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PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL  
COMMITTEE AND THE COMMITTEE OF THE REGIONS**

**EU Strategy on victims' rights (2020-2025)**

## INTRODUCTION

Crime can affect us all. Every year millions of people in the European Union<sup>1</sup> become victims of crime. A Union of equality must ensure access to justice for all victims of crime<sup>2</sup> no matter where in the EU or in what circumstances the crime took place.

Victims of crime must have access to support and protection at all times. The lockdown of society during the COVID-19 pandemic saw a rise in domestic violence<sup>3</sup>, child sexual abuse, cybercrime,<sup>4</sup> and racist and xenophobic hate crime<sup>5</sup>. It is therefore crucial to strengthen the framework for support and protection of victims and ensure it is resilient in crisis situations.

**This first EU Strategy on victims' rights frames the Commission's work for the period 2020-2025.** It also invites other actors, including EU Member States and civil society, to take action. It pays particular attention to the specific needs of victims of gender-based violence. The EU will do all it can to prevent and combat gender-based violence and to support and protect victims of such crimes. The strength of the EU is in its diversity. Therefore, the EU will do all it can to prevent and combat hate crime, in all its forms, including racial, anti-Semitic, homophobic, or transphobic hate crime.

The EU has already adopted a solid set of victims' rights. The Victims' Rights Directive<sup>6</sup> includes the right to access information, the right to support and protection, in accordance with victims' individual needs, and a set of procedural rights. Other relevant EU acts include the Compensation Directive<sup>7</sup> and EU rules on European protection orders<sup>8</sup>. The EU has further adopted instruments that respond to the specific needs of victims of particular crimes: the Anti-trafficking Directive<sup>9</sup>, the Directive against sexual abuse and

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<sup>1</sup> According to Eurostat, in 2017, around 15 million serious offences (homicide, child sexual exploitation, assault, kidnapping, sexual violence, rape, sexual assault and robbery) were recorded in the EU.

<sup>2</sup> As underlined by the Fundamental Rights Agency, *Victims' rights as standards of criminal justice – Justice for victims of violent crime* (2019), victims' rights to access justice and to protection are fundamental rights.

<sup>3</sup> See World Health Organization (March 2020) on the increase in domestic violence during the COVID-19 pandemic: <https://www.who.int/reproductivehealth/publications/emergencies/COVID-19-VAW-full-text.pdf>.

<sup>4</sup> Europol, *Pandemic profiteering: how criminals exploit the COVID-19 crisis*, March 2020, see: <https://www.europol.europa.eu/publications-documents/pandemic-profiteering-how-criminals-exploit-covid-19-crisis>.

<sup>5</sup> <https://fra.europa.eu/en/publication/2020/covid19-rights-impact-april-1>

<sup>6</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 (the 'Victims' Rights Directive').

<sup>7</sup> Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims (the 'Compensation Directive').

<sup>8</sup> Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order and Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters.

<sup>9</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

sexual exploitation of children<sup>10</sup> and the Counter-terrorism Directive<sup>11</sup> providing for specific rights for victims of terrorism. The EU has also signed the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)<sup>12</sup>.

Despite this progress, recent reports<sup>13</sup> show that **victims of crime still cannot fully rely on their rights in the EU**. Victims' difficulties in accessing justice are mainly due to lack of information, insufficient support and protection. Victims are often exposed to secondary victimisation<sup>14</sup> during criminal proceedings and when claiming compensation. Those who become victims of crime when travelling abroad find it even more difficult to access justice and compensation. For the most vulnerable victims, such as victims of gender-based violence, child victims, victims with disabilities, elderly victims, victims of hate crime, victims of terrorism or victims of trafficking in human beings, it is particularly challenging to go through criminal proceedings and to deal with the aftermath of crime.

**Addressing this problem starts by better applying EU rules on victims' rights in practice.** The Commission's recent reports on the implementation of the Victims' Rights Directive<sup>15</sup> and the Directive on the European protection order<sup>16</sup> show that further progress is needed to reach the full potential of these instruments<sup>17</sup>. This is mostly because of their incomplete transposition. Most Member States have still not fully transposed the minimum standards agreed in the EU rules on victims' rights<sup>18</sup>. The

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<sup>10</sup> Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA.

<sup>11</sup> Directive (EU) 2017/541 of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA (the 'Counter-terrorism Directive').

<sup>12</sup> The Istanbul Convention was signed by the EU in 2017. It is the benchmark for international standards in the field. To date, all Member States of the European Union have signed the Convention, and 21 have ratified it.

<sup>13</sup> See in particular the recent Commission implementation reports on the Victims' Rights Directive and the Directive on European protection order referred to below as well as several other recent reports in the area of victims' rights also referred to below.

<sup>14</sup> Secondary victimisation can be defined as negative consequences for victims that may result from victims' participation in criminal proceedings, including victims' exposure to contacts with their perpetrators, judicial authorities and/or the general public.

<sup>15</sup> Report from the Commission to the European Parliament and the Council on the implementation of the Victims' Rights Directive, COM(2020)188 final, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A188%3AFIN>.

<sup>16</sup> Report from the Commission to the European Parliament and the Council on the implementation of Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order, COM(2020)187final, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A187%3AFIN>.

<sup>17</sup> Similar conclusions can be drawn from the implementation reports on the Child Sexual Abuse Directive (COM/2016/0871 and COM/2016/0872) and on the Directive on trafficking in human beings (COM (2016) 722 final).

<sup>18</sup> The Commission has 21 on-going infringement proceedings for incomplete transposition of the Victims' Rights Directive against Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, France, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia and Sweden.

implementation reports also point to incorrect implementation into national legal orders. Full implementation requires that appropriate structures are in place providing for general and specialist support services, as well as protection in accordance with victims' individual needs. Moreover, all actors in contact with victims must be trained and fully aware of victims' rights. It is crucial that all Member States fully implement and apply the agreed minimum standards. The Commission will focus on ensuring correct implementation of the EU rules through additional legal actions if necessary. In addition, the Commission will promote good practices both on how to achieve the agreed minimum standards and how to go beyond them. **Where appropriate, the Commission will propose to further strengthen EU rules on victims' rights.**

Several actors have presented recommendations on how to improve EU policy on victims' rights. In preparing this strategy, the Commission took into account the December 2019 Council Conclusions on victims' rights<sup>19</sup>, a study by the European Parliament<sup>20</sup>, as well as recommendations presented in several reports, including those of former Commission President Juncker's Special Adviser on victims' compensation<sup>21</sup>, the Fundamental Rights Agency<sup>22</sup>, and Victim Support Europe<sup>23</sup>.

This strategy is based on a two-strand approach: **empowering victims of crime** and **working together for victims' rights**. It is crucial to empower victims of crime so they can report crime, participate in criminal proceedings, claim compensation and ultimately recover – as much as possible – from consequences of crime<sup>24</sup>. These ambitious objectives can be achieved only if the Commission and all relevant actors work together. That is why this strategy focuses also on strengthening cooperation and coordination.

The strategy presents five key priorities: (i) effective communication with victims and a safe environment for victims to report crime; (ii) improving support and protection to the most vulnerable victims; (iii) facilitating victims' access to compensation; (iv) strengthening cooperation and coordination among all relevant actors; and (v) strengthening the international dimension of victims' rights.

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<sup>19</sup> Council Conclusions on victims' rights adopted on 3 December 2019. <https://www.consilium.europa.eu/en/meetings/jha/2019/12/02-03/>.

<sup>20</sup> European Parliament, Criminal procedural laws across the European Union – A comparative analysis of selected main differences and the impact they have over the development of EU legislation, August 2018, available at [https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL\\_STU%282018%29604977](https://www.europarl.europa.eu/thinktank/en/document.html?reference=IPOL_STU%282018%29604977).

<sup>21</sup> Strengthening victims' rights: from compensation to reparation – For a new EU Victims' rights strategy 2020-2025, Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker, [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights_en).

<sup>22</sup> European Union Agency for Fundamental Rights, four reports on Justice for Victims of Violent Crime, April 2019, available at <https://fra.europa.eu/en/publication/2019/victims-rights-standards-criminal-justice-justice-victims-violent-crime-part-i>.

<sup>23</sup> Victim Support Europe, Victims of Crime Implementation Analysis of Rights in Europe (VOCIARE), October 2019, available at <https://victimsupport.eu/about-us/our-projects/vociare/>.

<sup>24</sup> Restorative justice is important in this regard. Restorative justice encompasses a range of services, e.g. victim-offender mediation, family group conferencing and sentencing circles (Recital 46 of the Victims' Rights Directive).

## EMPOWERING VICTIMS OF CRIME

### 1. Effective communication with victims and a safe environment for victims to report crime

An effective policy to fight crime requires that national authorities ensure a **safe environment for victims to report crimes**. Better support and protection to victims of crime will result in increased security of all citizens in the European Union.

**Too often victims are not aware of their rights**<sup>25</sup>. Persons in contact with victims (including the first contact authorities) who should inform victims about their rights are often not well trained to do so<sup>26</sup>. Crime under-reporting is another serious problem. The fear of the offender or of negative consequences from participating in the judicial process often stops victims from reporting a crime. Cases of sexual and gender-based violence are largely under-reported. Only about one third of women who are physically or sexually abused, mostly by their partners or close relatives, contact the authorities<sup>27</sup>. In cases of gender-based violence, utmost care should be exercised to avoid victimisation of children. It can also be difficult for a child to report a crime. Children are often victimised in the family environment, or by persons whom they depend on. It is therefore crucial to ensure special reporting mechanisms for such victims. Professionals who are in contact with them (such as health-care staff or teachers) should be trained to detect crime and deal with it in an appropriate manner.

It is also important that relevant professionals communicate with victims in a way that is adapted to victims' specific needs. This is particularly relevant for victims with disabilities. Professionals who are in contact with victims with disabilities should be trained to communicate with them in a way that takes into account any mental or physical impairment such as hearing or speech impairments. In addition, accessibility to premises for victims with disabilities must be ensured so they can report crime and participate in criminal proceedings.

Moreover, victims of crime belonging to disadvantaged or vulnerable communities or minorities may have low trust in public authorities, which prevents them from reporting crime<sup>28</sup>. Fundamental Rights Agency surveys show a considerable level of under-

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<sup>25</sup> See in particular VOciare report by Victim Support Europe, p.4 and pp. 24-30.

<sup>26</sup> The four reports of the Fundamental Rights Agency on victims' rights show insufficient level of training about victims' rights among persons in contact with victims, including police, and highlight the important role of law faculties in educating lawyers, see for instance: Report Part I, Opinion 2, Report Part II, Opinions 2, 7, Report Part III, Opinions 2, 4 (in relation to practitioners' general understanding of victims' rights); Report Part IV stresses on the lack of practitioners' understanding of the needs and rights of women as victims of partner violence.

<sup>27</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-based-violence/ending-gender-based-violence\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/gender-based-violence/ending-gender-based-violence_en)

<sup>28</sup> See the Commission's EU High Level Group report on combating racism and xenophobia and other forms of intolerance 'Ensuring justice, protection and support for victims of hate crime and hate speech: 10 key guiding

reporting of hate crime among the LGBTI+, Black, Muslim and Jewish communities<sup>29</sup>. To increase crime reporting among members of these communities, it is vital to raise trust towards the public authorities by, for instance, strengthening cooperation among the relevant authorities and relevant communities<sup>30</sup>. It is equally important to ensure specific training about non-discrimination for police and other persons coming into contact with those victims<sup>31</sup>.

An increasing share of our lives takes place online, a trend further accentuated by the COVID-19 pandemic. Cybercrime<sup>32</sup> may include serious crimes against persons such as online sexual offences (including against children), identity theft, online hate crime and crimes against property (such as fraud and counterfeiting of non-cash means of payment). Victims of cybercrime do not always find relevant assistance to remedy the damage they suffered and often fail to report a crime. Children or elderly persons in particular may lack the necessary digital skills or awareness of the remedies at their disposal. Reporting cybercrimes should be further facilitated and victims should be provided with the help they need<sup>33</sup>.

Raising awareness about victims' rights is an indispensable element of creating a safer environment for victims. Therefore, under this strategy, the Commission will promote better communication about victims' rights and victims' needs by launching **an EU awareness campaign on victims' rights** and by promoting training activities.

The EU campaign will focus on raising awareness about victims' rights in general and will promote **specialist support and protection for victims with specific needs, such as victims of gender-based and domestic violence and victims of hate crime**. Particular

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principles' (December 2017) and the Fundamental Rights Agency report 'Ensuring justice for hate crime victims: professional perspectives' (April 2016).

<sup>29</sup> A majority (64 %) of Black victims of racist violence, as well as (63 %) of victims of racist physical attacks by police officers, did not report the most recent incident either because they felt reporting would not change anything (34 %) or because victims do not trust or are afraid of the police (28 %), see 'Being Black in the EU', Fundamental Rights Agency, November 2018. Almost one out of two Muslim respondents to the 2017 FRA MIDIS II Survey did not report the most recent incident of harassment motivated by hatred because they were convinced that no response would have been taken. A similarly low level of reporting emerges amongst the LGBTI+ community, according to the EU-LGBTI II Survey - A long way to go for LGBTI equality of the Fundamental Rights Agency (14 May 2020). Four out of five Jewish Europeans (79%) who experienced anti-Semitic harassment never reported the most serious incident. Almost half (43 %) did not report because they considered the incident not serious enough, highlighting the normalisation of everyday anti-Semitic abuse against Jews (Fundamental Rights Agency survey discrimination and hate crime against Jews in the EU).

<sup>30</sup> See for example, the Irish Victims' Services Group, which includes representatives of the judiciary and the probation and prison service, lawyers, police and health-care institutions.

<sup>31</sup> Setting up of the so called "rainbow desks" at the local police stations in certain Member States, for instance in Belgium is a good example of a respectful approach towards the LGBTI+ community by police.

<sup>32</sup> For the purpose of this strategy, cybercrime or online crime is any type of a criminal offence that is committed online or with a use of computer or online tools.

<sup>33</sup> The Commission will inter alia work with Member States to ensure that the relevant provisions of the Directive on combating fraud and counterfeiting of non-cash means of payment will be fully implemented and will examine how to support further action against online fraud and identity theft, including support to victims. In respect to online child sexual abuse material, the Commission will continue to support the initiatives such as the EU-funded INHOPE network (see <https://www.inhope.org/EN>) that allows internet users to anonymously report such content.



attention will be paid to reaching out to vulnerable groups and marginalised or isolated communities<sup>34</sup> who experience more barriers or have limited possibilities to access justice and support. Particular attention will be also paid to appropriate methods of communication to ensure that campaign reaches child victims, elderly victims or victims with disability.

The Commission will also focus on **training activities** that effectively reach actors who are in contact with victims, such as judicial authorities and other judicial staff in contact with victims such as lawyers, prosecutors, court staff, prison and probation staff. In this regard, the Commission will strengthen its cooperation with the European Judicial Training Network (EJTN)<sup>35</sup>. The Commission will also promote a better understanding of victims' rights and improved methods of communication with victims among law enforcement authorities with the assistance of the European Union Agency for Law Enforcement Training (CEPOL)<sup>36</sup>. To respond to the specific needs of victims of cybercrime, the Commission will also continue to support the European Cybercrime Training and Education Group (ECTEG)<sup>37</sup>.

Restorative justice services provide victims with a safe environment to make their voice heard and support their healing process. The Victims' Rights Directive requires that such services have as a primary consideration the interests and needs of the victim<sup>38</sup>. Safeguards must be in place to ensure that the victim is not further victimised during the process. In practice, there is a lack of knowledge about restorative justice services among professionals and victims<sup>39</sup>. It is therefore crucial that Member States ensure high quality standards in delivering restorative justice services and provide for training of restorative justice practitioners. The potential benefits of such services depend on the availability, accessibility and quality of restorative justice services in the Member States.

The Commission, together with Member States, will continue to improve the quality and reliability of information about victims' rights on the **e-Justice Portal**<sup>40</sup> and will promote it to a broad range of potential end-users. This includes victims, victim support organisations and national authorities (including consular authorities and police). To spread information about victims' rights, the Commission will also improve access to information gathered under relevant EU funded projects<sup>41</sup> and provide a comprehensive database of such projects on the Europa website.

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<sup>34</sup> For example, ethnic and religious minorities, persons with disabilities or elderly people.

<sup>35</sup> <http://www.ejtn.eu/>

<sup>36</sup> <https://www.cepol.europa.eu/>

<sup>37</sup> <https://www.ecteg.eu/>

<sup>38</sup> See Article 12 and recital 46 of the Victims' Rights Directive.

<sup>39</sup> VOIARE report by Victim Support Europe.

<sup>40</sup> [https://beta.e-justice.europa.eu/65/EN/victims\\_of\\_crime](https://beta.e-justice.europa.eu/65/EN/victims_of_crime)

<sup>41</sup> The relevant projects funded under the Justice programme 2014-2020, the Rights, Equality and Citizenship programme 2014-2020 and their successors under the new multiannual financial framework for 2021-2027 [https://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index\\_en.htm](https://ec.europa.eu/justice/grants1/programmes-2014-2020/justice/index_en.htm).

Efficient support and protection of victims of crime cannot be achieved without the cooperation of national authorities and victim support organisations. In this regard, the Commission will promote mutual training<sup>42</sup> and exchange of good practices among the national authorities and victim support organisations<sup>43</sup>. For the **new multiannual financial framework for 2021-2027**, the Commission has proposed to continue with funding possibilities for victim support organisations so they can contribute to correct implementation of the EU rules on victims' rights<sup>44</sup>. In addition, under the new multiannual financial framework, the Commission will promote the integration of victims' rights measures in EU funding programmes for policies such as security<sup>45</sup>, health and education. Such an approach will raise awareness about victims' rights to a larger public and will increase funding possibilities for projects that take a holistic approach to victims' rights.

The Commission will continue to monitor the **implementation of the relevant EU rules**, including the provisions of the Victims' Rights Directive on victims' rights to information, including communication in a simple and accessible language, support and protection in accordance with individual needs and the provision of training activities. As demonstrated by the report of the Commission on the implementation of the Victims' Rights Directive, most Member States still have issues with complete/correct transposition and/or practical implementation of these key provisions of the Directive.

***Key actions for the European Commission:***

- **Launch an EU campaign to raise awareness about victims' rights and to promote specialist support and protection for victims with specific needs;**
- **Promote training activities for judicial and law enforcement authorities;**
- **Provide EU funding to national victim support organisations and relevant community-based organisations to provide information, support and protection for victims, and to promote restorative justice services.**

***Key actions for the Member States:***

- **Ensure full and correct implementation of the Victims' Rights Directive and other EU rules on victims of particular crimes, in particular in relation to provisions on victims' access to information, to support and protection;**
- **Launch national awareness campaigns about victims' rights, including support for victims with specific needs;**

<sup>42</sup> Mutual training activities involve participation of the relevant national authorities and victim support organisations.

<sup>43</sup> For example, exchange of good practices for supporting victims of gender-based violence will be organised through the EU Mutual Learning Programme in Gender Equality.

<sup>44</sup> [https://ec.europa.eu/info/sites/info/files/about\\_the\\_european\\_commission/eu\\_budget/1\\_en\\_act\\_part1\\_v9.pdf](https://ec.europa.eu/info/sites/info/files/about_the_european_commission/eu_budget/1_en_act_part1_v9.pdf)

<sup>45</sup> An example of such already ongoing action is that crime reporting online will be covered in the future cybercrime funding under the Annual Work Programme of the Internal Security Fund – Police for 2020.



- **Support civil society in strengthening victims' rights, including with the help of available EU funding.**

*Key actions for other stakeholders:*

**Victim support organisations:**

- **Engage with national authorities, including judicial and law enforcement authorities, and participate in mutual training activities.**

## **2. Improving support and protection of the most vulnerable victims**

All victims of crime are vulnerable, but because of their personal characteristics, the nature of the crime suffered or personal circumstances some victims are even more vulnerable than others.

The situation of vulnerability of some victims may worsen in specific circumstances. During confinement measures related to the COVID-19 pandemic, **victims of domestic violence**<sup>46</sup> are more exposed to violence (as they are confined under one roof with their offenders) and their access to support and protection is limited<sup>47</sup>.

National support<sup>48</sup> and protection measures need to be effective for all victims and at all times. For victims of domestic violence, it means that shelters, helplines and psychological aid should be available also during a crisis. In order to guarantee support and protection for all victims during the crisis, including victims of domestic violence, victim support measures should be integrated in the national pandemic emergency schemes. It can be achieved by for instance declaring victim support services as essential services<sup>49</sup>.

Most Member States have taken special measures of support and protection for victims of crime during the COVID-19 pandemic and related lockdown measures. In particular, it is crucial to ensure effective access to on- and off-line support services, including psychological aid and other social services. Victims of domestic violence in particular should have access to shelters, psychological aid, trauma support and counselling.

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<sup>46</sup> Domestic violence is a violence in a close relationship when the offender shares the same roof with the victim. Under the Victims' Rights Directive, a violence in a close relation is committed by a person who is a current or former spouse or partner or other family member, whether or not the offender shares or has shared the same household with the victim (see recital 18 of the Victims' Rights Directive). It affects more women and children.

<sup>47</sup> See, for instance, the opinion of the European Institute for Gender Equality <https://eige.europa.eu/news/coronavirus-puts-women-frontline> and the Coronavirus pandemic in the EU - Fundamental Rights Implications - Bulletin 1 of the Fundamental Rights Agency <https://fra.europa.eu/en/publication/2020/covid19-rights-impact-april-1#TabPubOverview0>.

<sup>48</sup> Information about the closest support services for victims of domestic violence can be found here: <https://www.wave-network.org/find-help/>.

<sup>49</sup> Declaration of a service as essential service guarantees its functioning during a crisis. Victim support services continued to function during the COVID-19 pandemic in most Member States that provided data on this subject to the Commission and the European Network on Victims' Rights. Some Member States, including Spain and Portugal, declared their victim support services as essential services. See e-Justice Portal.

National enforcement authorities should also be particularly vigilant to the registered and new cases of domestic violence. It is also crucial to ensure physical protection of victims. The Commission has been promoting the exchange of good practices on optimal means to ensure victims' access to support and protection during the COVID-19 pandemic by engaging with the national authorities and civil society.

The Commission will draw conclusions from the consequences of the COVID-19 pandemic for victims of crime in order **to build better resilience of victims' support structures within our societies**. In particular, the Commission will draw on good practices on victims' rights collected during the COVID-19 pandemic<sup>50</sup>, and will promote actions such as declaration of victims' support services as essential services, development of on-line support services, and inclusion of civil society in victims' support and protection.

EU rules on victims' rights<sup>51</sup> require Member States to ensure that victims have access to general and specialised support services that are confidential, free of charge and respond to victims' individual needs. Under the Victims' Rights Directive, general support services should provide information, advice, emotional and psychological support and refer to medical aid. In addition such services should protect the privacy of victims and their families. All victims with specific needs should have access to specialised support services that are based on an integrated and targeted approach, which takes into account the specific needs of victims, the severity of the harm suffered, the relationship between the victim and the offender and the situation of victims in their wider social environment.

The Victims' Rights Directive also requires that all victims have access to protection in accordance with their individual needs. Special attention must be paid to victims with specific needs of protection from the risks of secondary, repeat victimisation, intimidation and retaliation.

**Victims of gender-based violence**<sup>52</sup> are often heavily impacted because of the nature, circumstances and consequences of different forms of criminal offences, including domestic violence, sexual violence, and/or trafficking in human beings. The scale of gender-based violence in the EU is alarming: one in three women (33 %) has experienced physical and/or sexual violence since she was 15 years old<sup>53</sup>. Under the **Gender Equality Strategy 2020-2025**<sup>54</sup>, the Commission is working to end gender-based violence against

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<sup>50</sup> See selection of good practices on victims' rights during the COVID-19 pandemic published by the Commission on the e-Justice portal:

[https://e-justice.europa.eu/content\\_impact\\_of\\_the\\_covid19\\_virus\\_on\\_the\\_justice\\_field-37147-en.do](https://e-justice.europa.eu/content_impact_of_the_covid19_virus_on_the_justice_field-37147-en.do)

<sup>51</sup> See, in particular, Articles 8 and 9 of the Victims' Rights Directive and the relevant provisions of sectorial legislation, such as Article 23 of the Counter-terrorism Directive.

<sup>52</sup> Under the Victims' Rights Directive (recital 17), gender-based violence is referred to as "violence that is directed against a person because of that person's gender, gender identity or gender expression or that affects persons of a particular gender disproportionately".

<sup>53</sup> FRA (2014), Violence against women: an EU-wide survey. Main results, Luxembourg, Publications Office of the European Union.

<sup>54</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, A Union of Equality: Gender Equality Strategy 2020-2025,

women and girls. Actions include the EU's accession to the Istanbul Convention or alternative legislative measures that achieve the same objective. The Commission will also launch an **EU network on the prevention of gender-based violence and domestic violence** and will take actions **to protect the safety of victims of gender-based cybercrime** in particular by facilitating the development of a framework for cooperation between internet platforms and other stakeholders.

The Commission will focus on **strengthening victims' physical protection**. In particular, the Commission will continue to promote the use of **European protection orders** for persons in need of protection who travel or move to another EU country. The number of European protection orders issued and executed in the European Union is very low<sup>55</sup>. The underlying reasons of this situation include a lack of awareness about the availability, wide variety, complexity and inefficiency of protection measures available in the Member States.

The effectiveness of European protection orders indeed depends on the underlying national measures on victims' physical protection. Currently, national measures are insufficient and victims are still not safe even if covered by protection orders<sup>56</sup>. In particular, the specific needs of women applying for national or European protection orders are not sufficiently taken into account and reflected in national measures for physical protection<sup>57</sup>. EU rules do not harmonise the nature of national protection measures or the procedures established under national law to ensure victims' physical protection. The Victims' Rights Directive (Article 18) provides for measures aimed at victims' emotional or psychological support and protection, but procedures for the physical protection of victims and their family members from further violence are left to national law. That is why the Commission will consider further strengthening victims' protection by introducing **minimum standards on victims' physical protection**, including minimum conditions on issuing and modalities of protection measures (such as protection and barring orders)<sup>58</sup>. In addition, the Commission will continue promoting the effective application of national and European protection orders by providing funding

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COM(2020)152final, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A152%3AFIN>.

<sup>55</sup> The Commission implementation report on the Directive on European protection order, referred to above, indicates that according to the information available to the Commission, only 37 European protection orders were issued and only 15 were executed in the period 2015-2018 (the dates for which Member States informed the Commission about their data).

<sup>56</sup> See the report of the European Parliament on implementation of the Directive on the European protection order.

<sup>57</sup> See in particular a Specific Needs and Protection Orders report on protection orders and victims of domestic violence co-financed by the Daphne programme (2016); the report shows that specific needs of women applying for protection orders are often overlooked by the relevant national authorities. The same study points to serious inconsistencies in the decision-making by the national judiciaries when it comes to the modalities of application of protection orders. [http://snap-eu.org/report/International\\_Report.pdf](http://snap-eu.org/report/International_Report.pdf).

<sup>58</sup> In line with Directive 2011/99/EU, national law governing protection measures may impose on persons causing danger to be subject to a prohibition from entering certain places, prohibition or regulation of contact or a prohibition or regulation on approaching the protected person closer than a prescribed distance.

possibilities under the Justice programme and by raising awareness and stressing the need to train practitioners about the availability of the European protection order.

The Commission will also encourage Member States to set up **Family Houses** providing targeted and integrated support for victims of gender-based violence<sup>59</sup>. The Commission will promote the setting up of such Family Houses via the EU campaign on victims' rights, available EU funding, and contacts with the relevant stakeholders.

When it comes to victims who require targeted and integrated support and protection, it is crucial to mention **child victims**. The Commission will continue to enforce EU rules under the Victims' Rights Directive specifically aimed at children in line with the general principle that if a victim is a child, the child's best interests shall be the primary concern<sup>60</sup>. The Commission is also reinforcing monitoring of the national legal schemes in relation to their child-friendliness. In 2021, the Commission intends to adopt a **Comprehensive strategy on the rights of the child**<sup>61</sup> that will contain targeted actions on child victims of crime such as a continuous promotion of Child's Houses<sup>62</sup>.

When it comes to children victims of sexual abuse, the Commission intends to adopt a specific **strategy for a more effective fight against child sexual abuse in 2020**. This strategy will include actions aimed at supporting and protecting child victims of sexual abuse. The Commission will strengthen cooperation between law enforcement, the INHOPE network of hotlines and industry. The Commission will explore the latest technological developments for swifter detection and removal of online child sexual abuse material.

Another group of particularly vulnerable victims who require specialist and integrated support are **victims of terrorism**. Terrorist attacks are directed not only against individuals, but also against states and against our free and open societies without borders. Member States must live up to their responsibility and ensure the necessary support, protection and recognition of these victims. Terrorist attacks often target tourist destinations or travelling hubs, thus particularly affecting cross-border victims. Consequently, when pursuing their rights, victims of terrorism are particularly likely to be subjected to the challenges of cross-border situations. To promote integrated support for victims of terrorism in all EU Member States, in January 2020 the Commission launched

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<sup>59</sup> Family House is a model of a safe place for victims of domestic violence, where under one roof victims can report a crime, receive psychological support and counselling.

<sup>60</sup> Such specific measures include information for children, child-friendly hearings, and specific protection for children.

<sup>61</sup> Mission letter of Dubravka Šuica, Vice-President-designate for Democracy and Demography, 1 December 2019, available at: [https://ec.europa.eu/commission/commissioners/sites/default/files/2019/12/12/mission\\_letters/mission-letter-dubravka-suica\\_en.pdf](https://ec.europa.eu/commission/commissioners/sites/default/files/2019/12/12/mission_letters/mission-letter-dubravka-suica_en.pdf).

<sup>62</sup> Child's House, such as the Scandinavian model of Barnahus that is currently spreading around all countries of the European Union and internationally, is a child-friendly, interdisciplinary and multi-agency centre for child victims and witnesses where children can be interviewed and medically examined for forensic purposes, comprehensively assessed and receive all relevant therapeutic services from the appropriate professionals.

**the EU Centre of expertise for victims of terrorism** as a two-year pilot project<sup>63</sup>. The EU Centre will *inter alia* provide for guidance and training activities on victims' rights and victims' needs that will be based on the best practices of affected Member States. The Commission will ensure the smooth running of this pilot project and assess the need for its continuation by the end of 2021<sup>64</sup>.

Despite EU Member States efforts, **hate crime** in the EU is increasing<sup>65</sup>. Concerns are rising over civil society organisations, activists and politicians becoming targets of hate crime. Provision of support to its victims is vital to enable and strengthen democratic discourse. Hate crime also disproportionately affects certain communities such as Jews, Roma, Muslims, people of African descent, migrants and the LGBTI+ community, notably those who are targeted on multiple grounds.

In relation to victims' rights, the **Commission's initiatives against racism and xenophobia** aim at fostering reporting of hate crime, improving accurate investigation of bias motivations and support to victims of racism and xenophobia. The Commission will continue to implement the recently adopted guiding principles on ensuring justice, protection and support for victims of hate crime and hate speech<sup>66</sup>.

Moreover, the Commission will continue to support Member States in the process of developing national strategies on combating antisemitism to empower and protect victims of anti-Semitic hate crimes<sup>67</sup>. In addition, actions on victims' rights will be coordinated with activities under the upcoming initiative for Roma equality, inclusion and the upcoming **LGBTI+ Equality Strategy**.

The Commission will also promote targeted and integrated support to victims of hate crime that will include close cooperation with the relevant communities. In this regard, the Commission will continue to work with the two recently set up working groups<sup>68</sup> at

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<sup>63</sup> [https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/eu-centre-expertise-victims-terrorism\\_en](https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/eu-centre-expertise-victims-terrorism_en)

<sup>64</sup> On the basis of the Commission's analysis and in the light of available funding, the Commission will decide on whether to continue the activities of the EU Centre beyond 2021.

<sup>65</sup> [https://fra.europa.eu/sites/default/files/fra-factsheet\\_hatecrime\\_en\\_final\\_0.pdf](https://fra.europa.eu/sites/default/files/fra-factsheet_hatecrime_en_final_0.pdf)

<sup>66</sup> In 2019, the High Level Group on combatting racism and xenophobia and other forms of intolerance agreed to create three working groups with the support of the Organization for Security and Co-operation in Europe - Office for Democratic Institutions and Human Rights, the European Union Agency for Law Enforcement Training, Fundamental Rights Agency to assist national authorities in establishing effective and adequate hate crime victims support services as well as targeted training strategy for law enforcement and recording, data collection and encouraging reporting by victims of hate crime. For more information, see: [http://ec.europa.eu/newsroom/just/document.cfm?doc\\_id=48874](http://ec.europa.eu/newsroom/just/document.cfm?doc_id=48874).

<sup>67</sup> See the Commission's new working group on combating Antisemitism aimed to implement the Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe (6 December 2018).

<sup>68</sup> In 2019, the High Level Group on combatting racism and xenophobia and other forms of intolerance agreed to create two additional working groups to assist national authorities when it comes to training for law enforcement authorities about victims of hate crime - led by the European Union Agency for Law Enforcement Training (CEPOL) and hate crime victims' support - led by the Organization for Security and Co-operation in Europe - Office for Democratic Institutions and Human Rights (ODIHR).

improving support for victims and at providing training for police. The Commission will also pay particular attention to support and protection of victims belonging to ethnic groups and minorities that are particularly exposed to crime and/or are in need of special support and protection.

**Persons with disabilities** are often victims of hate crime and of different forms of abuse<sup>69</sup>. In addition, their access to justice may be more difficult if they are deprived of their legal capacity. The United Nations Convention on the Rights of Persons with Disabilities<sup>70</sup> requires States Parties to take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration of persons with disabilities, who become victims of any form of exploitation, violence or abuse. In this regard, actions under this strategy will be in line with the provisions of the United Nations Convention on the Rights of Persons with Disabilities<sup>71</sup>.

**Elderly persons**, because of their limited mobility, general state of health<sup>72</sup> or dependencies from others (including family members or staff at the residential care centres) can be also more vulnerable to become victims of different forms of crime. It is therefore crucial to ensure that specialist support and protection that responds to the elderly persons' individual needs are in place.

Particular attention should be also paid to victims of **organised crime**. Trafficking in human beings is a particular form of organised crime. It has devastating effects on the victims due to the nature, circumstances, duration and consequences of the crime. **Victims of trafficking in human beings** need special assistance, support and protection. In the EU, almost half of the victims of trafficking in human beings registered are EU citizens, the majority of all victims are women and girls, who are trafficked mainly for sexual exploitation. The EU addresses trafficking in human beings comprehensively through coordination in all relevant areas and as a joint effort with stakeholders<sup>73</sup>. In particular, the Commission is working on a new strategic approach towards the eradication of trafficking in human beings as part of the Security Union. The actions towards the eradication of trafficking in human beings will be also further developed in the context of the upcoming initiatives to tackle organised crime.

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<sup>69</sup> For example, the European Parliament stressed that women with disabilities are two to five times more likely to face violence than other women, and 34 % of women with a health problem or a disability have experienced physical or sexual violence by a partner in their lifetime, see: European Parliament resolution on the situation of women with disabilities (2018/2685(RSP)).

<sup>70</sup> <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html#Fulltext>

<sup>71</sup> In particular, Article 6 on Women with disabilities, Article 9 on Accessibility, Article 12 on Equal recognition before the law and Article 13 on Access to justice.

<sup>72</sup> 49% of persons 65 years or older perceived having a disability or a long standing activities limitation; Eurostat statistics on self-perceived longstanding limitations in usual activities due to health problems by sex, age and income.

<sup>73</sup> With regard to the comprehensive EU legal and policy framework addressing trafficking in human beings, which is victims centred, gender specific and child sensitive, please refer to [https://ec.europa.eu/anti-trafficking/node/4598\\_en](https://ec.europa.eu/anti-trafficking/node/4598_en).



**Environmental crime** affects all of society, it may have particularly detrimental effect on individuals. It may impact personal health, livelihoods and lower property values. Victims of environmental crime may be particularly susceptible to secondary victimisation, intimidation and retaliation. Notably if environmental crime is a form of organised crime. Such victims should have access to specialist support and protection.

**Irregular migrants who become victims of crime** are also often in a situation of vulnerability and may have difficulty to access justice<sup>74</sup>. If they report a crime to the police, they may be ordered to return to their home country<sup>75</sup>. Under the Victims' Rights Directive, victims' rights shall apply to victims in a non-discriminatory manner, independently of their residence status<sup>76</sup>. This shall also apply to unaccompanied minors. Under this strategy, the Commission will assess legal and practical tools at EU level to improve reporting of crime and access to support services for migrant victims, independently of their residence status. In particular, the Commission will promote exchange of good practices among the Member States aimed at disconnecting reporting of crime from the return procedure without jeopardising the effectiveness of such procedures.

Another group of victims in a situation of particular vulnerability are **victims of crime committed in detention**. According to the World Health Organization, 25% of prisoners suffer from violence each year<sup>77</sup>. Their access to justice is often limited. They are isolated, stigmatised and have limited access to information<sup>78</sup>. Under this strategy, the Commission will explore means to provide for effective support and protection of victims in detention such as protocols for the protection of victims in detention and independent detention bodies to investigate crime in detention. The Commission will also promote training for detention staff under the upcoming strategy on European Judicial Training.

A targeted and integrated support to the most vulnerable victims that takes a holistic, multi-agency approach requires close cooperation of authorities with the relevant

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<sup>74</sup> See for instance Oxford University COMPAS (the Centre on Migration, Policy, and Society) project on 'Safe reporting of crime for victims and witnesses with irregular status in the US and Europe', published in 2019 or the results of the project by Platform for International Cooperation on Undocumented Migrants on 'Insecure justice? – residence permits for victims of crime in Europe'.

<sup>75</sup> Under Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, Member States shall, as a matter of principle issue a return decision to any third country national staying illegally on their territory. Victims of certain categories of crime like serious labour exploitation may be granted on a case-by-case basis, permits of limited duration - see Directive 2009/52/EC (the 'Employers Sanctions Directive').

<sup>76</sup> The Fundamental Rights Agency (2019) report on *Migration: Key fundamental rights concerns* shows a large scale of underreporting of crime among migrant victims. As evidenced by research carried out by the European Network against Racism, migrants interviewed in 24 countries expressed fear that reporting crime would negatively affect the outcome of their immigration case.

<sup>77</sup> World Health Organization, *Prison and Health* (2014), pp. 19-21 for definitions of violence in prison. Report available at: [http://www.euro.who.int/\\_data/assets/pdf\\_file/0005/249188/Prisons-and-Health.pdf](http://www.euro.who.int/_data/assets/pdf_file/0005/249188/Prisons-and-Health.pdf).

<sup>78</sup> For more detailed analysis see: 'Rights behind bars – Access to justice for victims of violent crime suffered in pre-trial or immigration detention' by Fair Trials, published in 2019, <https://www.fairtrials.org/publication/rights-behind-bars>.

organisations and ethnic, religious and other minority communities. Under this strategy, the Commission will pay great attention to the promotion of such synergies. The main responsibility lies however with the Member States, who should set up the relevant structures and facilitate the necessary synergies between the authorities and the civil society. Other actors are also invited to strengthen their activities to support and protect the most vulnerable victims.

***Key actions for the European Commission:***

- **Promote actions that draw lessons from the COVID-19 pandemic, such as on-line support services and declaration of victims' support services as essential services;**
- **Promote integrated and targeted support to victims with special needs, such as child victims, victims of gender-based or domestic violence, victims of racist and xenophobic hate crime, LGBTI+ victims of hate crime, elderly victims and victims with disabilities, through EU funding possibilities and the EU awareness campaign on victims' rights;**
- **EU accession to the Istanbul Convention or alternative measures that achieve the same objective;**
- **Assess introduction of minimum standards on victims' physical protection, including minimum conditions on issuing and modalities of protection measures, and where necessary present legislative proposals by 2022;**
- **Implement the guiding principles on ensuring protection and support for victims of hate crime and hate speech;**
- **Facilitate cooperation between Member States to improve support for victims of terrorism, particularly in cross-border cases, through the pilot EU Centre of Expertise for Victims of Terrorism;**
- **Assess tools at EU level to allow for reporting of crime for migrant victims, independently of their residence status, and for victims in detention, and where necessary present legislative proposals by 2022.**

***Key actions for the Member States:***

- **Drawing lessons from the COVID-19 pandemic, take action to ensure that victims of gender-based and domestic violence have access to support and protection that is integrated into the national pandemic emergency measures, including continuous access to shelters and helplines, and by strengthening the inclusion of civil society in victims' support and protection;**
- **Set up integrated and targeted specialist support services for the most vulnerable victims, including Child Houses, Family Houses, LGBTI+ safe houses, disability inclusive and accessible services and venues and independent detention bodies to investigate crime in detention;**
- **Take actions to ensure that all victims, including migrant victims have access to justice independently of their residence status;**
- **Take actions to ensure that child victims have access to child-friendly justice;**

- **Exchange best practices among EU Member States on support and protection to the most vulnerable victims, including victims of terrorism;**
- **Take actions to ensure that victims of terrorism are recognised, e.g. consider setting up memorials, museums and medals;**
- **Facilitate cooperation and ensure a coordinated approach to victims' rights between judicial and law enforcement authorities, health care and social workers, other relevant practitioners and civil society organisations to provide for targeted and integrated support for the most vulnerable victims;**
- **Facilitate cooperation between Member States' competent authorities or entities providing specialist support to ensure the effective access of victims of terrorism to relevant information in cross-border cases<sup>79</sup>.**

*Key actions for other stakeholders:*

- **Civil society organisations - to be involved in providing support to victims in cooperation with the relevant national authorities.**

### **3. Facilitating victims' access to compensation**

In many Member States, victims' access to compensation is difficult. Victims can claim state compensation only at the end of a long, often expensive and time-consuming process, which starts with criminal proceedings and is followed by attempts to receive compensation from the offender. As illustrated by the report on victims' compensation<sup>80</sup>, the underlying reasons include lack of sufficient information about victims' rights to compensation, numerous procedural hurdles including restrictive time limits, insufficient allocations from national budgets and complicated rules governing offender compensation and state compensation. For victims in cross-border situations it is even more difficult to receive compensation from the State in which they were victimised in spite of the existence of the EU rules in this area<sup>81</sup>.

All relevant actors should take steps, within their respective competences, to improve victims' access to compensation.

Under the Compensation Directive<sup>82</sup>, Member States shall ensure that their national rules provide for the existence of a scheme on compensation to victims of violent intentional crimes committed on their territories, which guarantees **fair and appropriate compensation** to victims<sup>83</sup>. The Commission recommends that Member States make their

<sup>79</sup> As provided for in Article 26 of the Counter-terrorism Directive.

<sup>80</sup> Report of the Special Adviser, J. Milquet, to the President of the European Commission, Jean-Claude Juncker: Strengthening victims' rights: from compensation to reparation – For a new EU victims' rights strategy 2020-2025, March 2019.

<sup>81</sup> The Compensation Directive.

<sup>82</sup> See Article 12(2) of the Compensation Directive.

<sup>83</sup> See Opinion of Advocate General Bobek in case C-129/19 delivered on 14 May 2020 <http://curia.europa.eu/juris/document/document.jsf?jsessionid=839BD6797AC265879227F4CB8EFBE070?text=&docid=226497&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=1859548>

national schemes of compensation more victims-friendly by simplifying rules on access to compensation and by increasing available amounts of compensation by adapting national budgets. Under the Victims' Rights Directive, Member States shall also ensure that victims are informed from the first contact with the competent authorities how and under what circumstances they can access compensation. The Commission will encourage Member States to go beyond these minimum standards and ensure that victims are better informed about national schemes of compensation also by other means – such as general informative campaigns about victims' rights and inter-active websites.

The overall objective of compensation is to recognise victims of violent intentional crime and to add to the healing process<sup>84</sup>. Under no circumstances, victims should be exposed to the risks of secondary victimisation during the compensation procedure. Member States should ensure that victims are protected from risks of secondary victimisation not only during criminal proceedings, but also when claiming compensation. In this context, consideration should also be given to victims of terrorism, creating a particular responsibility of each Member State to assure fair and appropriate compensation<sup>85</sup>.

When it comes to facilitating victims' access to compensation, the Commission will monitor the implementation of existing EU legislation, notably the Compensation Directive and the Framework Decision on mutual recognition of financial penalties<sup>86</sup> to see how and to what extent it could be improved to facilitate victims' access to compensation. The Regulation<sup>87</sup> on the mutual recognition of freezing orders and confiscation orders will also contribute to facilitate victims' access to restitution of property and victims' compensation in cross-border cases, once applicable<sup>88</sup>. The 2014 Directive on freezing and confiscation of the proceeds of crime<sup>89</sup> which harmonises freezing and confiscation regimes across the EU requires Member States to ensure that a confiscation order does not prevent victims of a criminal offence from seeking compensation for their claims. The Commission will analyse the possibilities to improve victims' access to compensation under this Directive.

The Commission and Member States should also examine how to improve coordination and cooperation among the Member States to facilitate victims' access to compensation in cross-border cases. In particular, Member States should improve their cooperation within the European network on national contact points for compensation<sup>90</sup>. The European

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<sup>84</sup> See in particular, Report of the Special Adviser, J. Milquet.

<sup>85</sup> Pursuant to Article 24 of the Counter-terrorism Directive, Member States shall provide assistance with claims regarding compensation for victims of terrorism available under the national law of the Member State concerned.

<sup>86</sup> Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties.

<sup>87</sup> Regulation (EU) 2018/1805 of the European Parliament and of the Council of 14 November 2018 on the mutual recognition of freezing orders and confiscation orders.

<sup>88</sup> As of 19 December 2020.

<sup>89</sup> Directive 2014/42/EU of the European Parliament and of the Council of 3 April 2014 on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union.

<sup>90</sup> As established under Article 16 of the Compensation Directive.

Network on Victims' Rights<sup>91</sup> (ENVR) and the European network of national contact points for compensation should explore how to improve their cooperation and make the network more efficient.

***Key actions for the European Commission:***

- **Monitor and assess EU legislation on compensation, (including state compensation and offenders' compensation), including the Framework Decision on mutual recognition of financial penalties, and if necessary propose measures to complement this framework by 2022.**

***Key actions for the Member States:***

- **Evaluate national compensation schemes and, if necessary, eliminate the existing procedural hurdles;**
- **Ensure that fair and appropriate state compensation for violent, intentional crimes, including victims of terrorism is reflected in the national budgets;**
- **Ensure full application of the Regulation on the mutual recognition of freezing orders and confiscation orders, in particular its provisions on restitution of property to the victim and victims' compensation;**
- **Take actions to ensure that victims are not exposed to secondary victimisation during the compensation procedure;**
- **Facilitate homogeneous access to information about national compensation schemes (set up interactive, accessible and user-friendly websites);**
- **Ensure that the staff of national compensation authorities are aware of victims' rights and needs to avoid risks of secondary victimisation;**
- **Cooperate with other Member States in cross-border cases within the relevant EU structures.**

***Key actions for other stakeholders:***

- **The European Network on Victims' Rights and the European network of contact points for compensation – to explore how to improve their cooperation and increase the efficiency of the latter;**
- **Victim support organisations – to engage with the national compensation authorities to offer their support, exchange of best practices and mutual training activities.**

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<sup>91</sup> The European Network on Victims' Rights (ENVR) provides a forum of national experts created under an EU grant who exchange best practices and discuss victims' rights. For more information, see: <https://envr.eu/>.

## WORKING TOGETHER FOR VICTIMS' RIGHTS

### 4. Strengthening cooperation and coordination among all relevant actors

The main objective of strengthening cooperation and coordination at EU and national level is to ensure that all relevant actors work together to ensure victims' access to justice. Under EU rules on victims' rights, all victims of crime should be recognised and treated in a respectful, professional, tailored and non-discriminatory manner. This requires the involvement of all relevant actors.

At the national level, it is crucial to bring together all persons who are coming into contact with victims. They include police, judicial authorities, court staff, victim support services, practitioners and compensation authorities. For some victims, it is also crucial to involve medical staff, education staff, social services staff, or detention staff. In fact, entire societies should be involved in ensuring that all victims are recognised, respected and able to fully rely on their rights.

The Commission will promote coordination and cooperation at national level. Member States should set up **national victims' rights strategies** that ensure coordinated and horizontal approach to victims' rights. Such policies can include appointment of national victims' rights coordinators or ombudspersons responsible for victims' rights, launching national victims' rights awareness campaigns and mainstreaming victims' rights into other policies such as health and education.

Stronger cooperation between all actors on victims' rights will also result in creating **societies that are more resilient**. In such societies, thanks to strong societal bonds, it is easier to prevent crime and to address its consequences for particular victims. Strong cooperation and alliances between national authorities and civil society, including non-governmental victim support organisations is crucial in this regard. The strategy will thus promote actions aimed at tapping on the potential of such synergies.

At the EU level, the Commission will set up **the Victims' Rights Platform** to ensure a more horizontal approach to victims' rights. The Platform will bring together for the first time all EU level actors relevant for victims' rights. It will include the Commission and key actors such as the European Network on Victims' Rights (ENVR), the EU Network of national contact points for compensation, the European Network of Equality Bodies (EQUINET), the EU Counter-Terrorism Coordinator and relevant agencies such as Eurojust, the Fundamental Rights Agency (FRA), the European Union Agency for Law Enforcement Training (CEPOL), the European Institute for Gender Equality (EIGE) and civil society.



The Victims' Rights Platform will facilitate continuous dialogue, exchange of best practices and cross-fertilisation between this strategy, the Gender Equality Strategy 2020-2025 and several upcoming strategies<sup>92</sup>.

A Commission's **Victims' Rights' Coordinator** will ensure consistency and effectiveness of different actions in relation to the victims' rights policy. In particular, the Commission Coordinator will be responsible for ensuring a smooth functioning of the Victims' Rights Platform. The Coordinator will also synchronize the victims' rights related actions of other EU level stakeholders, notably if relevant to the application of the Victims' Rights Directive.

***Key actions for the European Commission:***

- **Set up the Victims' Rights Platform – gathering EU level actors relevant in the area of victims' rights and ensuring synergy with other relevant policy strategies<sup>93</sup>.**

***Key actions for the Member States:***

- **Set up national victims' rights strategies that take a comprehensive and holistic approach to victims' rights and involve all actors likely to come into contact with victims;**
- **Promote victims' rights among all actors likely to come into contact with victims, including police, support services and health-care staff;**
- **Facilitate operation of the relevant EU level networks regrouping national experts on victims' rights, such as the European Network on Victims' Rights (ENVR);**
- **Take actions aimed at building societies that are more resilient by promoting higher involvement of the civil society into national actions.**

***Key actions for other EU bodies and stakeholders:***

- **Eurojust, the Fundamental Rights Agency, the European Institute for Gender Equality and the European Network on Victims' Rights should report on how to improve the cooperation and exchange of information and good practices between the competent authorities in cross-border cases.**

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<sup>92</sup> Other relevant Strategies in the area include the strategy on the rights of the child, strategy on European judicial training, LGBTI+ Equality Strategy, EU updated framework for Roma equality, inclusion and participation and the Security Union Strategy, strategic approach towards the eradication of trafficking in human beings and Strategy for a more effective fight against child sexual abuse.

<sup>93</sup> [https://ec.europa.eu/info/publications/2020-commission-work-programme-key-documents\\_en](https://ec.europa.eu/info/publications/2020-commission-work-programme-key-documents_en)

## 5. Strengthening the international dimension of victims' rights

The recently adopted Action Plan on human rights and democracy (2020-2024)<sup>94</sup> reaffirms the EU's commitment to promoting, protecting and fulfilling human rights worldwide. The European Union aims at ensuring that high standards of victims' rights are met in all contexts, including in international instances. The Action Plan also covers actions related to the UN Guiding Principles on Business and Human Rights, and thereby enables attention to victims of crimes and abuses committed in the context of the private sector, including victims of environmental crimes.

The EU global response to the COVID-19 pandemic has included responses to human rights threats and to a rise in domestic violence. As part of the Team Europe support to partner countries to face the pandemic, the EU has continued to monitor human rights and democracy and has redirected programmes to ensure that victims in partner countries receive the necessary support and protection.

The EU and its Member States will continue to engage with and within the United Nations and the Council of Europe to promote EU victims' rights in partner countries and to exchange best practices<sup>95</sup>. In particular, the EU will continue to promote high standards on victims' rights of EU's geographic and thematic programmes on access to justice that are already in the implementation phase in partner countries. In particular, the EU continues to support the EU-UN Spotlight Initiative<sup>96</sup> to prevent and eliminate all forms of violence against women and girls across five regions around the globe. The EU also cooperates with FIFA and WHO in campaigns against domestic violence. The EU will support the International Fund for Survivors of Conflict-Related Sexual Violence<sup>97</sup> and the WeProtect Global Alliance to End Child Sexual Exploitation Online<sup>98</sup>.

The EU will also continue to support capacity building actions for priority partner countries in relation to support for victims of terrorism. In particular, the EU will continue to support the UN-led initiatives and projects aimed at enhancing UN Member States' capacities to assist victims of terrorism, such as 'Group of Friends of Victims of

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<sup>94</sup> Joint Communication of the European Parliament and the Council EU Action Plan on Human Rights and Democracy 2020-2024, JOIN/2020/5 final.

<sup>95</sup> The emerging UN agenda on Business and Human Rights, including on the access to remedy (both legal and non- legal) for victims of human rights abuses by businesses/private sector actors, could also be considered.

<sup>96</sup> <https://spotlightinitiative.org/>

<sup>97</sup> A new fund for the reparation for victims of conflict related sexual violence. The Fund is built upon the commitment of the Office of the United Nations Special Representative of the Secretary-General on Sexual Violence in Conflict, the work of the Dr Denis Mukwege Foundation, Nadia's Initiative and the voices of survivors of conflict related sexual violence worldwide. <https://news.un.org/en/story/2019/10/1050271>.

<sup>98</sup> <https://www.weprotect.org/>

Terrorism’ led by Afghanistan and Spain<sup>99</sup> or the organisation of the global Congress of Victims of Terrorism by the UN Office of Counter-Terrorism and by Spain<sup>100</sup>.

In addition, the EU will promote further the EU standards on victims’ rights (including EU rights for victims of terrorism, victims of organised crime, victims of environmental crimes and EU victims’ rights in general) within new programmes that will be developed under the new multiannual financial framework (2021-2027). In the context of accession negotiations and the Stabilisation and Association Process, the EU will continue to work closely with the candidate and potential candidate countries to strengthen victims’ rights.

The EU will also focus on ensuring optimal access to justice for EU citizens victimised in third countries. It requires closer contact and cooperation between authorities and support organisations of third countries and consular authorities and support organisations of EU Member States. The European Union, through its High Representative for Foreign Policy and Security will encourage and facilitate such cooperation to improve support and protection for EU citizens victimised in third countries.

***Key actions for the European Union:***

- **Strengthen cooperation with international and regional partners, such as the United Nations and the Council of Europe to promote high international standards for victims’ rights, including the rights of victims of hate crime, child victims, victims of terrorism, migrant victims, victims of sexual and gender-based violence, LGBTI+ victims of hate crime, victims of organised crime, victims of environmental crime and victims with disabilities;**
- **Use EU funding and political dialogue to promote, advocate and protect victims’ rights and to ensure access to justice for victims in partner countries;**
- **Promote cooperation to improve support and protection for EU citizens victimised in third countries;**
- **Strengthen cooperation between national authorities and support organisations of third countries and consular authorities and support organisations of EU Member States to facilitate access to justice for EU citizens victimised in third countries.**

## CONCLUSION

The EU must do more to protect victims of crime. The first EU Strategy on victims’ rights provides for a comprehensive set of actions for the next five years. These actions are expected to improve the protection of victims’ rights, including taking due account of victims with specific needs, and by doing so increase the security of all citizens in the Union.

<sup>99</sup> A “Group of Friends of Victims of Terrorism” led by Afghanistan and Spain has been launched in June 2019 with the aim of bringing additional focus and activity at the United Nations to this topic.

<sup>100</sup> <https://www.un.org/counterterrorism/2020-counter-terrorism-week>

The Commission will focus on the full implementation and enforcement of existing EU rules on victims' rights. It will promote awareness of victims' rights and work with Member States to strengthen the resilience of victim support structures, including by drawing lessons from the COVID-19 pandemic. In addition, the Commission will continue to assess EU instruments and their possible shortcomings and, where necessary come forward with legislative proposals by 2022 to further strengthen victims' rights.

The implementation of this strategy will be regularly monitored, including through regular meetings of the Victims' Rights Platform to update on actions under the responsibility of different actors. In addition, the Commission will take stock of the strategy's actions at the mid-term of this strategy and update it where necessary.

Giving full effect to all victims' rights everywhere in the EU and in all circumstances requires all relevant actors to be involved, at EU, national and local level. This strategy requires joint efforts from the European Commission, other institutions and bodies, Member States and civil society. To succeed, we must all work together.