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


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On 18 May 2011 the European Commission and on 29 June 2011 the Council decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, 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

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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


The Section for Employment, Social Affairs and Citizenship, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 8 November 2011.

At its 476th plenary session, held on 7 and 8 December 2011 (meeting of 7 December), the European Economic and Social Committee adopted the following opinion by 142 votes with four abstentions.

1. Conclusions and recommendations

1.1 The EESC urges the Commission to assess the impact of the crisis on victims of crime more closely in a study, and bring forward accompanying measures based on its findings.

1.2 The EESC has concerns about the low level of confidence of victims in the criminal justice system, and recognises a need to empower victims, particularly repeat victims, and develop civil confidence to break the cycle of victimisation. It calls upon the Commission to consider accompanying measures and funding to support this.

1.3 The EESC suggests that the Commission amends the definition of ‘victim’ to strengthen the rights and recognition of the family or representative of the victim.

1.4 The EESC calls for the Commission to conduct a thorough analysis of the protection for victims who suffer harm at work through criminal acts, and to bring forward accompanying measures to support minimum rights and recognition across the EU in both the private and public sector.

1.5 The EESC recommends that the Commission carries out an in depth analysis of victims of road traffic offences, and brings forward measures to ensure justice, support and compensation.

1.6 The EESC suggests the Commission builds more effective safeguards into the proposals to address direct and indirect discrimination of victims.

1.7 The EESC calls for a major culture-change in accepting the role of the victim and for this to be backed up with training of professionals and practitioners at all levels in the justice system and other relevant authorities whilst respecting the principles of subsidiarity. This should include the treatment of victims by the media generally, and to prevent politically motivated exploitation of victims.

1.8 The EESC accepts that certain victims are particularly vulnerable requiring specific treatment, but believes that rather than identifying certain ‘vulnerable victims’, and thus potentially creating a hierarchy of victims, the Commission should propose that all victims of crime should have access to special measures by means of an individual assessment, in accordance with
national procedures, to determine their vulnerability in relation to their personal characteristics, the nature of the crime, and relationship with the suspect.

1.9 The EESC calls for accompanying measures to strengthen and formalise the network of victim support services across the EU, and suggests it is funded on a consistent basis through the EU Budget. The EESC also recommends that the role of support services is extended to support victims of crime and their families on their return home in cases where the incident happened abroad. The EESC also believes that victim support services should be flexible and capable of channelling resources regionally to potential hot-spot areas.

1.10 The EESC recognises the wider role for civil society in developing practical measures to support victims of crime, and encourages the Commission to bring forward accompanying measures and funding to facilitate this.

1.11 The EESC urges the Commission to make wide-ranging and necessary improvements to provisions for compensation for victims in its forthcoming review, including consideration of an EU level criminal injuries compensation scheme. The EESC wishes the Commission to emphasise to Member States that the directive provides the minimum standards and provides the floor of rights, which allows national implementing legislation to provide greater protection.

1.12 The EESC welcomes the proposals relating to restorative justice, and calls on the Commission to support pilot project funding to develop standards and training in restorative justice across the EU.

1.13 The EESC calls on the EU Commission to develop common procedures within clearly defined and limited time-scales (1) for the transportation and repatriation of human remains of cross border victims, which would take precedence over national or provincial rules.

2. Introduction

2.1 The package of proposals launched by the Commission on 18 May 2011 expands the existing measures on victims’ rights adopted at EU level. The proposals seek to provide clear and concrete rights for victims of crime, and to ensure recognition, respect, protection, support, and access to justice no matter where in the EU they come from or live.

2.2 The EESC recognises that the Lisbon Treaty now provides a clear legal base for the EU to establish minimum rights and protections for victims of crime. The proposals are based on the Stockholm Programme (2) and its Action Plan (3), and in line with the Budapest road map (4).

2.3 The EESC welcomes the fact that the Polish Presidency has prioritised strengthening security in the EU, and the efforts being made by the Presidency to progress work on the Victims’ package in Council.

2.4 The EESC has undertaken a wide range of work relevant to this issue including opinions on compensation of victims of crime (5), trafficking (6), sexual exploitation and abuse and child pornography (7), rights of the child (8), EU Counter-Terrorism Policy (9), e-inclusion (10) and cybercrime (11).

3. General comments

3.1 The EESC emphasises that Member States cannot ignore the impact of the ongoing economic and financial crisis on this issue, and need to understand the dynamics of crime in this context. With tough austerity measures, many Member States are cutting police, health and welfare services, community organisations and funding for victim support services and other related NGOs. Furthermore, existing inequalities are becoming wider, and steadily increasing levels of poverty and unemployment are likely to fuel further social problems, and be a potential catalyst to crime.

3.2 EU level figures regarding victims of crime are alarming. Every year people are direct victims of more than 75 million crimes. It is an unacceptable fact that the majority of crimes are suffered by the same small percentage of victims who are being victimised time and time again. Typically the victims live in areas of high crime, with a high level of fear of crime and a low level of reported crime. Approximately 90% of crimes in these communities will go unreported.

3.3 Improving support for victims of crime across the EU is a fundamental cornerstone for developing the area of freedom, security and justice for citizens in the EU. This is vital given the steady growth in the number of people travelling or moving to live and work across the EU, a trend which is set to continue.

(1) Suggests within 28 days which would allow time for forensic investigation and DNA testing to be carried out by 2 pathologists, including an independent report request from the consulate of the deceased’s country.

(2) Adopted by the Council of Ministers on 10 June 2011.

(3) OJ C 51, 17.2.2011, p. 50–54.


(6) OJ C 218, 23.7.2011, p. 91.


(11) OJ C 218, 23.7.2011, p. 91.
3.4 The EESC welcomes the fact that the proposals offer citizens who have fallen victim to crime whilst abroad in one Member State the scope to report the crime in their Member State of residence. This is particularly important in cases of serious injury or accident, or for the family, in case of a fatality.

3.5 The EESC supports the directive's horizontal approach, covering rights for all victims.

3.6 Importantly, the proposals recognise the suffering and challenges faced by the family of the victim, as well as the victim themselves, but this needs to be reflected more consistently throughout the proposals.

3.7 Such events have devastating physical, emotional and financial consequences which necessitate support for both the victims and their families, who are so centrally involved in supporting them, in dealing with the authorities, medical support, a maze of administration, pursuit of the suspect/s and in seeking justice and compensation.

3.8 The EESC believes the added difficulties and stress for victims and their families in cross-border situations need to be recognised, where they have the added challenges of different languages, procedures and cultures that are unfamiliar to them and which can seem insurmountable.

3.9 More generally, 50 % of victims of crime do not report the crime to the 'competent authority'. This may be for a variety of reasons, including that victims do not understand the system for reporting or making a complaint, or have little faith in authorities providing help, protection and support to obtain justice or compensation. The EESC wishes to see the proposals translated in to practical measures to address the lack of confidence in the judicial system experienced by victims.

3.10 Studies confirm (12) that existing measures have failed to address the many practical and technical problems victims and their families encounter when they are at their most vulnerable and need help.

3.11 These proposals are an important step in ensuring that the victim and their families are put first, that they are given recognition, treated with dignity and respect, and receive the protection, support and access to justice they deserve as a right. In these vulnerable circumstances they should never feel alone.

4. Specific comments

4.1 Currently, there is a great deal of inconsistency in the strength and effectiveness of provisions across the EU, and there needs to be a step-change to ensure acceptable standards of support, protection and rights that EU citizens can rely on whether in their home country or another Member State. It is not acceptable that the level of support a victim receives is a lottery of where they fall victim in the EU.

4.2 The EESC recognises that its members are in a unique position to contribute to ensuring that these proposals are implemented effectively and, in relation to the accompanying measures mentioned in the Communication, calls on the Commission to continue to work with the EESC in encouraging their respective constituency organisations, where relevant, to develop practical structures, policies and practices to provide more systematic and effective support for victims of crime and their families.

4.3 Recognition and protection

4.3.1 The scope of definition of 'victim' in the Directive only extends to 'family members of a person whose death has been caused by a criminal offence'. The EESC believes this is drawn too narrowly and ignores the fact that many surviving victims are so badly injured that they need a very high level of support in exercising their legal capacity when conducting the complaint or judicial process for justice and compensation, which therefore falls to family members or other support persons. They also need recognition. The EESC suggests amending COM(2011) 275, Art. 2 (Definitions) to include an additional point 2(a) iii: 'The recognised support person, be it a family member or an employee of a victim who needs a high level of support in exercising legal capacity before or after the crime'.

4.3.2 Despite efforts made to comply with rules on health and safety at work, the EESC has concerns that the proposals are silent on the issue of protection for victims of criminal behaviour suffering harm at work, including people working in road or other forms of transport. Member States have different approaches to determining what constitutes a criminal offence in terms of breaches of workplace rights and protections, and this could undermine the guarantee of minimum standards across the EU. This also has implications for posted workers. The EESC therefore calls for a thorough analysis of this issue by the Commission, and for accompanying measures to support minimum rights for victims of criminal behaviour at work, which would apply to both the public and private sectors.

4.3.3 The EESC is concerned that defining a victim as a 'natural person' could exclude organisations or businesses that fall victim to crime from exercising their rights under the directive. The EESC suggests the Commission should conduct a study to assess the need for specific actions in this area, particularly in relation to SMEs, towards improving protection from serial victimisation.

4.3.4 The EESC believes that the Commission has not adequately addressed the major problem of direct and indirect discrimination against victims, including cultural discrimination, and suggests it builds more effective safeguards into the proposals to address this issue. Double victimisation and discrimination can occur, where victims are targeted for abuse due to their race, religion, beliefs, sexual orientation, disability, gender, or social background, which is a leading cause of the extremely high rate of unreported crime cases. Victims can then face discrimination through unacceptable treatment by the authorities and justice system through not being believed, or treated with dignity, respect and recognition.

4.3.5 The EESC calls for a major culture change to accepting the role of the victim in the justice system. Ensuring adequate training for professionals and practitioners is an important first step whilst respecting the principle of subsidiarity. The EESC recommends that the Commission targets funding programmes to achieve this culture change across the key agencies.

4.3.6 Protecting victims of crime is of central importance to the proposals. This is particularly important when the victim and their families are in the vicinity or in the same building as the accused, either in hospitals, court or police stations. Standard procedures need to be adopted to ensure (rather than ‘progressively establish’, as stated in the proposals) the avoidance of contact between the victim and their family and suspects by accommodating them in separate rooms, and using separate facilities.

4.3.7 Preventing people from becoming potential victims is also important. The EESC calls on the Commission to support the monitoring of emerging new forms of victimisation for example cybercrime and assess what measures are needed to protect and support victims. Developing programmes building on the success of programmes such as Daphne to raise awareness of potential threats, and to take preventative action when a threat is posed is key to reducing the number of victims.

4.3.8 Statistics show that, having become a victim, people are far more vulnerable to further victimisation. Many victims have suffered a lifetime of victimisation from being abused as children either in the home or in the care of state funded and other institutions. Many find it difficult to talk about their situation, and take steps to report the victimisation. The EESC wishes to see accompanying measures and targeted EU funding aimed at empowering victims, and those witnessing victimisation, to break the cycle of serial victimisation, and develop civil confidence, particularly in high crime communities.

4.3.9 Whilst accepting that certain victims are particularly vulnerable, such as children and people with disabilities requiring specific treatment, the EESC is concerned that, by identifying certain ‘vulnerable victims’, the Commission may encourage the creation of a hierarchy of victims, potentially leading to discrimination against other victims. All victims are vulnerable, and the EESC believes a better approach might be to propose that all victims of crime should have access to special measures by means of an individual assessment, in accordance with national procedures, to determine their vulnerability in relation to their personal characteristics, the nature of the crime, and relationship with the suspect. Methodologies that recognise understand and respond in a supportive manner to the social environment and living conditions of the victim are vital. The EESC recommends that Article 18 of COM(2011) 275 is amended to remove sections 1, 2 and 5 and to amend references and wording in the remaining text accordingly, including by removing the words ‘all other’ in line one of point 3.

4.3.10 The EESC welcomes the Proposal for a Regulation on mutual recognition of protection measures in civil matters and recognises this is necessary complementary legislation to the Proposal for a Directive CSL 00002/2010 on the European Protection Order (criminal). The EESC notes that an agreement has been reached between the Council of Ministers and the European Parliament on this proposal. The EESC believes the use and format of both measures should be standardised as far as possible to facilitate operation. Provisions need to be put in place to ensure protection orders are effectively enforced.

4.3.11 The EESC recognises the positive role that the media can play in relation to supporting victims rights and recognition, and wishes to see provisions in the proposals which ensure a balance between recognition of this positive role and protection of the privacy of victims and their families during court proceedings and from intrusive and unwelcome media attention, including politically motivated victimisation by the media. Too often images, photos and personal details are publicised without consent and this is an unacceptable invasion of privacy and family life. Guaranteeing respect, integrity and human rights for victims and their families when at their most vulnerable is essential. In such cases the media responsible should be obliged to remedy the violation by acknowledging it with the same visibility as the victimisation itself was given.

4.3.12 The EESC also wishes to see reference in the proposals to a requirement for public agencies, and in particular the police, to also protect the privacy of the victim and their family. Given that the police are the largest providers of information to the media, this requires attention. Shocking revelations in the UK regarding the hacking of victims’ and their families’ phones recently triggered a scandal. The EU needs to ensure greater protection for victims and families in this area, both at home and abroad.
4.4 Right to information, to be understood and to interpretation and translation

4.4.1 The EESC welcomes the proposals to provide clear and extensive rights for victims to timely and relevant case-specific information, and to be updated on the progress of their case. Too often valuable time, information and evidence is lost in cases, particularly where it is not clear from the outset whether or not there has been a crime e.g. missing persons, drowning, falls, unexplained death. The time delays can be greater in cross-border cases, particularly where the crime was un-witnessed. This should not cause delay in triggering victim support and protection measures. Enquiries using Eurojust or the Mutual Legal Assistance Treaty are restricted as the latter only refers to criminal matters. The EESC would like to see accompanying measures to find ways to remove obstacles to requests for an investigation or enquiry.

4.4.2 Knowing where to get information from and how to report a threat or incident is important, and, in cross-border situations, such information should be more readily available through the relevant authorities such as police, consulates/embassy offices, hospitals and local authority offices and their websites. This information should also be included among travel documents from travel companies/airlines, in duplicate with a tear-off copy travellers can leave with close family or friends.

4.4.3 There is currently insufficient coordination and cooperation between relevant authorities in cross-border cases, where different laws and cultures often result in obstacles or reluctance form authorities to share information and cooperate. The EESC would like to see further cooperation between EU Foreign and Justice Ministries to develop a Memorandum of Understanding to exchange information on a police to police basis, via Consular staff, to answer legitimate questions from the victim or family about an investigation. This should include a basis, via Consular staff, to answer legitimate questions from the victim or family about an investigation. This should include a commitment for relevant authorities to provide contact details of the investigating authority/officer to a nominated colleague in another jurisdiction who could engage with the victim and their family to provide information, with safeguards from disclosure where necessary.

4.4.4 Many countries do not have systems of family liaison services within their police forces or examining magistrates, and require a family to engage a solicitor to represent them before they will disclose information, which can be expensive and beyond many families’ means. The EESC recommends that the Commission considers accompanying measures to develop best practice models in this area to be adopted more uniformly across the EU.

4.4.5 Member States should be required to publicise information widely and regularly on the rights of victims and where they can get support. They should also be required to cooperate at EU level in the multilingual provision of such information in order to minimise costs.

4.4.6 The right to understand and to be understood is vital in the pursuance of justice. The EESC suggests that Member States should undertake a communication needs assessment for victims and their family participating in criminal proceedings, to ensure that they have the support they need to understand and be understood.

4.4.7 Wide-ranging rights to free interpretation and translation in criminal proceedings are fundamental human rights, and particularly critical for victims and their families in cross-border cases. The EESC welcomes the fact that these rights are now being extended to victims. Concerns about costs of such services should not be exaggerated as many Member States already respond to these demands from victims.

4.4.8 The EESC welcomes the assurance that victims and their family have the right to challenge any decision finding that there is no need for such services as well as the right to complain if the quality of interpretation is not sufficient to exercise their rights under the proceedings. As required in the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, the EESC supports the adoption of a national register of qualified interpreters and translators and for this to be the recognised pool to be used by legal counsel and relevant authorities. EESC has concerns that some Member States hold registers but are awarding contracts to agencies for such services, thus by-passing the register and undermining the spirit of the Directive, and wishes to see such practices stopped.

4.5 Access to victim support services

4.5.1 The proposals set out minimum services to be provided across the EU to ensure that victims of crime and their family know what they can expect in terms of timely and effective support, wherever they are in the EU when they most need it. It is vital that services are free of charge, confidential and delivered by highly trained personnel, whether provided by public or private services.

4.5.2 The EESC is concerned that current levels and quality of victim support services vary considerably among EU Member States, and generally are not as well funded as services for people accused or suspected of a crime. The EESC calls for accompanying measures to strengthen and formalise the standards, quality and geographical coverage of victim support agencies across the EU, and to fund it on a secure and consistent basis through measures in the EU Budget. This will help develop economies of scale by developing joint on-line training programmes, information and communication structures and sharing best practice. It will also facilitate more structured monitoring of victims, implementation and enforcement of the legislative package and its effectiveness.
4.5.3 The right of victims to support services is critical to ensuring their recovery and effective access to justice. Although the financial and economic crisis has presented many Member States with serious challenges, they must not step away from their duties in this area. They must weigh up the cost of implementing these services against the cost of not implementing them, i.e. the economic and social cost of victims and family members taking a long time to recover or failing to recover from the experience. Several countries fund national victim support measures through fines raised for criminal offences. The EESC suggests that the EU Commission should fund a study into the effectiveness of such systems for possible wider application.

4.5.4 The EESC recognises that the number of victims of crime varies across Member States and regions. Rises in population during peak holiday seasons, combined with alcohol-fuelled aggression, can create further pressures. The EESC believes that support should be flexible enough to be accessed regionally, and calls on the Commission and Member States to give consideration to channelling resources and supporting measures to improve communication and services to hot spots. This is a particularly important issue where the increase in the risk or threat of violent crime is being perpetrated disproportionately by suspects and/or to victims from outside of the region/country.

4.5.5 Legal obligations to ensure the referral of victims to support services and for those services to then be provided are crucial. In the EU, it is generally the responsibility of the police to refer victims to such services. However, at present, the vast majority (1) of victims are not referred to the appropriate services. This poses the greatest single barrier to the provision of support for victims across Europe.

4.5.6 Other relevant authorities coming in to contact with victims should also have responsibility, as appropriate, for referring victims to support services, including hospitals, embassies and consular agencies, schools and housing services. It should be noted that this would not present difficulties in relation to data protection rights.

4.5.7 Existing victim support services do not routinely help victims or the families of victims of incidents abroad when they return to their home country. This weakness should be addressed. Victims can take a long time to recover and may face ongoing health problems and legal and administrative challenges once they return home. The EESC calls for the remit of victim support services to be widened to provide this support.

4.5.8 The EESC would like to see EU funding measures to resource and support cooperation and capacity building between victim support services, and police and judicial authorities, hospitals, trade unions, NGOs, and companies to develop the involvement of civil society in improving support for victims of crime and to promote best practice and practical measures to improve victim support. Volunteers who suffer harm because of criminal behaviour in the course of providing their support and services should also be recognised and supported as victims of crime.

4.5.9 Whilst the EESC confirms that judicial systems and other relevant public authorities have a primary role to play in protecting and supporting victims, it believes there is scope for companies and organisations in the relevant sectors (travel companies, insurance companies, airlines, hotels, banks, mobile and other phone companies, car hire and taxi companies, trade unions and social NGOs) to develop, in constructive co-operation, positive and practical strategies and structures to support victims and their families during a crisis. These initiatives should not be seen as burdens but rather opportunities to develop positive corporate social responsibility policies.

4.5.10 The EESC suggests that the Commission conducts a study of the EU insurance industry to assess cover, protection and compensation measures for victims of crime and accident in order to promote best practices in the provision of fair and appropriate legal and administrative support, compensation, and costs so that victims or their families can take part in the criminal proceedings. The clarity of terms and exclusions in policies should be assessed with consideration to the diverse levels of literacy, education and possible disabilities of customers. Clauses in holiday insurance where cover is totally or partially excluded if the insured has been drinking, and under this influence has contributed to an incident should be clearly communicated whilst at the same time insurance companies should be encouraged to apply balance in this area given that many people do drink in moderation when on holiday, and consider the application of established measures for testing alcohol levels such as for drink driving. Member States remain obligated to provide compensation under the terms of the EU Directive on compensation. However, this does not relieve insurance companies from honouring their primary responsibility.

4.5.11 The EESC believes that an EU-level monitoring group should be established comprising victims and their families, victim support groups and related NGOs, trade union and business representatives to support continuous monitoring, training development and act as a driver for culture change towards victims.

4.5.12 Where relevant, support for victims’ rights should be mainstreamed into other EU policies and legislative proposals. This would help to ensure progress in this area.

(1) According to Victim Support Europe information.
4.6 Justice and compensation

4.6.1 Greater balance is needed between the rights of the accused and the rights of the victim. Currently, victims are not as well supported and have fewer rights. The EESC urges the Commission and Member States to adopt measures to provide effective recourse for victims if they fail to receive information, support and the other minimum rights and provisions foreseen in the directive.

4.6.2 The right of the victim to be heard during criminal proceedings and to supply evidence is a matter of human rights and effective justice. This right already exists in some Member States and needs to be available throughout the EU. In this context, the EU legislation should take account of and strongly encourage the establishment of effective witness protection programmes.

4.6.3 The rights of the accused must be guaranteed, but the legitimate interests of the victim and their family must be recognised and supported. Victims should have rights to the same level of legal and administrative support. The EESC welcomes recognition of the right of victims to legal aid if they have the status of parties to the proceedings, enabling them to exercise their rights under the directive. The EESC believes that this support should also be available to a victim's family and recognised support person if the victim is deceased or needs a high level of support in exercising legal capacity when participating in the legal proceedings, and asks the Commission to do an analysis of legal aid and assistance provisions for victims and their families across the EU to inform possible future measures to extend support in this area.

4.6.4 The EESC is concerned about significant obstacles in certain Member States regarding the repatriation of deceased victims. Families of victims are often refused the right to take their loved one home for burial or have to wait years and undergo complicated legal proceedings before bodies are released. This causes untold pain and frustration on top of the family's grief. The EESC recommends the EU Commission develops common procedures within clearly defined and limited timescales (4) for the transportation and repatriation of human remains of cross border victims, which would take precedence over national or provincial rules.

4.6.5 The EESC welcomes the right to reimbursement of travel, accommodation and subsistence expenses incurred by victims when attending a trial, whether as witnesses or victims. The EESC understands this provision to include the family of a murder victim, but would expect it to apply more widely to the families and support persons of victims who need a high level of support in exercising legal capacity, and to be met by the state.

4.6.6 Written acknowledgment of the report of a crime should be a basic minimum standard. In line with the European Court of Human Rights' decision, victims should also have their complaint appropriately investigated by the state.

4.6.7 The EESC believes that, in cases of crimes committed by a suspect in another Member State there should be provisions to ensure that extradition proceedings are not held up by domestic proceedings against the same suspect if the domestic proceedings are less serious than the case being pursued abroad. They should be fast-tracked or postponed until the foreign proceedings are conducted.

4.6.8 The EESC believes that in the event of a decision not to prosecute, there should be a right to an independent review of the decision. A more effective right would be for the victim to have the right to be consulted on prosecution decisions.

4.6.9 The EESC recognises that financial compensation cannot undo the harm caused by a crime, and often recognition and respect for the victim is very important. Victims have an established right to compensation, but are often not aware of their entitlement, or are put off by the complicated claims process. Obtaining criminal injuries compensation in cross-border cases is often impossible unless the victim or family take out civil legal proceedings in the foreign jurisdiction, which is complex and expensive. More must be done to ensure that victims can file claims more easily and free of charge. The EESC urges the Commission to go ahead with the review of the directive on compensation for victims and make wide-ranging and necessary improvements in this area, including consideration of an EU level criminal injuries compensation scheme.

4.6.10 As part of the above review, the EESC calls on the Commission to specifically look at the issue of compensation for victims of road traffic offences. The EESC notes the good examples of victim compensation and support operating in some Member States. For instance, where a considerable part of the money raised through fines as a result of road traffic offences is spent on support and compensation of victims. Given that road accidents are the main cause of acquiring a disability, the representative organisations of disabled people should be involved in the design, implementation and management of these compensation schemes.

4.6.11 Consideration should be given to providing advance payments to help support victims and their families in the immediate aftermath of an incident, when costs can be particularly high.

4.6.12 The EESC welcomes the proposals on restorative justice in the Directive but believes that the definition is drawn too narrowly and needs to emphasise that there are various options for seeking restorative justice that do not involve bringing people together. EESC confirms that the
wishes and protection of the victim and their family must be paramount in all cases. Strong safeguards are vital, and provisions to ensure that the state facilitates referral to properly trained support services are welcome. The EESC notes that currently very few Member States provide funding for restorative justice and recommends that the Commission supports pilot projects to develop standards and training in restorative justice to create economies of scale and support the exchange of best practice.

4.6.13 The EESC notes that a large amount of ‘stolen property’ is sold off by law enforcement agencies each year across the EU which the police have not reunited with the owner. Unacceptable delays in returning property is another problem (15). The EESC wishes to see provisions on the return of property strengthened with obligations for authorities to provide specific information and contact details as to who has responsibility for the property; and to ensure that property is returned within a short and established timeframe.

4.7 Implementation and Enforcement

4.7.1 There are considerable economic and social consequences of failure to comply with the provisions of the directive, not only for victims and their family, but also for the economies of Member States in lost working days, pressures on health and other social and legal services. It is therefore vital that these new measures to support victims and their families are properly implemented to ensure better and faster recovery.

4.7.2 The EESC believes that the proposals should include strong measures to ensure that minimum standards are met across the EU. This will require measures to ensure ongoing monitoring and effective enforcement, together with dissuasive penalties to prevent non-compliance.

Brussels, 7 December 2011.

The President
of the European Economic and Social Committee
Staffan NILSSON

(15) Victim Support services across Europe routinely receive complaints from victims relating to the law enforcement agencies’ delay in returning property to the victim.