victims' rights legislation in Europe have never been stronger, following the adoption of the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime*. However, the fact that not a single EU Member State implemented the *2001 Framework Decision on the standing of victims in criminal proceedings* demonstrates the challenges facing Member States when implementing victims' rights in practice.

To assist the implementation of the 2012 EU Directive, Victim Support Europe calls for the recognition of a European body aimed at providing general guidance and recommendations to assist Member States' fulfilment of the EU Directive on victims' rights. Building on established expertise among European victim support services, the body can also help victims directly by providing information on cross-border referrals, complaint processes and assist victims wanting to make a complaint or access support in another country.

The body could have overall responsibility for monitoring victims' ability to access their rights in practice and ensure that victims are represented in development of public policy and legislation across Europe. Finally, the body can help the establishment of quality victim support services in every Member State by developing European standards of best practice in service delivery and provide formal accreditation for victim support service providers.

Victim Support Europe would welcome the opportunity to further discuss and determine the remit and structure of the body and how it can take advantage of current knowledge and expertise among victim support services to build capacity in the European victim movement.

*"Korea Crime Victim Support Center and Victim Support Europe have extended our cooperation to provide international leadership and inspiration to improve the situation for victims of crime. Victim Support Europe has provided much expertise to the Korea Crime Victim Support Center regarding set up and delivery of support services and has become a model for Korean crime victim support. Korea Crime Victim Support Center wants to thank and congratulate Victim Support Europe on its work and wishes the organisation best of luck for the years ahead. We look forward to working together for the continued development of victim support services across the world."*

Yongwoo Lee, Chairman, Korea Crime Victim Support Center  
and Congress Crime Victim's Rights Commissioner in Korea

## MINIMUM STANDARDS FOR VICTIMS' PROCEDURAL RIGHTS

Procedural rights for victims of crime vary greatly across EU Member States, often depending on the role assigned to victims in national criminal justice systems. The *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* did not harmonise the role of victims across Europe and as such, many procedural rights remain unaffected by the Directive. Victims often feel powerless to impact on decisions made in their case by formal criminal justice agencies and some victims describe taking part in the trial as watching a play about their own life without being able to participate. In line with the increasing amount of European case law regarding procedural rights for victims of crime and the advancements made regarding procedural rights for suspected or accused persons, Victim Support Europe calls on the establishment of minimum standards for procedural rights for victims across EU Member States.

As a minimum, victims should be informed of all activities and decisions made in their case. They should have the right to provide information and their views must be taken into account by the deciding agency, for instance regarding the scope of an investigation, arrest of a suspect, choice of charge and any out-of-court settlements. Drawing inspiration from Marsy's Law<sup>2</sup>, victims in the EU should also have the right to be present and provide information at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue. Victims should have the right to a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings, irrespective of where in the EU the crime took place and where the victim lives. The safety of the victim, the victim's family, and the general public must be considered before any parole or other post-judgment release decision is made.

*"I was very scared of coming to court but once here and got help from Victim Support volunteers, I was very grateful and felt better"*

victim

## EU-WIDE AWARENESS RAISING ON THE IMPACT OF CRIME AND NEEDS OF VICTIMS

*Council Conclusions on a strategy to ensure fulfilment of the rights of and improve support to persons who fall victim to crime in the European Union*<sup>12</sup> highlights further development of victim support, training of professionals and public awareness raising as particularly important to improve the position of victims. Victims of crime are still met with prejudice in many parts of society and their behaviour is often scrutinised to see if they are (at least in part) to blame for their victimisation.

Societal stereotypes and the general public's views on areas such as gender roles and risk behaviours impact on the way victims are treated in the aftermath of crime. Victim Support Europe encourages the delivery of awareness raising campaigns and information sharing to increase the general public's understanding of crime and how it impacts on victims. For instance, the year 2015<sup>13</sup> could be dedicated as the European year for victims of crime.

*"Victim Support Europe is the only NGO which has consistently succeeded to effectively promote the rights and interests of all crime victims throughout the entire European Union. As such, Victim Support Europe has made an invaluable contribution to the legal order of the EU Member States."*

Dr. Marc Groenhuijsen, President, World Society of Victimology



## REGULAR EUROPEAN VICTIMISATION SURVEYS

Research in relation to crime and victimisation is a vital foundation in order to monitor the successful delivery of victim support policy and practice. To develop suitable responses to crime and victimisation, in particular in the victim support field where resources are scarce, it is important to have the knowledge and tools to document the extent and scope of victimisation in Europe. It is also important to evidence the impact of service delivery, to ensure that the limited resources available can be focused on the services bringing the best outcomes for victims. The collection of data is also

vital to assess the successful implementation of the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime*, as highlighted in Directive preamble (64). To assist the practical delivery of victim services and the advancement of European criminal justice policy, Victim Support Europe calls on renewed dedication to conduct regular International/European Victimization Surveys. This vital survey provides detailed information regarding crime-trends, impact of crime, ability of victims to access support and the benefit of delivered support services.

*"VSE has done a huge amount to highlight the difficulties that many victims still face in Europe today and I have been pleased to have played a small part in some of their very successful campaigns."*

Alyn Smith, Member of the European Parliament



# CONCLUSION

The leadership and initiative shown by the EU Institutions and Member States holding the EU Presidency have significantly improved the position of victims of crime in Europe. The inclusion of victims in the *Stockholm programme* has brought vital improvements in the European promotion and protection of victims' rights, most notably through the adoption of the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime*. To ensure continuity and successful implementation of recent advances, Victim Support Europe encourages victim issues to be included as a priority in upcoming programmes

within Freedom, Security and Justice. We support accountable leadership, whereby Member States take responsibility for placing the victim at the heart of justice and ensuring that all people within their jurisdiction can access rights, information and quality support services in the aftermath of crime. Throughout this Manifesto, Victim Support Europe has identified our main strategic priorities for the upcoming years and the areas we believe must be addressed in order to improve the position of victims. Let's work together to ensure that the aim of a European Union of Freedom, Security and Justice also applies to victims of crime.



# ENDNOTES

<sup>1</sup> EU Commission, Criminal Justice, Victim Objectives, <http://ec.europa.eu/justice/criminal/victims/> (accessed 05/09/2013)

<sup>2</sup> Victim Support Europe currently (Oct 2013) consists of 34 national member organisations covering Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Republic of Ireland, Italy, Malta, the Netherlands, Poland, Portugal, Russia, Serbia, Slovakia, Spain, Sweden, Switzerland, United Kingdom and USA

<sup>3</sup> Article 1, *EU Directive establishing minimum standards on the rights, support and protection of victims of crime*

<sup>4</sup> According to Eurostat publication *Trends in crime and criminal justice 2010, 18/2013*, published August 2013, there were over 21 million crimes recorded in the EU. Considering the differences in recording practices, definition of crime and a high number of unreported crimes, the true figure is likely somewhere in the region of at least 30-40 million crimes committed each year.

<sup>5</sup> Van Dijk, J., Manchin, J., van Kesteren, J., Nevala, S. & Hideg, G. *The Burden of Crime in the EU: Research Report – A Comparative Analysis of the European Crime and Safety Survey (EU ICS) 2005*, p. 19

<sup>6</sup> *Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions – Strengthening victims' rights in the EU*, COM(2011) 274 final, (Brussels, 18.5.2011), part of the Victims' Package adopted by the EU Commission on 18 May 2011

<sup>7</sup> This view was supported by the European Economic and Social Committee in their report on the EU Directive establishing minimum standards on the rights, support and protection of victims of crime, *Opinion of the European Economic and Social Committee on the Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions – Strengthening victims' rights in the EU COM(2011)274 final and on the Proposal for a Directive of the European Parliament and of the Council establishing minimum standards on the rights, support and protection of victims of crime COM(2011)275 final – 2011/0129 (COD)*, section 4.5.5

<sup>8</sup> Van Dijk, J., Manchin, J., van Kesteren, J., Nevala, S. & Hideg, G. *The Burden of Crime in the EU: Research Report – A Comparative Analysis of the European Crime and Safety Survey (EU ICS) 2005*, p. 76

<sup>9</sup> Marsy's Law, the California Victims' Bill of Rights Act of 2008, is an Amendment to the state's Constitution and certain Penal Code sections. The Act protects and expands the legal rights of victims of crime to include 17 rights in the judicial process, including the right to legal standing, protection from the defendant, notification of all court proceedings, and restitution, as well as granting parole boards greater powers to refuse parole. For more information, please see [http://www.cdcr.ca.gov/Victim\\_Services/Marsys\\_Law.html](http://www.cdcr.ca.gov/Victim_Services/Marsys_Law.html)

<sup>10</sup> Please see [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/oha/110726.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/oha/110726.pdf)

<sup>11</sup> Deadline for transposing the *EU Directive establishing minimum standards on the rights, support and protection of victims of crime* is 16 November 2015

