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Right to information / EU Directive
establishing minimum standards on the
rights, support and protection of victims
of crime

Review victims of crime in the EU

- Two main problems identified
 - Existing legislation was inadequate to improve situation for victims
 - Needs of victims were not sufficiently addressed by Member States
- Primary drivers for identified problem
 - Non-prioritisation of victims
 - Lack of knowledge of victims' needs
- EU action (Directive for victims' rights) required in order to
 - Improve and address identified challenges in victims' access to rights and services
 - Harmonise rights – equal access to rights and services across the EU



*EU Directive establishing minimum standards
on the rights, support and protection of victims of crime*

- 5 areas of victims' needs
 - Recognition and dignity
 - Protection
 - Support
 - Access to justice
 - Compensation and restoration

Objective (Article 1)

Ensure that **all** victims of crime:

- receive appropriate **information**, support and protection
- are able to participate in criminal proceedings
- are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner

Right to generic information (Article 4)

Member States shall ensure that victims, from their first contact with criminal justice system, are offered the following information without delay:

- where and how to report a crime
- support services
- info about the criminal justice process and their role as victim
- protection
- legal advice, legal aid or any other sort of advice
- compensation
- interpretation/translation
- special arrangements for cross-border cases
- contact details to agencies
- available restorative justice measures
- complaints procedures in case rights are not respected

Right to case-specific information (Article 6)

Member States shall ensure that victims are notified, without delay, about available information and upon request given access to:

- ongoing information throughout criminal justice process – enabling the victim to know about the state of criminal proceedings
- decision ending the process (investigation or prosecution) and explanation of such decision
- time and date of trial
- final judgement, including sentence, and reasons for that verdict
- release of offender



Right to interpretation and translation (Article 7)

Member States shall ensure that victims who do not understand the language of the criminal proceedings are provided with interpretation/translation:

- In accordance with their role in the criminal justice system
- At least during interviews, police questioning and or during participation in court
- Translations are limited to 'information essential to the exercise of their rights in the criminal proceedings' and 'to the extent such information is made available to the victims'

Right to understand and to be understood (Article 3)

Member States should take appropriate measures to assist victims to understand and to be understood from the first contact and during any further interaction with competent authority in the context of criminal proceedings.

A crime has been committed



Victims report crime

- Right to receive acknowledgement of report
- Right to receive information
- Right to understand/be understood
- Right to interpretation/translation
- Right to be referred to victim support
- Right to access support services

Victims do **not** report crime

- Right to receive information
- Right to access support services

Case goes to trial



Case is heard in court

- Right to be heard
- Right to legal aid
- Right to reimbursement of expenses
- Right to compensation from the offender
- Right to protection
- Avoid contact between victim and offender
- Right to individual assessment
- Right to special measures



Case is dismissed

- Right to receive information
- Right to review decision not to prosecute
- Right to access support services

Beyond the trial

- Right to receive information (release of offender etc.)
- Right to access support services
- Right to safeguards in restorative justice services
- Prevention of re-victimisation

Implementation phase

- Deadline Nov 2015
- EU Commission Explanatory Paper
- VSE EU Handbook for Implementation of Legislation and Best practice for victims of crime
- Implementation workshops
- Case law – European Court of Justice

Summary Directive

- What does the Directive do
 - Covers all victims of crime
 - Harmonises minimum standards a range of rights
 - Individual assessments – victims seen as individuals
 - Improves clarity and expectations
 - Encourages change of behaviour and attitude for professionals working with victims of crime
 - Provides enforcement possibilities
- What does the Directive **not** do?
 - Harmonise the role of victims
 - Harmonise compensation practices, protection measures or use of restorative practices
 - Main focus on criminal justice proceedings – unreported crime
 - Wording – stronger but still contains ambiguities (training, special measures)
 - Access to right dependent on implementation in Member States

Main challenges in implementing right to information

- Information overload
- Victims without an active part
- Data protection and confidentiality
- No victim left behind
- Proactive information sharing
- Think beyond legislation



Thank you!

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