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Strengthening victims' rights in Europe

Victim Support Europe conference "*Putting victims' rights into practice – How to implement the EU directive on victims' rights across the EU*",
European Parliament, Brussels, 26 November 2012

Ladies and gentlemen,

I am very pleased to speak to you today about the tremendous progress we have made in strengthening victims' rights in Europe. We presented the new Directive on the rights, support and protection of victims of crime in May last year. Only 18 months later, the Directive entered into force a few days ago, on 15 November 2012.

I want to thank Victim Support Europe for the enormous support and valuable input on this initiative. You have helped us to address all needs of all victims. I count on your continued support as one of our most important partners for getting this new Directive implemented properly.

I also want to thank the members of the European Parliament and representatives from the Member States who are here today. A special thanks goes to Ms Jiménez-Berrecil who was one of the excellent Rapporteurs on the Directive together with Ms Parvanova.

Nobody thought that it would have been possible to get agreement on such a comprehensive Directive on Victims' Rights in such a short space of time. Our common objective to seriously recognise victims' needs in criminal proceedings guided us. We found a good balance between the priorities of the European Parliament and Member States, in the best interest of victims of crime. Both parties demonstrated a high degree of flexibility to reach agreement and the result is a

legislative text that will clearly improve the situation of victims on the ground.

Victims are individuals and they have individual needs that should be recognised, respected and met in criminal proceedings. The Directive will make sure that victims will receive the same level of information, support, protection and access to justice – whether they are at home or abroad in another Member State.

I will give you a few examples of the most significant changes in the Directive compared to the current legal framework:

- **The Directive is legally binding and enforceable:** This is a Directive, as opposed to the "third pillar" Framework Decision we have now. The Lisbon Treaty has strengthened the EU's competence in the criminal justice area. This means that if Member States do not transpose or apply the Directive correctly, the Commission can bring an infringement case against that Member State. Any citizen can complain about poor application of the rules and this makes this instrument a very strong tool for victims to enforce their rights.
- **The Directive applies to both direct and indirect victims:** For the first time, EU legislation on victims does not only apply to direct victims but also to their family members. Family members of deceased victims are defined as victims and benefit from the rights listed in the

Directive. The family of surviving victims will also have a right to support and protection according to their needs.

- **Information is crucial for a victim to be able to get access to justice – victims will benefit from a range of information rights:** The Directive makes sure that victims receive comprehensive information about their rights and their particular case, from their first contact with the police and throughout the criminal proceedings. For example:

- Victims will be notified of the time and place of the trial and the nature of the criminal charges.
- They will also be informed about a decision not to proceed with prosecution – and the reason for such decision.
- If they are not happy with such decision, they will have the entirely new right to have the decision reviewed.
- Victims will also be informed about the final judgment and its reasons.
- Victims will have the right to be notified when the offender is released from custody or prison.
- If victims who actively participate in criminal proceedings don't understand the information given, they will get interpretation and translation.

- **Victims need proper support to handle the consequences of the crime:** Under the new Directive, Member States must ensure that victims and their family members have access to confidential and free of charge victim support services. Both general and specialist support must be provided, based on the victims' needs.
- Member States must facilitate the referrals from the police to victim support services so they can help as many victims as possible. But at the same time, there is no obligation for the victim to formally report the crime – victims can access support services without reporting the crime if they so choose.
- **Victims need to be protected during criminal proceedings so they won't be hurt again or threatened:** The Directive reinforces the protection of victims and their family members. The victim's privacy must be respected and contact with the offender avoided.
 - All victims will be individually assessed to determine whether they are vulnerable to secondary or repeat victimisation or intimidation during criminal proceedings. If they have specific protection needs, these will be catered for.
 - Children are presumed vulnerable by default. The Directive includes specific safeguards to ensure their protection.

- Victims who are often vulnerable, such as victims of terrorism, organised crime, human trafficking, gender-based violence, violence in close-relationships, sexual violence or exploitation, hate crime and victims with disabilities, will be assessed with special care and attention.
- **Practitioners who come into contact with victims must understand how to deal with them:** Training of practitioners will be an obligation. We also emphasise cooperation between Member States at national as well as local level.

In our Victims Package, protection is one of the key words.

Specific protection measures are crucial to effectively protect victims, even before criminal proceedings start. These are measures that protect the victim against any form of harassment or other forms of violence by barring any contact with the offender. To ensure that a person who has been granted a protection order in a Member State continues to benefit from this protection when moving or travelling to another Member State, we have put in place a mechanism for the mutual recognition of protection measures between Member States. Our proposed regulation is currently on the table of the Parliament and Council and we expect it to be adopted early next year.

The Victims Package is only a first step to address the rights of victims of crime across the European Union. We are preparing further action on compensation for victims. We are looking at various options to ensure victims have proper access to fair and appropriate compensation in the future.

It is time now to turn our attention from paper to practice. We are focusing on implementing the Victims Directive into national legislation. Our implementation strategy is to assist Member States as much as possible. We hope that our stakeholders – Victim Support Europe among others - will continue to work with us. We rely on your expertise!

National situations differ enormously. For example, the level of access to victim support services varies greatly across the EU. While some countries have efficient, nationwide victim support services, others hardly have local support services. To comply with the provisions of the Directive within three years' time will be a challenge for many Member States. We will use all resources available to us to assist the Member States throughout the implementation process.

Support to projects on the ground is available through our funding programmes. Key actions include training and capacity building of professionals, exchange of best practices and information. These projects will ensure that the new legal

framework makes a tangible difference to the lives of victims of crime.

Ladies and gentlemen,

I conclude, with some satisfaction, that we have made significant progress on the rights of victims in Europe the last couple of years. The new Directive will really help citizens who fall victim to a crime. It is a historic achievement and a strong signal that Europe is delivering on the rights of citizens.

I am confident that with the continuous support of all stakeholders we can make victims' rights a tangible reality for all victims and their families. We may never be able to reverse victims' suffering or restore what they have lost. But we can recognise their needs, respect their dignity and reduce their burden and frustration in the aftermath of a crime.

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