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POLICE AND CUSTOMS COOPERATION

Crime victims' rights

If a Union citizen is a victim of crime in a Member State where he does not reside, his access to justice must be secured. With this Communication the Commission is launching a process of reflection on the measures to be taken to protect victims' rights.

ACT

Commission communication of 28 May 1999 to the European Parliament, the Council and the Economic and Social Committee "Crime victims in the European Union - standards and action" [[COM\(1999\) 349](#) final, not published in the Official Journal].

SUMMARY

The 1998 [action plan](#) on how best to achieve an area of freedom, security and justice provides for a comparative analysis of victim compensation schemes and an assessment of the feasibility of taking Union action within five years but the Commission considers that victims' rights also cover other aspects. The number of people (Community nationals and non-nationals living in the Union) travelling, living or studying in another Member State and who are therefore potential victims of crimes committed in a country other than their own is increasing steadily increasing. This communication was prepared as a contribution to the discussions at the Tampere European Council on 15 and 16 October 1999 on establishing an area of freedom, security and justice.

Prevention of victimisation

One of the main ways of preventing victimisation is to make information circulate, especially at points throughout the transport infrastructure network (airports, stations, underground stations). Some Member States have set up special services for foreign crime victims. In general, the Commission is advocating the exchange of best practices between Member States and the development of appropriate training for staff.

Assistance to victims

Most Member States have services offering some kind of first aid to crime victims. However, travellers may need a broader range of assistance than locals (e.g. language, social and psychological support). Assistance is provided by the police, social services or NGOs. Europe-wide cooperation has increased through associations, and the European Forum for Victims' Services has formulated guidelines on victims' rights. The police play an important role as they are often the first contact for victims. Language, however, and lack of information may present problems for victims, especially if they wish to lodge a complaint or obtain additional assistance. The Commission suggests introducing minimum standards for the reception of victims so that

they can obtain the information and, if necessary, the assistance they need. This could be done by setting up a network of European Union assistance services to deal with language, information and training problems, which are often related.

Standing of victims in the criminal procedure

It is difficult for foreign victims to follow proceedings concerning them at a distance. There are a number of solutions that should be adopted generally, such as fast-track procedures and the acceptance of statements submitted in advance or from abroad. In general, victims should be able to receive appropriate assistance so that they can follow the progress of the case, be treated with consideration and have the right to protection of their private life. Swifter procedures for the restitution of stolen property should be introduced. In certain cases, the development of mediation systems could speed up the process and improve the handling of complaints.

Compensation

This aspect will be looked at in the context of the implementation of the action plan on freedom, security and justice. To reduce disparities between the Member States, the Commission is proposing that they ratify the 1983 European Convention on the Compensation of Victims of Violent Crimes (Council of Europe) and examine ways of speeding up compensation. Other measures could also be adopted to help victims obtain compensation and develop cooperation between Member States with a view to facilitating claims procedures.

General issues

The communication makes the point that victims are faced with inter-related problems at every stage: information, training of staff with whom they come into contact, and language. The Commission would like to conduct a survey among travellers who have been victims of crime to highlight potential problems, develop training for the staff concerned and exchange good practices. Lastly, it is planning to provide multilingual information for crime victims on its website.

RELATED ACTS

Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings [Official Journal L 82 of 22.03.2001]

Following the initiative tabled by Portugal (Official Journal C 243, 24 August 2000), the Council meeting (Justice and Home Affairs) of 15 and 16 March 2001 adopted a Framework Decision on the standing of victims in criminal proceedings. In line with point 32 of the conclusions of the Tampere European Council, the decision is designed to afford victims the best legal protection and defence of their interests, irrespective of the Member State in which they find themselves. The Framework Decision also contains provisions on affording victims assistance before and after criminal proceedings, so as to alleviate the effects of the crime.

To that end, the Member States must align their legislation on criminal proceedings so as to guarantee to victims:

- the right to be heard in the proceedings and the right to furnish evidence;
- access from the outset to information of relevance for the protection of their interests;
- access to appropriate interpreting and communication facilities;
- the opportunity to participate in the proceedings as a victim and to have access to legal advice and, where warranted, legal aid free of charge;
- the right to have legal costs refunded;
- a suitable level of protection for crime victims and their families, particularly as regards their safety and protection of their privacy;

- the right to compensation;
- the possibility for victims resident in another Member State to participate properly in the criminal proceedings (teleconferencing or video-conferencing, etc.).

Respect for individuals' dignity is to be safeguarded throughout the proceedings and Member States are to make special arrangements to cater for certain vulnerable categories of victim. Member States are also to ensure that staff dealing with victims receive appropriate training.

Report from the Commission on the basis of Article 18 of the Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings [[COM\(2004\) 54 final/2](#) - not published in the Official Journal]

The Commission is required to produce a report on the measures taken to comply with the Framework Decision. When the report was finished, only ten Member States had sent relatively full contributions. The report thus outlines the transposal position on 25 March 2003. The Commission calls on the Member States to ensure full transposal by 15 March 2004.

Last updated: 20.09.2005

