

A BALANCED PLATE OF RIGHTS

Ensuring Victims' Access to Justice

EU Victims' Rights - the right to access justice

INTRODUCTION

In the 2012 Victims' Rights Directive, Articles 10 to 17 enshrine victims' rights to access justice. More precisely, the following rights are pertinent:



ARTICLE 10 – RIGHT TO BE HEARD

ARTICLE 11 – RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

ARTICLE 12 – RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

ARTICLE 13 – RIGHT TO LEGAL AID

ARTICLE 14 – RIGHT TO REIMBURSEMENT OF EXPENSES

ARTICLE 15 – RIGHT TO RETURN OF PROPERTY

ARTICLE 16 – RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

ARTICLE 17 – RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Despite the **foundational rights** outlined in these articles to ensure victims' access to justice, **data** across the EU highlights **ongoing challenges**. Many victims feel unheard; restrictive legal aid criteria create barriers in accessing justice, and procedural inefficiencies complicate cross-border cases. These obstacles – among many others – continue to hinder the effective realisation of justice for victims.

VICTIM SUPPORT EUROPE'S POSITION

Ensuring that **all victims of crime** are recognised as such, regardless of their role under **national procedural law**, is essential to **safeguarding their rights**. To achieve this, VSE advocates for concrete measures that enhance victims' participation and access to justice, ensuring a fair and efficient system that empowers victims and prioritises their wellbeing. VSE supports victims' ability to provide a victim impact statement should they wish to do so, ensuring their voices are heard. Establishing common standards regarding **Restorative Justice** is crucial, in order to promote victims' wellbeing and eliminating biases in the process.

To further strengthen victims' rights, VSE calls for guaranteed access to **free legal aid** for those with party status in proceedings, ensuring that **comprehensive legal advice, assistance, and representation by a lawyer, are provided at no cost**.

Additionally, VSE proposes measures to streamline victims' access to justice, including the timely reimbursement of expenses through simplified procedures and a standardised list of costs covered across all Member States. Clear protocols for the return of seized personal effects should also be established at the national level.

Recognising the challenges victims face in participating in legal proceedings, VSE supports measures to facilitate their attendance, including the use of electronic means where appropriate. Moreover, VSE welcomes proposals to **enhance victim's access to compensation**, minimising delays and administrative burdens. To prevent resource-intensive processes, VSE suggest exploring the introduction of reasonable delays to State compensation payments and the possibility of partial payments of the adjudicated compensation - except in cases of serious crime - ensuring a fair and efficient system for victims.

KEY CHALLENGES LIMITING VICTIMS' ACCESS TO JUSTICE

Limited victim participation in criminal proceedings:

in most Member States, victims can only testify if called as witnesses and cannot provide evidence on their own initiative.

Barriers to legal support:

certain decisions, such as understanding whether an investigation's adequacy or the legality of not prosecuting, require legal expertise that victims may not have.

Gaps and lack of safeguards in restorative justice:

victims are often unaware of the existence of restorative justice initiatives, which in turn, are not widely available across Member States. Additionally, poorly managed restorative justice initiatives, lacking proper safeguards can lead to further victimisation.

Restrictive eligibility criteria and challenges in accessing legal aid:

Highly restrictive eligibility rules and additional bureaucratic hurdles make it difficult for victims to obtain legal aid.

Delays in reimbursement and procedural burdens:

Lengthy reimbursement processes and complex legal procedures, often with little support, create financial hardship and add to victims' distress, making it harder for them to pursue compensation claims.

Cross-border complexities:

Language barriers, distance from relatives, and differing legal systems in cross-border cases complicate victim' participation in proceedings.

The Victims' Rights Directive Implementation Review: 2024/2025



Just as Nutrients Fuel Health,
Victims' Rights Sustain Justice Across the EU

Europe has **ambitious laws and policies** to protect victims of crime, enhancing their rights to information, support, protection, and fair treatment in criminal proceedings. Implementing these laws effectively is **crucial to achieving the goals of the EU Victims' Rights Strategy**.

In 2022, the BeneVict project was launched to assess how well the EU Victims' Rights Directive is being implemented across Europe. This project collected data on victim rights practices **in all 26 participating EU Member States**, with a focus on identifying existing data collection methods and gaps.

The BeneVict project also **broke new ground** by estimating the costs of victimization and the benefits of victim support in four countries—**Estonia, the Netherlands, Portugal, and Spain**. These findings equip stakeholders and advocates with evidence to **strengthen victim rights at the national level** and to support the EU in shaping future policies under the Victims' Rights Directive.



ITALY

OVERVIEW

1

Directive Implementation: Italy has not fully implemented **EU Directive 29/2012/EU**, there have been limited legislative changes for crime victims since its initial transposition in 2015 and 2016, except for some gender-based violence protections.

Key Shift: Recent criminal justice reforms (e.g., Legislative Decree No. 150 of 2022) introduced the term victim into law.

POSITIVE DEVELOPMENTS

2

Victim Definition Expansion: The legislative penal reform in 2022 introduced the term "victim", including extending rights to family members.

Victim Support Networking: Government initiatives and support from grassroots organizations have enabled networks like Rete Dafne Italia to establish victim support services, despite limited government intervention.

GAPS AND CHALLENGES

3

Lack of Unified Support: There is no comprehensive national network linking victim support with government services and no standardization of victim information materials.

Legal and Support Services Gaps: Many articles of the directive are either partially implemented or lack updated legal provisions, particularly in victim support accessibility and referral uniformity.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

Expanded "victim" terminology The Decree No. 150 considerably extended the role of the family member beyond the perimeter established by EU Directive 29/2012

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Victim rights information provided inconsistently; lacking national standardization.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Development of a national online portal for victim information is underway.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

No changes

ARTICLE 8&9: RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Emphasis on restorative justice but lacking a consistent support referral model.

ARTICLE 10: RIGHT TO BE HEARD

Limited change; notable initiatives include "Progetto Azzurro" and protected hearing rooms for vulnerable victims.

ARTICLE 11: RIGHTS IN THE EVENT OF NON-PROSECUTION DECISION

No updates.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Decree No. 150 introduced restorative justice criteria

ARTICLE 13: RIGHT TO LEGAL AID

No changes, reaffirmation of the legitimacy of free legal aid provided for sexual crime victims; minors' eligibility expanded for mediation participation.

ARTICLE 14&15: REIMBURSEMENT OF EXPENSES

No changes.

ARTICLE 16: RIGHT TO COMPENSATION

State compensation available for victims unable to receive restitution from offenders.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Law No. 69 of 2019 revised assistance for Italian residents victimized in other EU countries.

ARTICLE 18: RIGHT TO PROTECTION

New legislation proposes stricter precautionary measures for high-risk victims.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

Courts lack adequate separation facilities; limited to specific judicial sensitivity.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Investigation duration limits established, impacting victim protection.

ARTICLE 21: RIGHT TO PROTECTION OF PRIVACY

Privacy Code updates include protective measures for digital data in sensitive cases.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF PROTECTION NEEDS

Training and risk assessment initiatives introduced, though legally unchanged.

ARTICLE 23: PROTECTION OF VICTIMS WITH SPECIFIC NEEDS

No legal changes but good practices established; video recording for sensitive investigations recommended in the context of gender-based violence victims.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Law No. 69 introduced rights for child witnesses; E-PROTECT project developed needs assessment tools.

ARTICLE 25: TRAINING OF PRACTITIONERS

Ongoing training programs in victim support and restorative justice.

ARTICLE 26: COOPERATION AND COORDINATION OF SERVICES

No formal transposition in the Italian legislative system; Rete Dafne collaborates on EU projects for cross-border best practices.

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The Victims' Rights Directive Implementation Review: 2024-2025



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LUXEMBOURG

OVERVIEW

1

Directive Implementation: Few improvements have been made since the 2018 VOIARE report; some legislative changes and reforms are underway.

Key Shift: Notable advancements include recognizing victims as *partie civile* in criminal proceedings, amendments to the Code of Criminal Procedure in 2020, and draft legislative proposals for the rights of minors during criminal proceedings.



2

POSITIVE DEVELOPMENTS

Victim Status: Victims can now act as *partie civile*, allowing them to provide testimony with evidentiary value and to request damages.

Draft Legislation: Proposals addressing the rights of minors in criminal proceedings and a reform of legal aid are underway, promising significant improvements.

Cooperation: Luxembourg joined a BENELUX cooperation framework to address human trafficking and victim protection, emphasizing cross-border collaboration.

GAPS AND CHALLENGES

3

Limited Progress: Many rights under the VRD, including the right to protection, victim support services, and training of practitioners, have seen no changes in law or practice.

Victim Information: While multilingual resources like the INFODROIT sheet exist, they lack provisions for accessible complaint acknowledgements.

Practical Implementation: Practical application of rights and services remains inconsistent and underdeveloped.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

Changes recognize victims as *partie civile*, allowing their testimony and claims for damages to be fully integrated into criminal proceedings.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Updated in 2020 to ensure victims receive immediate information in a language they understand.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Introduction of the INFODROIT sheet in 12 languages; however, accessible complaint acknowledgements remain unavailable.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

No changes noted in law or practice.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

No changes yet, but draft legislation proposes improved notification for minors and their representatives regarding offender release or alternative detention measures.

ARTICLE 7 – RIGHT TO INTERPRETATION AND TRANSLATION

No changes in law or notable improvements in practice.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

No legislative or practical developments.

ARTICLE 10: RIGHT TO BE HEARD

No changes observed.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

No updates in law or practice.

ARTICLE 12: RIGHT TO SAFEGUARDS IN RESTORATIVE JUSTICE SERVICES

No changes.

ARTICLE 13: RIGHT TO LEGAL AID

Draft legislation proposes partial legal aid for those not fully meeting criteria for total exoneration. Minors will automatically qualify for legal aid regardless of family income.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

No changes observed.

ARTICLE 15: RIGHT TO RETURN OF PROPERTY

Creation of the Bureau de Gestion des Avoirs (BGA) in 2022 for managing confiscated assets; however, restitution procedures remain unchanged.

ARTICLE 21: RIGHT TO PROTECTION OF PRIVACY

Draft legislation introduced in 2023 aims to align with EU rulings on data retention.

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ARTICLE 24: RIGHT TO PROTECTION OF CHILD VICTIMS

Awaiting adoption of Draft Proposal No. 7992, addressing minors as victims or witnesses in criminal proceedings.

ARTICLE 26: COOPERATION AND COORDINATION OF SERVICES

Enhanced cooperation under the BENELUX framework to combat human trafficking and address gaps in EU regulation regarding victim protection.

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LITHUANIA

OVERVIEW

Directive Implementation: Lithuania has introduced key legislative changes since 2018, notably the 2021 Law on Assistance to Victims of Crime, which transposes the VRD into national law, extending victim support beyond domestic violence cases. However, the victim support system remains fragmented and underdeveloped. While some progress has been made, particularly with the European Protection Order and videoconferencing capabilities, gaps in implementation and practical application persist.

Key Challenges: Reduced state compensation for damages and the lack of systematic cooperation between law enforcement and victim support organizations hinder effective victim support.

1



POSITIVE DEVELOPMENTS

2

New Legal Frameworks (Articles 2, 8): Adoption of the Law on Assistance to Victims of Crime (2021) which introduced generic victim support and widened the scope of "victim" to include those who suffer but do not report crimes.

Expanded Protection (Articles 18, 20): The 2020 Law on Protection from Criminal Influence extends protection to victims' close family members, including cohabitants and dependents.

Videoconferencing (Article 17): Enhanced provisions for conducting pre-trial and trial proceedings remotely ensure better access for victims across borders.

NGO-Led Initiatives (Articles 3, 8): NGOs have created accessible resources for victims, such as rights-focused websites (www.nukentejusiems.lt and www.withyou.lt), and expanded support services for trafficking victims.

GAPS AND CHALLENGES

3

Fragmented Support System (Article 8): Despite legislative updates, victim support services lack a unified framework, with limited resources and competences among service providers.

Reduced Compensation (Article 16): Decreased state compensation for damages caused by violent crimes has discouraged victims from applying, though the reasons remain unclear.

Restrictive Changes (Articles 5, 6): Amendments to the Code of Criminal Procedure have imposed additional barriers, such as extended deadlines for complaint registration and restricted access to translations.

Lack of Systematic Cooperation (Article 26): Coordination between institutions remains basic, with limited feedback and joint approaches.



ARTICLE 2: DEFINITION OF VICTIMS

The 2021 law introduced "person who has suffered from a criminal act," expanding victim status to include those who haven't reported crimes.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Updated "Letter of Rights" remains overly legalistic. NGO initiatives have improved accessibility with simplified guides and dedicated webpages.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION AT FIRST CONTACT

The law obliges first-contact institutions to inform victims of their rights, but implementation across sectors (e.g., health, education) is weak.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

Changes in 2022 increased registration deadlines from 2 to 3 days and removed translation requirements for non-Lithuanian-speaking victims.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Victims can waive their right to information, though this aims to protect procedural efficiency rather than victim autonomy.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Translation is only required if victims justify its necessity for active participation, limiting accessibility for non-Lithuanian speakers.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Victim support now includes 26 organizations. However, services remain fragmented, with limited resources and training requirements for support staff.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

Updated 2022 guidelines impose stricter criteria for rejecting complaints as "manifestly untrue."

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Mediation is free and regulated but lacks clarity for domestic violence cases.

ARTICLE 13: RIGHT TO LEGAL AID

Higher income thresholds in 2019-2020 improved accessibility to free legal aid.

ARTICLE 16: COMPENSATION

2019 law limits state compensation eligibility to cases where offenders fail to pay damages within 10 years of court rulings.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Videoconferencing provisions now facilitate participation in pre-trial and trial proceedings.

ARTICLE 18: RIGHT TO PROTECTION

The European Protection Order was introduced in 2022 but won't be effectuated until mid-2023. Police must conduct domestic violence risk assessments within 12 hours.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

No significant updates.

ARTICLE 20: PROTECTION DURING CRIMINAL INVESTIGATIONS

Guidelines outline procedures for identifying and addressing victims' protection needs but remain general and less actionable.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

2019 amendments allow courts to exclude a child victim's legal representatives if their participation hinders proceedings.

ARTICLE 25: TRAINING OF PRACTITIONERS

No significant progress; training requirements for victim support staff are minimal.

ARTICLE 26: COOPERATION AND COORDINATION

Institutional collaboration is limited, with no steps taken to harmonize systems under various legal frameworks.

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The Victims' Rights Directive Implementation Review: 2024/2025



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AUSTRIA

OVERVIEW

1

Directive Implementation: Since the VOCIARE report, Austria has introduced several legal improvements in victims' rights, focusing on underage witnesses of violence, hate crime victims, and enhanced protection measures.

Key Shift: Legislative changes enables more victim categories, such as underage witnesses of violence and victims of terrorism, to access free psycho-social and legal court assistance.



AUSTRIA

POSITIVE DEVELOPMENTS

2

Expanded Victim Definition: Underage witnesses of violence are now recognised as victims, enabling access to tailored support services.

Hate Crime Victims' Protection: Legislative updates have improved documentation for and police training on handling hate crimes.

Enhanced Protective Measures: New regulations extend barring orders and facilitate data exchange between authorities for high-risk cases.

GAPS AND CHALLENGES

3

Referral System: Victims outside domestic violence contexts often lack adequate referral support.

Support Services: Victims of burglary and torts of negligence remain underserved.

Specific Protection Needs: Procedures for assessing victims' specific needs remain vague.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

The definition now includes victims of intimate partner violence for whom the police can issue barring orders.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Public awareness campaigns have been launched, but there are no significant legislative updates.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Legislation now mandates clearer information for victims, with enhanced police guidance systems.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

Victims can now receive free copies of complaint acknowledgements and interview protocols.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

New legislation states that victims must be informed whenever their interests are affected by a court r conditions for a provisional refraining from prosecution.

ARTICLE 7 – RIGHT TO INTERPRETATION AND TRANSLATION

Challenges persist with interpretation shortages, particularly in rural areas and for minority languages.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

Increased funding has expanded specialized services, but resource constraints limit hotline availability.

ARTICLE 10: RIGHT TO BE HEARD

Many victims lack awareness of their rights, preventing them from fully exercising their entitlement.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

No new updates; review mechanisms remain unchanged.

ARTICLE 12: RIGHT TO SAFEGUARDS IN RESTORATIVE JUSTICE SERVICES

No legislative changes, but existing mediation programs show high satisfaction rates.

ARTICLE 13: RIGHT TO LEGAL AID

Eligibility for court assistance expanded to more victim categories.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

No updates; reimbursement provisions remain the same.

ARTICLE 16: COMPENSATION

A fund was established for victims of the 2020 terrorist attack, but systemic changes are absent.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

No significant developments in supporting cross-border cases.

ARTICLE 18: RIGHT TO PROTECTION

Amendments strengthened barring orders and introduced a silent emergency call feature.

ARTICLE 21: PRIVACY PROTECTION

Amendments addressed hate crime and online privacy, including the criminalization of "upskirting."

ARTICLE 22: SPECIFIC PROTECTION NEEDS

Procedures for individual assessments remain underdeveloped.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Witnesses of domestic violence are now recognized as victims, enabling access to support.

ARTICLE 25: PRACTITIONER TRAINING

New programs on hate crime identification and victim protection were introduced for police.

ARTICLE 26: COOPERATION AND COORDINATION

Information campaigns target diverse victim groups, improving national awareness.

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BELGIUM

OVERVIEW

Directive Implementation: Since 2018, Belgium has made legal advancements, particularly in support and compensation for victims of terrorism and gender-based violence, including recognising new victim categories.

Key Shift: Focus has been placed on improving victims' access to information, services, and protection tools, though disparities in victim rights and data collection persist.

1



BELGIUM

2

POSITIVE DEVELOPMENTS

Expanded Victim Categories: Legislation now includes victims of terrorism and of gender-based violence; specific measures combat femicide and related violence.

Innovative Communication Methods: The pandemic spurred the use of videoconferencing, chat rooms, and websites to enhance information dissemination.

Strengthened Gender-Based Violence Response: The National Action Plan (2021-2025) prioritizes risk assessments, protection measures, and increased shelter capacity.

GAPS AND CHALLENGES

3

Unequal Access: Victims outside targeted areas, such as terrorism and gender-based violence, face uneven support.

Coordination Issues: Victims and professionals often navigate fragmented support services; centralised care systems are lacking.

Interpreter Shortages: Non-certified interpreters often provide pertinent services to victims, communication quality can be affected.



ARTICLE 2: DEFINITION OF VICTIMS

Expanded to include victims of new crimes, particularly terrorism and gender-based violence, though a uniform definition is still lacking.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Improved clarity in communication via circular letters and audio-visual recordings for vulnerable victims.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Protocols like the "central desk for victims of terrorist attacks" enhance access to information. Digital tools and online platforms have been introduced post-pandemic.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

While legally protected, undocumented migrants face barriers. Access to interpreters remains challenging.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Automated document transmission and tools like "web radio" for trials have been introduced, particularly in terrorism cases.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Certification standards exist but lack evaluation tools, and interpreter shortages persist.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

Progress in terrorism and gender-based violence fields include more shelters and specialized Sexual Assault Care Centers.

ARTICLE 10: RIGHT TO BE HEARD

Circular letters guide practices for vulnerable victims, including minors, but systemic updates are limited.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

Victims are informed of decisions and possible next steps, as outlined in new circulars.

ARTICLE 12: RIGHT TO SAFEGUARDS IN RESTORATIVE JUSTICE SERVICES

Improvements include ensuring consent for mediation in gender-based violence cases.

ARTICLE 13: RIGHT TO LEGAL AID

Circular letters emphasize legal aid access, including free services where applicable.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

Advances in compensation for terrorism victims through state-supported systems.

ARTICLE 15: RETURN OF PROPERTY

Victim support services aid emotionally vulnerable individuals in the return process.

ARTICLE 16: COMPENSATION FROM OFFENDERS

Access to compensation is improving, especially for terrorism and gender-based violence victims.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

Measures like a website for victims of foreign terrorist attacks have improved access to support.

ARTICLE 18: RIGHT TO PROTECTION

Gender-based violence measures include stricter judicial responses and expanded risk assessment tools.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Tools for documenting domestic violence are under development.

ARTICLE 22: INDIVIDUAL PROTECTION ASSESSMENTS

Risk assessment tools have been enhanced for domestic violence and femicide cases.

ARTICLE 23: PROTECTION OF VULNERABLE VICTIMS IN PROCEEDINGS

Circulars guide care for minors and vulnerable adults during hearings.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Audiovisual recording practices support minor victims.

ARTICLE 25: PRACTITIONER TRAINING

Gender-based violence and terrorism training initiatives are highlighted in the National Action Plan.

ARTICLE 26: COOPERATION AND COORDINATION

Fragmented services create challenges, with centralization efforts primarily in terrorism and gender-based violence areas.

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Ensuring Victims' Access to Essential Information & Communication

EU Victims' Rights - Right to Compensation

INTRODUCTION: Current text under the directive

Article 16 Victims Rights Directive: Right to a Decision on Compensation from the Offender during the course of criminal proceedings

Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a **decision on compensation** by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

Member States shall promote measures to encourage offenders to provide adequate compensation to victims. For victims of crime, compensation alone is not enough to redress the effects of crime, but it can be essential. Compensation offers an official acknowledgement and recognition for the victim's suffering, and seeks to hold the author of the crime responsible. Compensation can be linked to the quest for recognition and agency, and in instances in which the state has failed to prevent the crime, may renew societal faith in the justice system.

VICTIM SUPPORT EUROPE'S POSITION

VSE welcomes the robust **changes** proposed by EU co-legislators to **Article 16**, which addresses victims' rights to claim compensation. VSE congratulates the changes proposed to this article, which **aim at facilitating** a victim's effective access to compensation and at minimising delays and the administrative burden on victims. It is of vital importance that victims do not have to take proactive actions to get their compensation awarded and that it is the State's responsibility to ensure payment is made in a timely manner.

KEY CHALLENGES LIMITING VICTIMS' ACCESS TO COMPENSATION

Procedural Burdens:

the application process to pursue a compensation claim tends to be quite complex, including the provision of extensive evidence, making it difficult for victims to navigate without legal assistance.

Limited Legal Aid

legal assistance for pursuing compensation claims is often limited, which can hinder a victim's ability to successfully claim compensation.

Inadequate Compensation

compensation schemes do not cover all damage suffered by the victim, limiting a victim's ability to recover the full extent of their loss.

Criminal & Civil Proceedings:

decisions on compensation are often referred to civil courts, requiring victims to undergo two separate legal processes.

Risk of further victimisation:

having to participate in a civil proceeding means that victims may need to provide their evidence again, repeat their testimony, or even face the perpetrator in court. In turn, this can make the process more traumatic, leading to further instances of victimisation.

BEST PRACTICES AT NATIONAL LEVEL:

Offender compensation in the Netherlands

The Dutch system of offender compensation is a good practice of co-ordination between state and offender compensation, in a coherent and integrated framework.

In the Netherlands, a decision on offender compensation is rendered during the criminal justice proceedings, on request. The public prosecutor or other justice officer must enforce this decision; they inform the offender of the decision and payment conditions, as well as ensuring full payment to the victim.

If a victim is not paid in full within 8 months of the decision, victims are alerted by the authorities of their right to receive partial payment from the State. The State will then deduct the payment from the offender: in the Netherlands, the State is usually able to reclaim approximately 88% of the payment from the offender, as it has the power to directly deduct this claim from the offender's income or replacement income.

The Victims' Rights Directive Implementation Review: 2024/2025



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Victims' Rights Sustain Justice Across the EU**



BULGARIA

OVERVIEW

Directive Implementation: The 2019 Social Services Act marked a significant legislative shift by framing social services, including services for victims, as a human right. However, fragmented efforts and weak political commitment hinder the comprehensive transposition of the VRD at the national level.

Key Shift: The Supreme Court expanded the legal definition of victims to include more individuals eligible for non-pecuniary damages, aligning with Directive 2012/29.

1



BULGARIA

2

POSITIVE DEVELOPMENTS

Social Services as a Right: Introduction of universal and specialized services under the Social Services Act.

Expanded Victim Definitions: Jurisprudence changes enable more individuals to claim damages.

Support to Victims of Trafficking: Strengthened through amendments to the Combat of Trafficking in Persons Act.

Child Protection System: Focused support for child victims of crime, despite resource gaps.

3

GAPS AND CHALLENGES

Political Commitment: Weak dedication to implementing victims' rights has led to a fragmented VRD transposition.

Referral and Support Systems: Limited access to victim support services (VSS) for non-domestic violence cases.

Professional Training: Inconsistent and unsystematic practitioner training.

Restorative Justice: Lack of formal regulation or widespread implementation.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

Jurisprudence expanded victim definitions to include broader categories, with pending legislation to recognize family members of victims.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Legislative amendments improved linguistic support at initial police contact. However, communication often relies on complex templates.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Authorities fail to consistently provide timely information, especially in pre-trial phases for serious crimes.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

Legislation mandates linguistic support for victims, with specific provisions for trafficking victims.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Expanded rights include notification and appeals via email, with victims' consent.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Amendments addressed court interpreter selection, but shortages persist for Roma, sign, and rare languages.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

The Social Services Act codified generic services, but implementation barriers remain. Trafficking victims benefit from strengthened consular assistance.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

Victims can now appeal non-prosecution decisions electronically. Furthermore, they must be informed of private prosecution opportunities.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

No developments; restorative justice mechanisms are informal and underutilized.

ARTICLE 13: RIGHT TO LEGAL AID

Improvements include free legal representation for trafficking victims and expanded legal aid coverage.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

Advances in compensation for terrorism victims through state-supported systems.

ARTICLE 15: RETURN OF PROPERTY

Procedures remain unchanged, with no defined timelines for returning seized property.

ARTICLE 16: COMPENSATION

No structural changes; compensation mechanisms remain limited.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

No legislative updates on cross-border crime reporting since 2016.

ARTICLE 18: RIGHT TO PROTECTION

Amendments introduced immediate protection measures for witnesses and established security regulations.

ARTICLE 21: PRIVACY PROTECTION

The right remains inadequately transposed, with no recent improvements.

ARTICLE 22: INDIVIDUAL PROTECTION ASSESSMENTS

Legislation to address specific protection needs is pending.

ARTICLE 23: PROTECTION OF VULNERABLE VICTIMS IN PROCEEDINGS

Videoconferencing introduced for interviews, but juvenile courts and specialized judges are absent.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Audiovisual recording practices support minor victims.

ARTICLE 25: PRACTITIONER TRAINING

Limited progress, though anti-trafficking capacity-building was emphasized in 2021.

ARTICLE 26: COOPERATION AND COORDINATION

Annual national programs for combating human trafficking and domestic violence exist but face disruptions due to political instability.

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The Victims' Rights Directive Implementation Review: 2024/2025

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CROATIA

1

Directive Implementation: Croatia has made progress in improving victims' access to rights. However, challenges remain in fully transposing and implementing VRD-compliant legislation across the country.

Key Shift: Expanded definitions of victims and legislative amendments to strengthen protection against domestic violence and sexual offences represent key developments.

OVERVIEW



CROATIA

2

POSITIVE DEVELOPMENTS

Enhanced Definitions: Introduction of "direct" and "indirect" victim categories for greater judicial clarity.

Improved Referral System: Pilot projects link victims to support organizations, including a 24/7 National Call Center.

Strengthened Protections: Expanded measures to avoid victim-offender contact through video links and dedicated rooms while accessing justice settings.

3

GAPS AND CHALLENGES

Inconsistent Implementation: Victim support services are not evenly distributed across the country, with limited coverage in municipal courts.

Individual Needs Assessment: Assessments are often formalized, with limited focus on individual victim characteristics.

Lack of Practitioner Training: Ongoing education for the judiciary and law enforcement lacks momentum.



ARTICLE 16: COMPENSATION

Claiming compensation often requires lengthy and costly civil proceedings, discouraging victims from pursuing their rights.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

Cross-border victims face disadvantages due to insufficient recognition of the European Protection Order.

ARTICLE 18: RIGHT TO PROTECTION

Legislative amendments strengthened measures against violence, but practical implementation is inconsistent.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

Courts now utilize video links and separate interrogation rooms to reduce victim-offender interactions.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Recent changes in the Criminal Code enhance protections for family violence and sexual harassment victims.

ARTICLE 21: PRIVACY PROTECTION DURING INVESTIGATIONS

Efforts include a media code for sensitized reporting, but violations of privacy remain an issue.

ARTICLE 22: SPECIFIC PROTECTION NEEDS

Police lead in implementing assessments, but other stakeholders lag in tailoring support to victim needs.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

Amendments introduce enhanced safeguards, particularly for domestic violence victims.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

No significant updates; delays in court proceedings and dissatisfaction with social welfare persist.

ARTICLE 25: PRACTITIONER TRAINING

Limited progress in judiciary training, with low participation from law enforcement in available programs.

ARTICLE 26: COOPERATION AND COORDINATION

Efforts rely on NGO-led initiatives like #spasime (Save Me), highlighting gaps in government coordination.

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The Victims' Rights Directive Implementation Review: 2024/2025



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CYPRUS

1

OVERVIEW

Directive Implementation: Cyprus transposed the Victims' Rights Directive (VRD) into national legislation through Law 51(I)/2016; significant amendments, introduced in March 2022, enhance the rights and protections of crime victims. Despite these legal advancements, practical implementation remains inconsistent.

Key Shift: Cyprus ratified the Istanbul Convention and other international instruments, signifying a commitment towards improving victim protection, particularly for those affected by domestic and gender-based violence. However, gaps remain in training, service availability, and restorative justice practices.

CYPRUS

2



POSITIVE DEVELOPMENTS

Expanded Victim Definition: The legal definition of a victim has been broadened, allowing family members to exercise the victim's rights if the victim is incapacitated.

Support Services for Domestic Violence Victims: New services were introduced during the COVID-19 pandemic, such as live chat and SMS services, offering better accessibility for victims who cannot speak out loud.

Specialized Support Infrastructure: The establishment of the Women's House and Provincial Units for Investigating Cases of Domestic Violence has improved services for victims of gender-based violence.

Children's Rights: A new Government Grant Scheme for 2021-2026, plans to expand services to child victims of violence, with the establishment of a second Children's House to complement the one already in operation.

3

GAPS AND CHALLENGES

Limited Training: Despite improvements, the training for professionals working with victims remains insufficient, particularly regarding interpreters and social workers, leading to gaps in service delivery.

Geographical Coverage: Victim support services are not widely available across Cyprus, limiting accessibility, especially for non-domestic violence victims.

Restorative Justice: No legislative changes have been made to introduce restorative justice practices, and there is little practical implementation of such services.

Language Barriers: Although there is some availability of interpreters, there are insufficient trained professionals, and quality standards for translation services are lacking.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

The definition was expanded to include victims who are incapacitated, allowing family members to step in to exercise the victim's rights. However, the practical application of this definition is limited.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

There have been no changes since 2018, but a certified governmental interpreter is used as required. However, there are no established quality standards for interpreting services.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

The police published a booklet on victims' rights, available in multiple languages, but victims often receive limited or complex information, making it difficult to access appropriate services. The 1440 and 1466 helplines are positive practices for victims of domestic violence and children.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

New legislation strengthened the right of victims to receive case information, but it remains unclear how this information is provided in practice.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

A budget for interpreters has been allocated, but there are few qualified interpreters. Furthermore, specialized training for interpreters working with victims is required.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

New services were created during the COVID-19 pandemic. However, information about these services is poor, and victims have experienced linguistic and xenophobic treatment by support workers.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

This right is not reflected in national legislation.

ARTICLE 12: RIGHT TO SAFEGUARDS IN RESTORATIVE JUSTICE SERVICES

No changes to restorative justice services, which do not exist in practice or legislation.

ARTICLE 13: RIGHT TO LEGAL AID

There have been no changes to the provision of legal aid since 2018.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

No updates; reimbursement provisions remain the same.

ARTICLE 16: COMPENSATION

Compensation legislation has not been updated; the scheme does not provide adequate support, and practical implementation remains ineffective.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

No changes to support for cross-border victims.

ARTICLE 18: RIGHT TO PROTECTION

Legislation has been amended to permit the use of medical certification to freeze proceedings if the victim is ill, and to ensure victims are notified about the release of offenders. However, practical implementation remains unclear.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

The introduction of electronic communication for court procedures has minimized direct contact between victims and offenders, though physical infrastructure in courts has not been significantly updated.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Improvements have been made for victims of domestic violence, particularly through the creation of specialized units and the Women's House, ensuring faster processing of cases.

ARTICLE 22: SPECIFIC PROTECTION NEEDS

The Women's House has helped facilitate individual assessments for victims of domestic violence, though broader application to other victim groups is still lacking.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

Amendments introduce enhanced safeguards, particularly for domestic violence victims.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

The creation of a second Children's House is a positive step toward addressing the needs of child victims.

ARTICLE 25: PRACTITIONER TRAINING

Training opportunities have increased, but they remain limited in scope and duration. Training for some professional groups, such as social workers, is mandatory, but broader victim-focused training is still lacking.

ARTICLE 26: COOPERATION AND COORDINATION

Efforts rely on NGO-led initiatives such as #spasime (Save Me), highlighting gaps in government coordination.

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The Victims' Rights Directive Implementation Review: 2024/2025



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CZECHIA



OVERVIEW

Directive Implementation: Czechia introduced key legislative changes in 2022 (Amendment No. 130/2022) which impacted victims' rights, particularly regarding compensation and the definition of victims. Despite these positive developments, significant gaps in practical implementation of victims' rights remain.

Key Shift: Legislative amendments have expanded the scope of victims entitled to legal support, clarified victim compensation processes, and strengthened victims' access to information.

1



CZECHIA

2

POSITIVE DEVELOPMENTS

Expanded Victim Definitions: Victims' rights now extend to a victim's "close persons", offering them access to legal support.

Improved Information Provision: New provisions ensure victims and their close persons receive tailored information regarding their rights and proceedings.

Restorative Justice Efforts: Positive progress in the creation of specialized centers for victims of sexual crimes.

3

GAPS AND CHALLENGES

Complex Legislation: Recent amendments have led to more complicated laws, making them harder to understand and apply.

Access to Services: Victims face uneven access to support services, particularly in rural areas. Limited state funding for specialised services hampers comprehensive support.

Victim Participation in Decision-Making: There is a lack of victim involvement in the decision-making and risk assessment processes.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

4

ARTICLE 2: DEFINITION OF VICTIMS

Amendments clarified victim definitions, especially for vulnerable groups like senior citizens and victims of terrorism.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Changes in 2022 ensure information is provided in a comprehensible manner - based on the victim's specific needs, including age and mental health.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Legislation now gives legal and close persons the right to receive information, improving victim support from the first contact.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

No changes, but provisions for non-native speakers were introduced in 2017, improving accessibility for non-Czech victims.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Victims and close persons now receive comprehensive, intelligible information about their case, including legal updates.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Amendments in 2017 strengthened the victim's right to translation and interpretation, especially for those who do not speak Czech.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

No major changes, though an online register of support service providers was created to improve transparency. Services remain unevenly distributed.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

New provisions ensure victims of certain crimes are questioned only by law enforcement; protecting their dignity during proceedings.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

No changes since 2018; victims' rights to request reviews of non-prosecution decisions remain unchanged.

ARTICLE 12: RIGHT TO SAFEGUARDS IN RESTORATIVE JUSTICE SERVICES

No new developments in restorative justice mechanisms, though the 2020 ruling highlighted issues in the juvenile justice system.

ARTICLE 13: RIGHT TO LEGAL AID

Legal aid provisions expanded to include close persons, though practical access remains limited due to low availability of specialized legal support.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

Changes introduced in 2020 require offenders to cover some of the legal costs, offering greater financial protection to victims.

ARTICLE 15: RETURN OF PROPERTY

No changes reported; however, a 2019 ruling upheld victims' rights to the return of seized property.

ARTICLE 16: COMPENSATION

Amendment No. 130/2022 limited compensation eligibility, reducing the scope for victims to claim damages beyond medical expenses and lost earnings.

ARTICLE 18: RIGHT TO PROTECTION

Amendments in 2022 clarified that intimate, sensitive questions during legal proceedings must be asked with special care and only when necessary.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

Expanded rights allow victims' close persons to request protective measures against contact, though limited to active procedural participation.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

No major changes in victim protection during criminal investigations, though further clarification of privacy protections was made.

ARTICLE 21: PRIVACY PROTECTION

No changes since 2018, but new provisions prevent the identification of victims under 18 or in severe cases, further safeguarding privacy.

ARTICLE 22: SPECIFIC PROTECTION NEEDS

The Police Presidium introduced a new methodology for assessing vulnerable victims, improving the identification process.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

No updates; Czechia still faces challenges in ensuring accessible justice for victims with mental disabilities and other specific needs.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

No changes, but reforms in juvenile justice are expected to impact child victim protection in the future.

ARTICLE 25: PRACTITIONER TRAINING

The absence of proper training for criminal justice authorities remains a concern, particularly for handling child victims.

ARTICLE 26: COOPERATION AND COORDINATION

An EA specialised centre for victims of sexual crimes was created in Prague, but state funding is lacking, and the centre's reach is limited.

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The Victims' Rights Directive Implementation Review: 2024/2025

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ESTONIA

1

Directive Implementation: Estonia introduced a new Victim Support Act in April 2023, significantly improving the provision of victim support services, including new standards for professionals and the establishment of a national helpline. Despite these improvements, there are still difficulties in accessing practical information regarding victims' rights.

OVERVIEW

Key Shift: The 2023 Victim Support Act sets conditions for the provision of various victim support services, defines emergency aid for victims of sexual violence, and sets standards for victim support professionals working with particularly vulnerable victims.



ESTONIA

2

POSITIVE DEVELOPMENTS

Victim Support Act 2023: The new law streamlines the provision of victim support services and includes specialised support for victims of sexual violence.

Restorative Justice: Increasing interest and pilot projects in restorative justice services, particularly for minors

National Helpline: A new telephone helpline was launched in 2023, available daily in Ukrainian, addressing the needs of Ukrainian refugees.

Separation of Victims and Offenders: Improvements in court procedures to ensure victims and offenders are separated during proceedings.

3

GAPS AND CHALLENGES

Access to Support Services: Victim support services still face challenges in reaching those who are less proactive in seeking help. Mental health professionals are in short supply, and waiting lists are long.

Child-Friendly Justice System: The justice system continues to lack adequate child-friendly provisions as no specific distinction is made between child and adult witnesses.

Victim Involvement in Needs Assessment: The pilot project for the victim needs assessment is still in the testing phase, with no clear outcomes yet to inform broader implementation.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

4

ARTICLE 2: DEFINITION OF VICTIMS

The Victim Support Act defines a victim as anyone harmed or killed as a result of a crime, violence, or crisis, including victims of terrorism.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

A new information sheet is available in multiple languages, including Russian, English, and Estonian, to ensure that victims understand their rights.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Victims now receive simplified information about their rights in six languages, and referral to support services no longer requires victim consent.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

The new Victim Support Act makes it easier to refer victims to support services, but challenges persist in reaching victims who are not proactive in seeking assistance.

ARTICLE 12: RIGHT TO SAFEGUARDS IN RESTORATIVE JUSTICE SERVICES

Restorative justice practices, such as conflict resolution and mediation, are being tested and are commonly used for minors.

ARTICLE 13: RIGHT TO LEGAL AID

No significant changes; however, new leaflets were issued to improve accessibility to state-funded legal aid.

ARTICLE 16: COMPENSATION

No major changes in the law, although some improvements were noted in how victims are informed of their rights to compensation.

ARTICLE 18: RIGHT TO PROTECTION

The Ministry of Justice introduced toys for children in courts without separate rooms, but no other major changes to victim protection were noted.

ARTICLE 19: AVOIDING VICTIM- OFFENDER CONTACT

Victims can participate via video link, and separate waiting rooms are available in some courts, but facilities are still lacking in many areas.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

No significant changes, though new guidelines have prioritized violent crimes, setting concrete deadlines for proceedings.

ARTICLE 21: PRIVACY PROTECTION

No major changes; however, efforts to protect the privacy of minors and victims of severe crimes remain in place.

ARTICLE 22: SPECIFIC PROTECTION NEEDS

A pilot project for assessing victims' specific protection needs is being tested, with results to inform future improvements.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

No changes in the law or implementation regarding specific protection for victims with special needs.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

No changes; the justice system continues to lack child-friendly provisions, such as age distinctions between child and adult witnesses.

ARTICLE 25: PRACTITIONER TRAINING

Government efforts have focused on training medical personnel, with further developments in psychological first aid training for crisis survivors.

ARTICLE 26: COOPERATION AND COORDINATION

Awareness-raising campaigns have focused public attention on domestic violence, but coordination between services remains a challenge.

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A BALANCED PLATE OF RIGHTS

Ensuring Victims' Access to Essential Information & Communication

EU Victims' Rights - Right to Information & Communication (2024)

INTRODUCTION

In the **2012 Victims' Rights Directive**, Articles 3 to 7 enshrine victims' rights related to **information** and **communication**. More precisely, the following rights are pertinent to information and communication:



ARTICLE 3 - RIGHT TO UNDERSTAND AND BE UNDERSTOOD

ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

ARTICLE 5 - RIGHTS OF VICTIMS WHEN MAKING A COMPLAINT

ARTICLE 6 - RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

ARTICLE 7 - RIGHT TO INTERPRETATION AND TRANSLATION

A variety of quality issues – ranging from the use of **complex** and **technical** language to the **lack of accessible information** or its untimely delivery – hinder victims from effectively understanding the information communicated to them, thus **impeding their ability** to act on it and exercise their rights.

VICTIM SUPPORT EUROPE'S POSITION

Victims should receive **clear** and **thorough** guidance to be **empowered** and thus to make **informed decisions** independently. VSE advocates for an obligation to **proactively provide information** to victims, whilst fully ensuring their right to decline the latter. This shift increases the likelihood that crucial information will actually reach victims, **empowering them on their journey towards justice and recovery**.

Multi-agency approaches have proven to be the best practice in achieving this right. This requires **coherent communication** across services and **complete coordination** among stakeholders. The solution lies in establishing a **structured framework** of communication, which sets out what information should be provided, by whom and how.

KEY CHALLENGES LIMITING VICTIMS' ACCESS TO INFORMATION

Victims are often not informed about their rights

victims often lack knowledge of their rights, criminal proceedings, and available support services. Authorities frequently fail to provide clear, complete, and timely information, impeding victims' understanding and ability to act on their rights.

Use of complex and technical language

language used in written and verbal communications is often overly technical, making it difficult for victims to understand. Simplified, accessible language is essential to effectively convey information to victims in distress.

Lack of resources to guarantee the availability of Interpreters/translators

even where linguistic support is a legal right, interpreter/translator shortages prevent consistent access to language services for all victims in a specific country. Consequently, this gap can lead to secondary victimisation, if training is not accessible, or if interpreters have not received appropriate training on how to interact with victims.

Limited state funding

state-provided resources for victim services are often insufficient, impacting the availability of essential support, including information provision. Increasing government funding for these services is essential for building a robust support network for all victims.

Inadequate and standardised provision of information

the provision of information is often standardised – e.g. via leaflets or brochures – failing to address the individual needs of each victim. Additionally, there are no consistent practices to ensure that victims understand their rights/next steps in the proceedings, and the quality of the information heavily depends on the provider's individual skills.

Limited means of communication

information is often provided only in written formats, limiting the understanding of foreign language speakers; simultaneously, barriers preventing accessibility for persons with disabilities are also evident. Using diverse methods – e.g. through oral explanations or videos – can help ensure that all victims understand the information shared.

Lack of formal procedures to assess victims' communication needs

few formal procedures exist to evaluate victims' communication needs, with most assessments relying on informal judgements. This can lead to incorrect assumptions that victims understand proceedings, causing miscommunication and denial of necessary interpretation.

The Victims' Rights Directive Implementation Review: 2024-2025



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FINLAND



OVERVIEW

1
Directive Implementation: Finland has made significant strides in victim support, notably through reforms in sexual offence laws, the introduction of new restraining order laws, and improvements in human trafficking victim assistance. However, issues with service accessibility, especially in rural areas, remain a challenge.

Key Shift: The revised legislation on sexual offences and new reforms in child victim protection in criminal proceedings have marked key changes in 2023, with a victim-centred approach gaining prominence in criminal justice reforms.



2

Sexual Offense Law Reform

(2023): Introduced a new definition of rape based on consent and tougher penalties for child sexual offenses.

Human Trafficking Victim Assistance: Victim support is no longer contingent on the progress of criminal proceedings.

Child Victim Protection: A new law ensures that crimes against children are handled urgently, improving the speed and sensitivity of criminal proceedings.

Use of Video Evidence: New reforms allow video evidence to be used in appellate courts to protect victims from facing defendants.

POSITIVE DEVELOPMENTS

GAPS AND CHALLENGES

Geographical Disparities: While victim support services have expanded, rural and remote areas still face insufficient access to specialised services.

Child-Friendly Justice: Despite legislative improvements, the system is not yet fully child-friendly, with further efforts needed for child victims in legal proceedings.

Mental Health Support: The need for more mental health professionals and shorter waiting lists remains an issue, especially in child support services.

3



ARTICLE 2: DEFINITION OF VICTIMS

No significant changes to the definition of a victim since 2018.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

The Barnahus project (2019-2025) focuses on providing child-friendly communication practices for child victims.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

No significant changes, though training for police officers on providing information to those on the autism spectrum was introduced.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

The number of legal interpreters has increased, but challenges remain in finding qualified interpreters, especially for less common languages.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT FROM VICTIM SUPPORT SERVICES

Significant improvements, including the expansion of Victim Support Finland (VSF) and the establishment of new Seri Support Centers for victims of sexual violence. Access remains difficult in some rural areas.

ARTICLE 10: RIGHT TO BE HEARD

The Barnahus project is expanding throughout Finland to ensure that child victims are heard in a child-friendly manner during criminal procedures.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Restorative justice programs are gaining traction, particularly in domestic violence and minors' cases, with a focus on safe mediation practices.

ARTICLE 16: COMPENSATION

A working group proposed reforms to streamline compensation procedures for victims of severe crimes, aiming to provide more comprehensive compensation.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

No major changes, though Finland responded to an infringement procedure regarding cross-border victims and clarified the relevant national legislation.

ARTICLE 18: RIGHT TO PROTECTION

New laws on restraining orders provide immediate protection for domestic violence victims. The MARAC model is used in risk assessment and coordination.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

The use of video conferencing for court hearings has increased, allowing victims to avoid direct contact with offenders for domestic violence victims. The MARAC model helps risk assessment and coordination.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

The Ministry of Justice has introduced new guidelines to prioritise violent crimes and improve the efficiency of criminal proceedings, with further reforms expected in 2024.

ARTICLE 22: SPECIFIC PROTECTION NEEDS

A pilot project for assessing individual protection needs was introduced, especially for victims of violence against women (VAW) and domestic violence (DV).

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

Small changes, such as the use of video evidence in appellate courts, improve the protection of victims with specific needs.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

New measures are in place to improve child victim protection, including faster processing of crimes against children and specialized investigative teams.

ARTICLE 25: PRACTITIONER TRAINING

Extensive training has been provided, particularly for professionals working with child victims and victims of violence. However, some target groups remain under-reached.

ARTICLE 26: COOPERATION AND COORDINATION

Efforts to improve inter-agency cooperation and multi-professional coordination have been ongoing, with a focus on protecting victims of domestic violence and VAW.

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The BeneVict project also **broke new ground** by estimating the costs of victimization and the benefits of victim support in four countries—**Estonia, the Netherlands, Portugal, and Spain**. These findings equip stakeholders and advocates with evidence to **strengthen victim rights at the national level** and to support the EU in shaping future policies under the Victims' Rights Directive.

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The Victims' Rights Directive Implementation Review: 2024-2025



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FRANCE



OVERVIEW



Directive Implementation: France has shown a strong commitment to victims' rights, with ongoing improvements in both legal frameworks and practical applications. Many provisions of the Victims' Rights Directive (VRD) are already covered by existing national law. Since 2018, significant developments have focused on domestic violence, sexual violence, and child victims, though challenges such as resource limitations remain.

Key Shift: New legislative reforms, particularly regarding domestic violence, child victim protection, and the introduction of online crime reporting, have reinforced the victim-centred approach in France.

FRANCE



POSITIVE DEVELOPMENTS

2

Expanded Definition of Victims: Children witnessing domestic violence are now recognised as direct victims.

Domestic Violence Protections: New tools and protocols, such as emergency restraining orders and specialized training for professionals, have been introduced.

Terrorism Trials: Large-scale terrorism trials have placed victims' needs at the forefront, improving understanding of their rights and needs.

Specialised Support: Improvements in victim support services, including the creation of new shelters and a helpline, have made services more accessible.

GAPS AND CHALLENGES

3

Resource Limitations: Despite improvements in support services, a lack of funding and human resources continue to challenge the accessibility and effectiveness of services.

Victim Support in Remote Areas: Availability of services is particularly lacking in smaller towns, affecting the most vulnerable victims.

Implementation of some rights: While France has made significant strides, some provisions, such as financial and legal aid, are not as widely implemented or available/accessible.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

France already had a broad definition; however, in 2021, children who witness domestic violence were explicitly recognized as direct victims.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

A new law in 2021 expanded the right for victims to be accompanied by a lawyer. Unfortunately, communication for victims with disabilities and a lack of trained professionals are persistent issues.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

The law now requires more accessible formats to be used to inform victims; leaflets continue to be wordy and are often unread by victims.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

The creation of the THESEE platform allows online reporting of certain crimes; complaints do not need to be filed in police stations.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Minor changes introduced ensure victims have access to expert reports and they are informed if a case is closed.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Challenges persist with a shortage of qualified interpreters, particularly for less common languages, although the number of legal interpreters has increased.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Victim Support France (VSF) has expanded its services, including 24/7 helplines and emergency shelters. However, the funding remains a major issue.

ARTICLE 10: RIGHT TO BE HEARD

The Barnahus project has expanded its child-friendly hearing model to ensure children are heard in a manner suitable to their age and needs.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

A 2022 decree requires public prosecutors to inform victims of their right to access case files if they decide to close a case.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Restorative justice is not widely used, though recent decrees emphasize its potential and encourage its application in suitable cases.

ARTICLE 13: RIGHT TO LEGAL AID

The Legal Aid Information System was launched to streamline applications for legal aid, improving access and processing times.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

In December 2020, new legislation introduced reimbursement for victims attending trials abroad, particularly for terrorism and mass disasters.

DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 15: RETURN OF PROPERTY

Legislation now ensures that victims do not bear the costs of cleaning crime scenes, which is now funded by the court.

ARTICLE 16: COMPENSATION

New reforms introduced the "citizen's contribution," which mandates offenders to pay support to victim assistance organizations, but this is only applicable for less serious crimes.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

There have been no changes since 2018; however, foreign victims of domestic violence are receiving more attention through new protective measures.

ARTICLE 18: RIGHT TO PROTECTION

France has introduced new protective tools, including emergency restraining orders and anti-approach devices for victims of domestic violence.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

Use of videoconferencing in court proceedings has increased, allowing victims to avoid direct contact with offenders.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Improvements include one-stop-shops for victims of domestic and sexual violence and the establishment of new medico-judicial units for child victims.

ARTICLE 21: PRIVACY PROTECTION

Recent large-scale terrorism trials have prompted new media regulations to protect victims' privacy during high-profile cases.

ARTICLE 22: INDIVIDUAL ASSESSMENTS

The implementation of individual assessments has been strengthened, with decrees requiring such assessments in domestic violence cases.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

Family Protection Houses have been established within gendarmerie groups, offering comprehensive support for victims, particularly in law enforcement contexts.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

The legal system for minors has been unified in the Code of Criminal Justice, and measures for child victim protection during trials have been expanded.

ARTICLE 25: PRACTITIONER TRAINING

New training initiatives have been introduced for professionals, including judges, police officers, and medical personnel; they focus on victim support and rights.

ARTICLE 26: COOPERATION AND COORDINATION

While this article was not transposed, France has established practical frameworks for cooperation, including participation in international agencies and regular awareness campaigns.

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GERMANY

OVERVIEW

Directive Implementation: Germany has a comprehensive legal framework for victims' rights, built on both pre-existing laws and the Victims' Rights Directive (VRD). While there have been improvements, particularly in expanding the definition of "victim" and enhancing support services, gaps remain in fully addressing victims' needs, especially for those with disabilities.

Key Shift: Significant reforms include better victim support systems, the establishment of victims' commissioners, and specialised contact points. However, challenges remain regarding resource limitations and the accessibility of support services for certain groups.

1



GERMANY

POSITIVE DEVELOPMENTS

Expanded Victim Definition: Victims now include cohabiting partners and children witnessing domestic violence.

Victim Support Services: The creation of victim commissioners and central contact points at the federal and state levels has improved access to support.

Child Victim Protection: New child-friendly interview rooms and support services, such as the Childhood House, enhance child victim protection during criminal proceedings.

Training of Professionals: Increased focus on victim protection in police training, though further training for legal professionals is still needed.

2

3



GAPS AND CHALLENGES

Limited Accessibility of Services: Despite increased support, many victims, particularly in Berlin, do not access services due to a lack of information and the overwhelming nature of the process.

Interpreter Shortages: The number of qualified interpreters has decreased, leading to gaps in providing timely language support.

Victim-Offender Mediation: Although victim-offender mediation is used, the numbers have slightly decreased, indicating a need for more comprehensive implementation.

Training Deficiencies for Legal Professionals: Victim protection is not yet mandatory in legal training, limiting its impact.

DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

Germany has expanded the definition of "victim" to include cohabiting partners and children witnessing domestic violence. However, this definition does not apply to private accessory prosecution.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

While resources have been created (e.g., forms, flyers), there is criticism regarding the need for information provision to be "as early as possible," and not all victims, especially those with disabilities, receive the help they need.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

No legal changes, but local police forces have made efforts to improve victim information in line with the Directive.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

Confirmation of a complaint is issued only upon request; assistance is provided to non-German speakers, though improvements are needed to make the process more efficient.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Victims face difficulties accessing case information, despite the law mandating that public prosecutors must inform victims if a case is closed.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

No changes to legislation since 2018; however, a shortage of qualified interpreters persists, particularly for less common languages.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Victim commissioners have been appointed at the federal and state levels, improving access. However, a lack of information and victims' overwhelming circumstances prevent full utilization of these services.

ARTICLE 10: RIGHT TO BE HEARD

No changes to the law since 2018. The implementation of the Directive's requirements remains a challenge.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

Minor changes have been made regarding private prosecution, with some adjustments to offenses eligible for such procedures.

DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Efforts to expand restorative justice, including victim-offender mediation, are ongoing. While still useful, case numbers have declined slightly.

ARTICLE 13: RIGHT TO LEGAL AID

The introduction of the new section on the bundling of joint plaintiffs in the NSU trial has been criticized as restricting victims' rights to choose their lawyer.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

Travel expenses are reimbursed, but the compensation for time commitment remains low at €4 per hour.

ARTICLE 15: RETURN OF PROPERTY

No significant changes, but new legislation allows crime scenes to be cleaned at the court's expense, benefiting victims.

ARTICLE 16: COMPENSATION

No major changes, although the right is exercised in a limited number of cases.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

No significant changes; foreign victims have the same compensation rights as German victims, as per amendments in 2018.

ARTICLE 18: RIGHT TO PROTECTION

Electronic residence monitoring has been introduced in cases of terrorist threats, domestic violence, and sexual offenses, further enhancing victim protection.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

Victims can avoid contact with offenders through special witness protection rooms or video-recorded interviews.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Questioning of victims of sexual offenses must now be recorded, ensuring more robust protection during investigations.

ARTICLE 21: PRIVACY PROTECTION

No changes to legislation; media regulations related to large-scale terrorism trials have been improved.

ARTICLE 22: INDIVIDUAL ASSESSMENTS

Individual needs assessments are required, particularly for domestic violence victims, though implementation remains inconsistent.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

Specialised departments, such as Family Protection Houses and UAPEDs, have been established to improve victim protection during criminal proceedings.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Child victim protection has improved with the introduction of child-friendly interview rooms and specialized procedures in the Code of Criminal Justice.

ARTICLE 25: PRACTITIONER TRAINING

Police training includes victim protection, but further legal training is needed. The lack of mandatory education for legal professionals is a gap.

ARTICLE 26: COOPERATION AND COORDINATION

Germany cooperates with various victim support organizations and participates in cross-border knowledge-sharing initiatives to strengthen victim rights.

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GREECE



OVERVIEW

1

Directive Implementation: Greece transposed the Victims' Rights Directive (VRD) into national law through Law 4604/2019, which focuses on gender equality and the fight against gender-based violence. Since 2019, the country has taken steps to enhance victim support, particularly for victims of gender-based violence; there has been a significant increase in state funding for a national support network.

Key Shift: Greece has seen a strong legislative response to violence, particularly against women, with the establishment of domestic violence services and a comprehensive national gender-based violence support network. However, practical challenges such as a lack of training for professionals, limited geographic coverage of services, and insufficient restorative justice mechanisms remain.



POSITIVE DEVELOPMENTS

2

Gender-Based Violence Support Network: The national network, funded by the state, consists of 44 counselling centres, 19 shelters, and a 24-hour helpline, making it easier for victims of domestic and gender-based violence to access support.

Legislative Advancements: The introduction of Law 4604/2019 and other legislation, such as Law 4837/2021, has resulted in enhanced victim protection, particularly for those affected by gender-based violence and workplace harassment.

Domestic Violence Services: The establishment of Domestic Violence Services across the country has led to better coordination and support at the regional level; new tools for data collection and case management are now in use.

GAPS AND CHALLENGES

3

Training Deficiencies: Despite improvements, training for professionals—particularly lawyers and those working with child victims—remains inconsistent and non-mandatory. Many professionals lack the skills necessary to communicate with victims, especially children, in a sensitive and age-appropriate manner.

Limited Coverage of Support Services: Support services, such as shelters and counselling centers, are primarily located in major cities, leaving rural areas underserved. Additionally, there is insufficient referral to specialized services.

Restorative Justice: There have been no significant developments regarding restorative justice services in Greece, which are not legislated or practiced.

Implementation Gaps: While laws are in place, practical implementation often falls short. For example, victims of violence rarely receive state compensation, and individual assessments for protection needs are not always carried out systematically.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

The definition of "victim" has remained unchanged since 2018, but it has been expanded to allow family members to exercise the victim's rights if the victim is incapacitated.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Specific accounts on Viber and WhatsApp have been created to assist people with disabilities who cannot communicate by phone. However, no formal quality standards for interpretation and translation services are in place.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

While the INFOVICTIMS.GR website and printed materials (offering information - including a guide on the rights of hate crime victims - in multiple languages) were introduced, there are still issues with complex language that hinder full understanding.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

No changes have been made in the law regarding this right.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

While new legislation strengthens this right, it remains unclear how the information is provided to victims in practice.

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While new legislation strengthens this right, it remains unclear how the information is made available to victims.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

There have been no changes in legislation, but a pool of interpreters in 22+ languages has been established. However, there are no training or quality control mechanisms for interpreters working with victims.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Law 4604/2019 established a national support network for gender-based violence victims, but services are mostly concentrated in urban areas, and there are still significant gaps in geographical coverage.

ARTICLE 10: RIGHT TO BE HEARD

No changes have been made since 2018. The child victims' right to be heard is not always respected.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

No changes have been made to this right.

DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

No changes have been made. Restorative justice services are not available in Greece.

ARTICLE 13: RIGHT TO LEGAL AID

No changes to legal aid provisions since 2018.

ARTICLE 16: COMPENSATION

No changes in the law regarding compensation from the offender. Victims are eligible for state compensation if the offender is unable to pay, but no compensation claims have been successfully processed in recent years.

ARTICLE 18: RIGHT TO PROTECTION

New legislation allows for the temporary freezing of proceedings if a victim is not well enough to follow the criminal process. Additionally, police officers must notify victims of offender releases in high-risk cases, but practical implementation is unclear.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

No changes have been made, although a new electronic court communication system helped reduce direct contact between victims and offenders during the pandemic.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Improvements have been made in handling cases of domestic violence, especially through the creation of specialized units and better case processing.

ARTICLE 22: INDIVIDUAL ASSESSMENTS

Domestic Violence Services have introduced a system for collecting information and assessing victims' needs, but standardized procedures are not consistently followed.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

A protocol for forensic interviews with child witnesses was established in 2019, but there is still a lack of training for professionals to handle child victims effectively.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Training for professionals dealing with children is insufficient, and the child's right to be heard is not always respected.

ARTICLE 25: PRACTITIONER TRAINING

Training on victim rights has increased since 2018, but it remains non-mandatory, and further training is needed, especially for lawyers.

ARTICLE 26: COOPERATION AND COORDINATION

The new Domestic Violence Department has increased the level of cooperation between police and the Prosecutor's Office, and several action plans have been developed, but there is still room for enhancement in overall coordination.

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HUNGARY

OVERVIEW

1

Directive Implementation: Hungary has made incremental improvements to victim rights since 2018, driven primarily by the introduction of the new Criminal Procedure Code (2018). This legislation has enhanced several key areas, including communication with victims, compensation rights, and protection measures. Despite these advancements, gaps in practice and implementation remain, particularly in areas such as practitioners' training and comprehensive restorative justice measures.

Key Challenges: Expanded protection measures for victims and witnesses, better individual assessments, and improved support services highlight the country's progress.



HUNGARY

POSITIVE DEVELOPMENTS

2

Enhanced Communication: New communication protocols ensure tailored, understandable information for victims during criminal procedures.

Expanded Protection: Witnesses and victims' family members are now covered under protection measures, and individual assessments have been improved.

Support Services: Professional case management and increased financial aid are now available. Shelters for human trafficking victims offer indefinite support.

Remote Participation: The European Investigation Order (EIO) enables victims residing in other Member States to attend trials remotely.



GAPS AND CHALLENGES

3

Victim-Offender Mediation: No significant advancements have been made in restorative justice services.

Legal Aid and Reimbursement: Practices remain unchanged, limiting accessibility for some victims.

Practitioners' Training: Training for legal and law enforcement professionals has not evolved since 2018.

DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

No changes to legal definitions or practices since 2018.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

The 2018 Criminal Procedure Code introduced clear rules on how authorities must communicate with victims, emphasizing tailored, understandable information.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

Police officers remain responsible for providing victims with leaflets and oral information on their rights, though no significant legal changes have occurred.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

No changes in legislation or practice.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Victim support services now include professional case management, improved shelter provision, and increased financial aid for victims of crimes.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Restorative justice remains underutilized, with no significant legal or practical changes.

ARTICLE 16: COMPENSATION

The new Criminal Procedure Code allows victims to claim compensation for non-tangible damages, though offender consent is required, limiting its application.

ARTICLE 17: RIGHTS OF CROSS-BORDER VICTIMS

The European Investigation Order enables remote participation in trials, improving access for victims in other Member States.

ARTICLE 18: RIGHT TO PROTECTION

The scope of protection measures now includes witnesses and victims' family members, safeguarding them against repeat victimization and retaliation.

ARTICLE 22: INDIVIDUAL ASSESSMENTS

Improved processes ensure tailored protection measures based on victims' needs, extending these to witnesses and their families.

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

Expanded measures include stricter procedural rules and discretionary protections tailored to victims' specific circumstances.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Child victims are entitled to free legal assistance and audiovisual recordings of hearings must be made whenever feasible. New case managers ensure the child's best interests.

ARTICLE 26: COOPERATION AND COORDINATION

Enhanced inter-agency cooperation, including partnerships between law enforcement and civil society organizations, improves victim support services.

Scan the QR code to view the full BeneVict Report and explore the project page for more details!



Europe has **ambitious laws and policies** to protect victims of crime, enhancing their rights to information, support, protection, and fair treatment in criminal proceedings. Implementing these laws effectively is **crucial to achieving the goals of the EU Victims' Rights Strategy**.

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The BeneVict project also **broke new ground** by estimating the costs of victimization and the benefits of victim support in four countries—**Estonia, the Netherlands, Portugal, and Spain**. These findings equip stakeholders and advocates with evidence to **strengthen victim rights at the national level** and to support the EU in shaping future policies under the Victims' Rights Directive.

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A BALANCED PLATE OF RIGHTS

Ensuring Victims' Access to protection

EU Victims' Rights - the right to protection

INTRODUCTION

In the **2012 Victims' Rights Directive**, Articles 18 to 24 enshrine victims' rights to protection. More precisely, the following rights are pertinent:



ARTICLE 18 – RIGHT TO PROTECTION

ARTICLE 19 – RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

ARTICLE 20 – RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

ARTICLE 21 – RIGHT TO PROTECTION OF PRIVACY

ARTICLE 22 – INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

ARTICLE 23 – RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

ARTICLE 24 – RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

Although the Directive establishes **minimum standards** for victim protection, research shows that even a decade after its implementation, these **safeguards remain inadequate**. Many victims still struggle to access essential support due to inconsistent enforcement of the articles and limited availability of protective measures. As a result, **gaps in implementation** continue to put victims and their families at risk, exposing them to further harm and potential re-victimisation.

VICTIM SUPPORT EUROPE'S POSITION

VSE advocates for a **comprehensive approach** to protecting victims and their families at every stage of the criminal justice process. The protection obligations set out in the Directive should be accompanied by **concrete actions** which ensure that victims receive practical, effective, and accessible safeguards. Measures focusing on victims' protection should aim to ensure that every victim can **safely participate** in the justice process. This includes the consistent enforcement of protection measures to prevent further harm, the safeguarding of fundamental privacy rights, and the improvement of protection needs' assessments to better tailor actions to each victim's specific case. Practical **protection measures** must be **strengthened**, and must include strict protocols to prevent contact between victims and offenders, the enforcement of restraining orders where necessary, and access to secure accommodations for those at risk.

Confronting the offender is a well-documented trigger of **secondary victimisation**, often causing significant distress and deterring victims from fully engaging in legal proceedings. Many serious crimes, such as violence against women and human trafficking, involve **ongoing threats**, coercion, and **risks to victims' safety**. To further empower victims to participate in the justice process without fear, it is thus crucial to **implement measures** that prevent direct contact with offenders. In practice, this requires the establishment of separate waiting areas in police stations and court buildings, ensuring that victims do not encounter their perpetrators before or during proceedings. Equally, the use of mobile screens in courtrooms can enable victims to testify without being forced to face the offender, reducing intimidation and emotional distress.

The **Individual Needs Assessment** (INA) should be improved to ensure that the **risks and protection needs** of victims are accurately **identified**. Needs assessments should be flexible and adaptable, and should consider different environments (e.g., field interventions or police stations) and make suitable adjustments based on risk levels and the nature of the crime to provide appropriate support.

KEY CHALLENGES LIMITING VICTIMS' ACCESS TO PROTECTION

Inadequate victim protection measures:

Often, victim protection measures are inadequate due to delays in their provision, inconsistency of support, and gaps in legal transposition. Victims are often forced to repeat their testimonies, required to undergo several medical examinations, or operational constraints such as insufficient victim-friendly interview rooms. The lack of structured individual needs assessments, combined with the evaluations often being conducted by untrained professionals, result in risks not being identified and victims not receiving the protection they need.

Barriers to the right to avoid contact between victim and offender:

language barriers, distance from relatives, and differing legal systems in cross-border cases complicate victim' participation in proceedings.

Barriers to the right to protection of privacy:

a lack of safeguards in many Member States leaves victims' personal information vulnerable to unnecessary disclosure, media exposure, and unauthorised sharing with unrelated authorities.

Barriers risk of offender retaliation or secondary victimisation to legal support:

Protection measures are required to limit the risk of further retaliation by offenders following a crime. Furthermore, poor treatment by professionals working in the justice system, negative societal reactions or stigmas can lead to victims experiencing additional victimisation, which can exacerbate the impact of crime and deter their future participation or involvement in proceedings.

Barriers to the right to protection of child victims during criminal proceedings:

despite legal frameworks emphasising enhanced protection for child victims, implementation remains inconsistent. Not all Member States prevent children from being required to testify in court, and in some cases, pre-trial audio-visual recordings are not used as primary evidence, forcing children to relive their trauma. Additionally, the appointment of a special representative for unaccompanied children or those in conflicts of interest is not systematically ensured.

The Victims' Rights Directive Implementation Review: 2024-2025



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Victims' Rights Sustain Justice Across the EU



IRELAND

OVERVIEW

Directive Implementation: Since 2018, Ireland has introduced several reforms to enhance the rights and support for victims of crime. Key legislative changes include the revised 2020 Victims' Charter, the Parole Act 2019, and the expansion of the National Referral Mechanism (NRM). These measures aim to provide comprehensive support to victims, particularly in cases of domestic violence, human trafficking, and sexual offences.

Key Shift: New laws, such as the Domestic Violence Act 2018 and reforms introduced by the amended Children Act of 2021, have improved victim protection. However, their implementation reforms has been hindered by the fragmentation of the victim support sector and certain gaps in infrastructure.

1



2

POSITIVE DEVELOPMENTS

Victims' Charter: The revised 2020 Victims' Charter enhances the criminal justice system's responsiveness to victims' needs, presenting the system from the victim's perspective.

Victim Support for Specific Groups: New organisations, such as the Accompaniment Support Services for Children (A.S.S.C.) and the Migrant Victim Support Project, were introduced to support vulnerable groups like children and migrants.

Expansion of National Referral Mechanism: The National Referral Mechanism for human trafficking victims was expanded, and legislation is being drafted to place it on a statutory footing.

Court Protections: The Domestic Violence Act 2018 introduced a fifth protective court order, the emergency barring order, to protect victims immediately. Additionally, video link facilities in courts were expanded, enabling safer testimony for vulnerable victims.

Compensation Reforms: Reforms to the compensation process allow dependents of fatal victims to claim compensation for mental distress.

GAPS AND CHALLENGES

3

Fragmented Victim Support: The victim support sector remains fragmented; different entities act in competition with each other and lack organisational coordination. This hampers effective service delivery.

Infrastructural Deficits: There are ongoing deficiencies in the physical infrastructure of Garda stations and courtrooms, which continue to limit the protection of victims during criminal proceedings.

Limited Access to Legal Aid: Legal aid is generally not available to victims, except in specific cases such as human trafficking, rape, and sexual assault. This limitation leaves many victims without the necessary legal support.

Delayed Reforms in Restorative Justice: No significant legislative changes have been made regarding restorative justice services, limiting options for victims seeking alternative forms of justice.



**ARTICLE 3: RIGHT TO UNDERSTAND
AND BE UNDERSTOOD**

The revised 2020 Victims' Charter provides clearer explanations of victim rights, though the implementation of victim understanding at the local level remains inconsistent.

**ARTICLE 4: RIGHT TO RECEIVE
INFORMATION FROM FIRST CONTACT**

The introduction of the Garda Information Booklet and a new contact card system ensures victims receive information immediately, including details of support services.

**ARTICLE 5: RIGHT TO MAKE A
COMPLAINT**

A key change introduced in October 2022, is the ability for the public to file complaints about judicial misconduct.

**ARTICLE 6: RIGHT TO RECEIVE
INFORMATION ABOUT THEIR CASE**

The introduction of the Parole Act 2019 gives victims the right to submit oral submissions to the Parole Board, significantly improving victim participation in parole decisions.

**ARTICLE 7: RIGHT TO INTERPRETATION
AND TRANSLATION**

Despite legal recognition, there are ongoing challenges regarding the availability and quality of interpretation and translation services, especially in criminal justice settings.

**ARTICLES 8 & 9: RIGHT TO ACCESS
AND SUPPORT SERVICES**

New organizations for child and migrant victims have been established, and state funding for victim services is now managed through an annual funding call. However, gaps in support for non-domestic violence victims persist.

ARTICLE 10: RIGHT TO BE HEARD

The JAM Card initiative allows people with learning disabilities or communication barriers to request more time in interactions with authorities, improving their ability to participate.

**ARTICLE 12: SAFEGUARDS IN
RESTORATIVE JUSTICE**

No legislative changes; access to restorative justice remains limited.

ARTICLE 13: RIGHT TO LEGAL AID

A negative development: Legal aid for victims has been restricted, especially for appeals in criminal cases, leaving many victims without adequate representation.

ARTICLE 16: COMPENSATION

Compensation for mental distress is now available for dependents of victims in fatal cases, following reforms in April 2021.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

No major changes regarding cross-border cases; however, new legislation facilitates the use of protected identities for victims residing abroad.

ARTICLE 18: RIGHT TO PROTECTION

The introduction of the emergency barring order in 2018 and increased sentencing for offenders trying to intimidate victims have strengthened protection measures.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER DURING INVESTIGATIONS

No significant changes since 2018, though some courts have proactively improved victim safety by providing separate facilities for victims and witnesses.

ARTICLE 20: PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

The rollout of Garda Divisional Protective Service Units (DPSUs) marks a positive step in protecting victims during criminal investigations, though challenges remain with emergency call handling and Garda station conditions.

ARTICLE 21: PROTECTION OF PRIVACY

Privacy protections for victims have been strengthened, including the introduction of anonymous witnesses and expanded privacy regulations under the 2022 reforms.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

The Gardaí developed a new Risk Assessment Tool for domestic abuse cases, which is operational in 3 of 4 Garda regions.

ARTICLE 23: PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

Measures such as video links for vulnerable witnesses and the Barnahus project provide specialized support for victims of sexual abuse and violence.

ARTICLE 24: PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

No significant changes, but the government continues to prioritize the protection of children involved in criminal proceedings, including the introduction of the Children (Amendment) Act 2021.

ARTICLE 25: TRAINING OF PRACTITIONERS

Training for Gardaí on victim engagement is being rolled out, and the Bar of Ireland has introduced training for legal professionals on handling sexual offenses.

ARTICLE 26: COOPERATION AND COORDINATION

The victim support sector remains fragmented, but initiatives like the Third National Strategy on Domestic, Sexual, and Gender-Based Violence (2022-2026) aim to improve coordination.

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The Victims' Rights Directive Implementation Review: 2024-2025



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LATVIA

OVERVIEW

Directive Implementation: Latvia has made incremental progress since implementing the Victims' Rights Directive (VRD). Minor changes have improved victim services, including expanded rehabilitation programs for victims of severe violence and the introduction of "crisis flats." However, systemic issues remain, with victim support being fragmented and not fully integrated into law enforcement practices.

Key Shift: New crisis response services and enhanced features for the victim support hotline have improved accessibility, although reduced operational hours are a setback.

1



LATVIA

POSITIVE DEVELOPMENTS

New Services (Article 8): Introduction of “crisis flats” in 2023 and the expansion of state-funded rehabilitation programs to 120 consultations for severe violence cases. Hotline services now include email support, chat options, and callback features.

Privacy Protections (Article 21): Adoption of the 2019 law on processing personal data in criminal proceedings to align with the Police Directive.

Child Victim Interrogation (Article 10): Enhanced psychologist involvement ensures minors' psychological well-being during interviews.

GAPS AND CHALLENGES

Fragmented System: Victim support remains disjointed, with slow implementation of referral obligations for first-contact authorities.

Reduced Hotline Availability: Daily operational hours for the victim support hotline were cut by five hours, potentially limiting access for victims in need.

Limited Legal and Practical Changes: Many aspects of victim rights, such as legal aid and restorative justice, remain stagnant.

2

3



ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

New crisis flats and expanded social rehabilitation consultations have enhanced victim services. Hotline improvements include email, chat, and callback features. However, hotline operational hours have been reduced.

ARTICLE 10: RIGHT TO BE HEARD

Psychologists are mandated to assist in questioning of minors, ensuring their psychological well-being. Investigators must have special training for engaging with minors during criminal proceedings.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

The Legal Aid Administration remains the primary actor for cross-border cases. No recent updates.

ARTICLE 21: PROTECTION OF PRIVACY

The 2019 law on personal data processing in criminal proceedings provides unified regulations aligning with the Police Directive.

ARTICLE 25: TRAINING OF PRACTITIONERS

Training sessions for judges and legal professionals have been conducted under the European Social Fund's project "Justice for Development."

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The Victims' Rights Directive Implementation Review: 2024-2025



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MALTA

OVERVIEW

1

Directive Implementation: Malta has made significant progress since 2018 in implementing the Victims' Rights Directive, particularly through legislative changes. The 2021 Victims of Crime (Amendment) Act introduced enhanced protections, including measures for vulnerable victims, provisions for interpretation and translation, and individual assessments of victims' needs.

A specialised Domestic Violence Unit, the Victim Support Agency (VSA), and digitalised courts further strengthen victim support in the country.

Key Challenges: Persistent delays in court proceedings, poor funding, overcrowded shelters, and limited awareness of restorative justice remain pressing issues. The Criminal Injuries Compensation Scheme is still not operational, and in practice, some rights are inconsistently implemented.

MALTA



POSITIVE DEVELOPMENTS

2

Enhanced Legislation (Articles 3, 4, 8, 22): The 2021 Victims of Crime Act (Amendment) strengthened victim rights, emphasising individual assessments, interpretation services, and tailored protection for vulnerable victims.

Specialised Support (Article 8): Launch of 'Il-Milja' shelter and expansion of VSA ensure comprehensive support for victims, including those of domestic violence and human trafficking.

Court Modernisation (Articles 7, 10, 19): Video conferencing in courts improves access and privacy protections, especially for vulnerable victims and minors.

Judicial Review of Non-Prosecution (Article 11): Injured parties can now challenge decisions not to prosecute.



3

GAPS AND CHALLENGES

Delays and Compensation Issues (Articles 16, 14): Victims rarely receive compensation, either from offenders or through the state, due to inefficiencies in the Criminal Injuries Compensation Scheme.

Limited Practical Implementation (Articles 4, 21): Information at first contact is not always comprehensive; media oversight regarding victim privacy is minimal.

Specialized Services Access (Articles 8, 23): Shelters are overcrowded, and support for vulnerable groups like trafficking victims remains under-resourced.

Restorative Justice (Article 12): Services remain underutilised, with limited public awareness or engagement.

ARTICLE 2: DEFINITION OF VICTIMS

No significant changes. Expanded definitions under the 2019 Gender-Based Violence and Domestic Violence Act clarify protections for individuals based on gender identity.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

New provisions allow victims to be accompanied by a person of their choice and ensure tailored communication for vulnerable victims.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

The VSA and VSU provide centralized contact points for victims. However, timely, comprehensive information remains inconsistent in practice.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

Interpretation services are now guaranteed, but access remains limited for marginalized groups, including migrants in detention.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

The VSA now provides case updates, including notifications of offender releases, verbally or in writing.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Modernized courts and a database of legal interpreters improve access, though concerns remain over interpreter quality and training.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

The VSA and specialized shelters provide support, but demand often exceeds capacity. Accessibility is being improved through regional centers.

ARTICLE 10: RIGHT TO BE HEARD

Video conferencing ensures victims can participate without direct contact with offenders. Minors automatically receive special protections.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

Victims can now seek a judicial review of decisions not to prosecute, a significant procedural improvement.

DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Limited public awareness and uptake of restorative justice services persist despite pilot initiatives for youth-focused models.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

New legislation enables reimbursement for victim expenses incurred during criminal proceedings.

ARTICLE 16: COMPENSATION

Compensation processes remain inaccessible and overly lengthy, with no operational improvements.

ARTICLE 17: RIGHTS OF CROSS- BORDER VICTIMS

New provisions ensure immediate victim statements and support remote participation through video conferencing.

ARTICLE 18: RIGHT TO PROTECTION

Enhanced risk assessments and temporary protection orders address immediate threats, but operational challenges limit practical efficacy.

ARTICLE 19: AVOIDING VICTIM- OFFENDER CONTACT

Digitalised courts safeguard against victim-offender encounters, especially for minors.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

New rules limit interviews and medical examinations, ensuring timely and dignified treatment.

ARTICLE 21: PRIVACY PROTECTION

New legislation mandates privacy safeguards, but practical enforcement, particularly media oversight, is weak.

ARTICLE 22: INDIVIDUAL ASSESSMENTS

Legislation now presumes vulnerability for specific crimes and relationships. Victims can request interviewer preferences (e.g., same gender).

ARTICLE 23: PROTECTION OF SPECIFIC NEEDS VICTIMS

Special measures are identified via individual assessments, though implementation faces operational constraints.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

No major changes aside from updates to individual assessments and enhanced reporting guidelines.

ARTICLE 25: PRACTITIONER TRAINING

Training programs for police and support workers are ongoing, but victim support professionals consistently call for more comprehensive training.

ARTICLE 26: COOPERATION AND COORDINATION

The VSA serves as Malta's national coordination point for victim support. Awareness campaigns and international collaboration are ongoing.

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The Victims' Rights Directive Implementation Review: 2024-2025



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NETHERLANDS

OVERVIEW

1

Directive Implementation: The Netherlands has made positive strides since 2018 in implementing the Victims' Rights Directive. Legislative changes in 2022 and 2023 have enhanced safeguards for victims' protection, including expanded definitions of "family" for victims' relatives, improved rights to information, and strengthened privacy measures. Digital platforms for victim support have also been modernized, and victims can now request document translations during enforcement phases.

Key Challenges: Despite improvements, privacy protections remain insufficient, as personal data is often included in case files. The effectiveness of individual assessments for victim protection and systemic coordination of services remains inconsistent. Training for practitioners needs further development, and restorative justice services lack widespread use.



NETHERLANDS

POSITIVE DEVELOPMENTS

Improved Information Access (Articles 3, 4): Victims now receive updates on offender release/escape and can access case updates digitally through an upgraded platform.

Expanded Definition of Family (Article 2): Foster and stepfamilies of deceased victims are now recognised as family, with corresponding rights.

Privacy Protections (Article 21): Measures introduced to allow anonymous charges for victims in danger and encourage media to withhold victims' names.

Support Coordination (Article 8): Expanded data sharing between police and Victim Support Netherlands ensures broader victim outreach.

2

GAPS AND CHALLENGES

Privacy Concerns (Article 21): Personal victim data is often included in case files; while efforts to engage media and anonymize charges exist, systemic issues remain.

Limited Restorative Justice Uptake (Article 12): Services such as mediation are underutilised, despite being available as alternatives to prolonged judicial proceedings.

Individual Assessments (Article 18): Structural weaknesses in assessing vulnerabilities and protection needs were noted in a 2021 evaluation.

Cross-Border Cooperation (Article 26): Privacy regulations (e.g., GDPR) hinder international information sharing for victim support.

3



ARTICLE 2: DEFINITION OF VICTIMS

Expanded to include foster and stepfamily members and close relations who cared for or raised the deceased victim.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Victims now have the right to translation of documents in the enforcement phase, strengthening communication access.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION AT FIRST CONTACT

Victims are informed about offender release/escape and protection measures. Implementation is ongoing.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

A key change is the ability for the public to file complaints about judicial misconduct, introduced in October 2022.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Victims can digitally access case updates, including compensation progress, via an improved platform launched in 2023.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Victims can request document translations during the enforcement phase, improving accessibility.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Data sharing with Victim Support Netherlands ensures outreach to all victims filing formal complaints, regardless of the crime or reporting method.

ARTICLE 10: RIGHT TO BE HEARD

Victims may now provide input during court sessions about extending a suspect's detention under hospital orders.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

Police must justify decisions not to provide victims with police reports, aiding transparency for victims considering a review.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Restorative justice services are underused; mediation is explored as a solution for judicial delays but lacks awareness and uptake.

ARTICLE 16: COMPENSATION

Relatives of victims with severe injuries or fatalities have been able to claim compensation (up to €20,000) from offenders since 2019.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Relatives of victims of severe violence abroad may apply for financial aid via the Emergency Support Fund.

ARTICLE 18: RIGHT TO PROTECTION

The implementation of individual assessments in 2018 lacks systemic follow-through, leaving victims' vulnerabilities inadequately addressed.

ARTICLE 21: PROTECTION OF PRIVACY

Measures to protect privacy include anonymous charges for victims in danger and data redaction in case files, but systemic challenges persist.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

No significant changes, though weaknesses in implementation affect victim protection.

ARTICLE 24: PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

No significant changes, but the government continues to prioritize the protection of children involved in criminal proceedings, including the introduction of the Children (Amendment) Act 2021.

ARTICLE 25: TRAINING OF PRACTITIONERS

Training initiatives are improving but lack uniform implementation. A Ministry of Justice-developed victims' rights training is underway.

ARTICLE 26: COOPERATION AND COORDINATION

Cross-border collaboration faces GDPR-related hurdles, though tools like the European e-Justice portal exist.

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The Victims' Rights Directive Implementation Review: 2024-2025



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SLOVAKIA



OVERVIEW

1

Directive Implementation: The Victims' Act (274/2017 Coll.) was adopted in 2017 and has established a solid framework for the protection and support of victims. Amendments have been made to the Victims' Act, the Code of Criminal Procedure (CCP), and the Police Corps Act to further align with the EU Directive.

Key Shift: The Ministry of Justice's website includes an accessible section informing victims about their rights and available support services.



POSITIVE DEVELOPMENTS

Expanding Victim Support Services: Since 2018, 17 Information Offices have been set up to provide information and refer victims to specialized services. A growing number of accredited NGOs provide legal, psychological, and social support; the MoJ provides increased financial support.

Improved Legal Protections: Key amendments to the CCP ban the direct cross-examination of vulnerable victims, such as those impacted by human trafficking. Furthermore, psychological support is mandated for vulnerable victims during pre-trial proceedings to minimise secondary victimization.

Specialised Interview Rooms: Although specialised rooms to protect victims are being developed, their implementation is not yet fully systematic. However, judges generally accommodate requests for victim-offender separation when such rooms are unavailable.

Crisis Intervention for Domestic Violence: New services - including crisis intervention and long-term support - have been introduced, specifically for victims of domestic violence; financial support for victim service providers has also been expanded

GAPS AND CHALLENGES

Lack of Qualified Professionals: While legal and psychological support for victims has improved, there remains a shortage of qualified psychologists, especially for providing psychological support during interviews.

Underutilization of Pre-recorded Testimonies: Although the Victims' Act allows for pre-recorded testimonies to be used as trial evidence, these are rarely used in court, limiting the protection against secondary victimisation.

Implementation of Victim Protection Measures: Although there are legal provisions for preventing victim-offender contact, the specialised rooms and protective measures for vulnerable victims are not always implemented effectively, and judges' willingness to adapt varies from court to court.



ARTICLE 2: DEFINITION OF VICTIMS

Amendments to the Victims Act now include victims of enforced disappearance as a particularly vulnerable group, alongside victims of violent crimes and those at risk of secondary victimisation.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Victim rights must be explained clearly during criminal proceedings. The MoJ has made efforts by updating materials on victims' rights, but some areas remain underdeveloped, including the clarity of information provided on the General Prosecution's website.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION AT FIRST CONTACT

Information is provided to victims at the first contact, typically using standardized forms. These forms are updated regularly to ensure compliance with legislative amendments.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

There have been no legal changes to the complaint process, but improvements in policy directives are expected to make the complaint process more efficient.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

The legal framework remains unchanged, but new policy directives for prosecutors ensure victims are informed of decisions that could affect their case.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Minor changes have been introduced, particularly in cases of sensitive crimes, such as human trafficking; victims can now choose the gender of their interpreter.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

The legislative framework for victim support service provision is robust and new intervention services are available. The MoI has accredited 20 victim support services to ensure comprehensive assistance.

ARTICLE 10: RIGHT TO BE HEARD

Legal amendments now allow minors to be represented by legal guardians when interviewed, ensuring that vulnerable victims are heard without unnecessary repetitions of testimony.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Slovakia has participated in projects to raise awareness of restorative justice, though no significant legislative changes have been made.

ARTICLE 13: RIGHT TO LEGAL AID

Since 2021, victims of crime, particularly domestic violence victims, are eligible for legal aid, with the state covering the costs for legal representation in certain cases.

ARTICLE 16: COMPENSATION

The Victims Act now allows victims to claim government compensation early in the criminal proceedings, rather than waiting for the case to conclude.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE **ARTICLE 18: RIGHT TO PROTECTION**

Changes in 2021 ensure that victims residing outside Slovakia can communicate with Slovak authorities in their resident state's language, facilitating cross-border cooperation.

ARTICLE 18: RIGHT TO PROTECTION

Expanded protection measures, particularly for victims of domestic violence, include restrictions on offenders' proximity to victims and their families, as well as restrictions on parental responsibilities in some cases.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

Legal measures to prevent contact between victims and offenders have been strengthened, though their implementation remains inconsistent.

ARTICLE 20: PROTECTION DURING CRIMINAL INVESTIGATIONS

Amendments introduced in 2023 specifically protect victims from being questioned about intimate areas unless necessary, improving the dignity and privacy of vulnerable victims.

ARTICLE 21: PROTECTION OF PRIVACY

There have been no significant changes to privacy laws, but new laws concerning the protection of media and personal information are in effect, especially in cases where victims' data could be exposed.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Since 2022, a broader definition of vulnerable victims has been introduced, ensuring that all parties consider victims' specific needs in relation to the crime.

ARTICLE 23: PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

Protection of victims' dignity during criminal proceedings has been further reinforced, particularly in cases where the victim is a minor or vulnerable.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Measures to protect child victims, including the appointment of legal guardians during investigations, have been strengthened, alongside improved communication with child victims.

ARTICLE 25: TRAINING OF PRACTITIONERS

The Academy of Police Force and the Judicial Academy have introduced mandatory training for officers and judges on handling victims, particularly in domestic violence cases and child protection.

ARTICLE 26: COOPERATION AND COORDINATION

Slovakia has participated in multiple international projects to improve victims' rights and foster cooperation across borders, though the legal framework for inter-agency cooperation remains largely unchanged.

Scan the QR code to view the full BeneVict Report and explore the project page for more details!



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The BeneVict project also **broke new ground** by estimating the costs of victimization and the benefits of victim support in four countries—**Estonia, the Netherlands, Portugal, and Spain**. These findings equip stakeholders and advocates with evidence to **strengthen victim rights at the national level** and to support the EU in shaping future policies under the Victims' Rights Directive.

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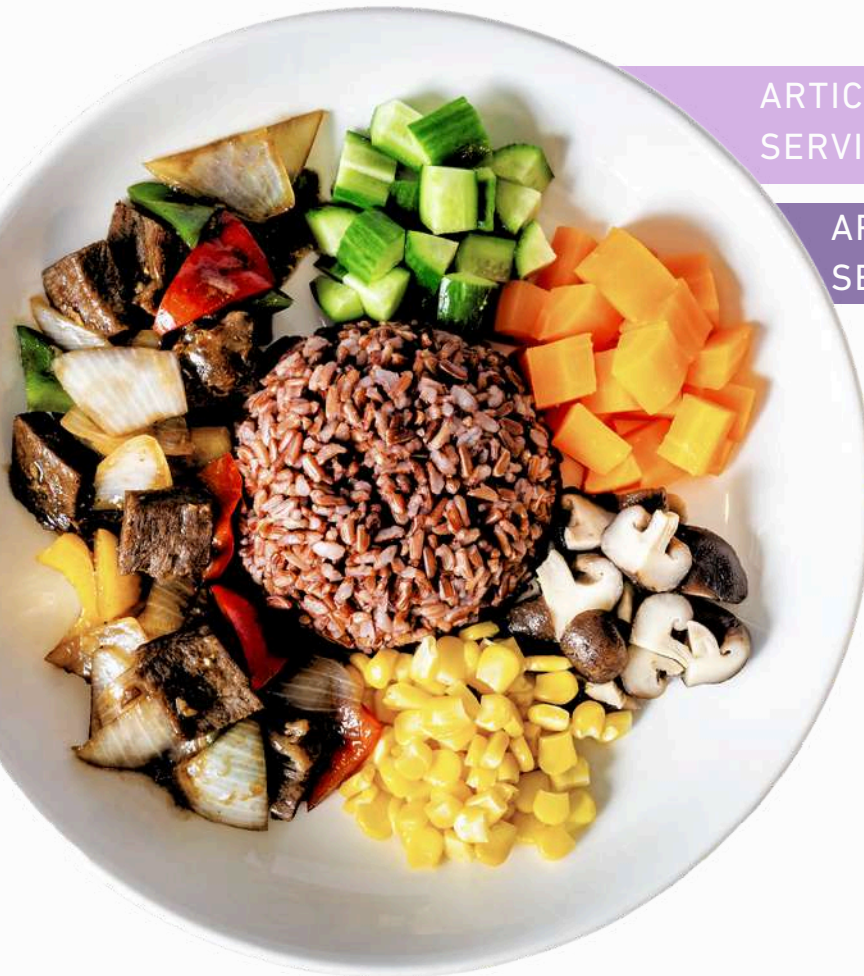
A BALANCED PLATE OF RIGHTS

Ensuring Victims' Access to Support

EU Victims' Rights - the right to support

INTRODUCTION

In the **2012 Victims' Rights Directive**, Articles 18 to 24 enshrine victims' rights to protection. More precisely, the following rights are pertinent:



ARTICLE 8 – RIGHT TO ACCESS VICTIM SUPPORT SERVICES

ARTICLE 9 – SUPPORT FROM VICTIM SUPPORT SERVICES

Whilst the articles lay out the minimum requirements for addressing victims' support needs, data shows that - ten years after the implementation of the Directive - victim support services are not accessible in all Member States. Failure to address implementation problems greatly impacts victims' access to support, ultimately hindering their ability to recover from crimes committed against them.

VICTIM SUPPORT EUROPE'S POSITION

Establishing a **comprehensive support framework** is arguably the best way to ensure victims recover from crime and have their rights respected. VSE advocates for a **coordinated national system of support** which involves multi-crime and specialist services working coherently with state actors, to ensure that support is available outside of and within criminal proceedings. This approach reflects the need to provide support along the **entirety of the victim's journey**: from the crime to the proceedings and onto to their recovery.

The **Directive** should not only require that such services exist but should also set out clear rules – such as referral mechanisms – to ensure all services are accessible. These measures will help States to ensure that the services operate in an effective and high-quality manner, according to minimum standards.

KEY CHALLENGES LIMITING VICTIMS' ACCESS TO SUPPORT

Limited availability of victim support services:

despite the Directive mandating the existence of free and confidential support services, many victims across the EU still face difficulties in obtaining the support they need because the services simply do not exist.

Geographical disparities in the distribution of the service:

when support services are available, they are often concentrated in urban areas, leaving victims in rural or remote areas with greater challenges in accessing support.

Lack of coordination between victim support services:

services across Member States are often fragmented, with limited communication between multi-crime and specialist service providers. This fractured approach creates confusion, reduces service quality, and hinders victims from accessing the support which best suits them.

Lack of effective referral mechanisms:

effective systems that refer victims to appropriate support services are inconsistent across Member States. In many countries, referral mechanisms are informal or non-existent, leaving victims without clear pathways to support.

Long waiting times for support:

delays in accessing support due to national waiting times or overburdened systems leads to victims not being able to access support when needed to promptly address the immediate consequences of victimisation.

Funding constraints for victim support providers:

often across the EU, victim support organisations face increasing financial instability due to funding cuts and associated limitations. This forces organisations to deliver more services with fewer resources, straining staff and reducing service quality.

The Victims' Rights Directive Implementation Review - 2024



Just as Nutrients Fuel Health,
Victims' Rights Sustain Justice Across the EU



POLAND

OVERVIEW

1

Directive Implementation: Since the mid-2018 implementation of the EU Directive 2012/29/EU, Poland has seen limited changes in its legal framework on victims' rights.

Key Shift: A draft act on domestic violence aims to broaden the definition to include intimate partner violence, in line with EU standards.



POLAND

2

POSITIVE DEVELOPMENTS

Expanded Victim Definition: Draft act (2023) on domestic violence reflects progressive steps to include intimate partner violence in the definition of victims.

Personalized Victim Protection: Introduction of Article 22 in late 2022 enables authorities to assess victims' specific protection needs.

Child Victims' Protection: Legal adjustments (December 2022) address age verification issues for child victims, ensuring proper legal treatment.

3

GAPS AND CHALLENGES

Right to Understand and Be Understood: Instructions for victims and suspects fail to meet the EU Directive's requirements, resulting in communication barriers.

Omission of Legal Consequences: New regulations on providing information to victims have been criticized for excluding crucial legal implications.

Victim Support Services: Limited government action and insufficient services/staffing undermine victim support services.



ARTICLE 2: DEFINITION OF VICTIMS

No changes except for the draft domestic violence act (2023) to include intimate partner violence.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Current instructions do not meet Directive 2012/29/EU requirements.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

New regulations criticized for omitting legal consequences, affecting victims' awareness.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

Simplified form and language for victim statements but lacks clarity on exercising rights.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

No modifications; existing provisions fully implemented through various CCP articles.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

The CCP does not guarantee written translation in preparatory proceedings, breaching the Directive.

ARTICLE 8 & 9: RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Severe staffing shortages and lack of statistical data on victim services undermine support.

ARTICLE 10: RIGHT TO BE HEARD

No new regulations since 2018; Polish government deems existing laws sufficient.

ARTICLE 11: RIGHTS IN THE EVENT OF NON-PROSECUTION DECISION

Amendments in 2019 limit the rights of parties, raising concerns about the fairness of proceedings.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

No updates or improvements post-2018.

ARTICLE 13: RIGHT TO LEGAL AID

No changes since 2018; the legal framework remains unchanged.

ARTICLE 14: REIMBURSEMENT OF EXPENSES

Existing laws are unchanged, though the Ombudsman recommended reforms in 2020.

ARTICLE 15: RIGHT TO RETURN OF PROPERTY

Implemented through existing laws, no significant updates since 2018.

ARTICLE 16: RIGHT TO COMPENSATION

Slow increase in compensation claims since 2018, though awareness remains low.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

No new provisions since 2018.

ARTICLE 18: RIGHT TO PROTECTION

Considered implemented through existing laws and non-legislative measures.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

Current legal framework considered sufficient by the Polish government.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

No new regulations since 2018.

ARTICLE 21: RIGHT TO PROTECTION OF PRIVACY

No changes to privacy protection laws post-2018.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF PROTECTION NEEDS

New Article 52a introduced at the end of 2022, focusing on personalized victim assessments.

ARTICLE 23: PROTECTION OF VICTIMS WITH SPECIFIC NEEDS

No changes since 2018; government considers existing laws sufficient.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

December 2022 amendment ensures proper legal considerations for minor victims.

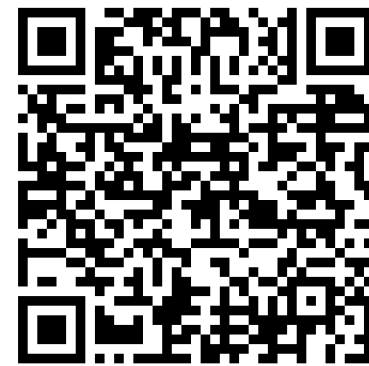
ARTICLE 25: TRAINING OF PRACTITIONERS

Training programs are handled by non-legislative institutions like the National School of Judiciary.

ARTICLE 26: COOPERATION AND COORDINATION OF SERVICES

Cooperation handled through non-legislative means, such as participation in European judicial networks.

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The BeneVict project also **broke new ground** by estimating the costs of victimization and the benefits of victim support in four countries—**Estonia, the Netherlands, Portugal, and Spain**. These findings equip stakeholders and advocates with evidence to **strengthen victim rights at the national level** and to support the EU in shaping future policies under the Victims' Rights Directive.

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The Victims' Rights Directive Implementation Review: 2024-2025



Just as Nutrients Fuel Health,
Victims' Rights Sustain Justice Across the EU



PORTUGAL

OVERVIEW

Directive Implementation: Since the implementation of Directive 2012/29/EU in 2018, Portugal has seen significant improvements, particularly in the context of domestic and gender-based violence.

Key Challenges: Persistent delays in court proceedings, lack of funding, overcrowded shelters, and limited awareness of restorative justice remain pressing issues. The Criminal Injuries Compensation Scheme is still not operational and, in practice, some rights are inconsistently implemented.

1



PORTUGAL

POSITIVE DEVELOPMENTS

2

Expanded Victim Definition: A major development is the inclusion of children, who witness or are affected by crimes such as domestic violence, in the legal definition of "victim."

Simplified Victim's Statute: The Victim's Statute has been updated with simpler language to make victims' rights easier to understand. This change makes clear not only what rights victims have, but also how to exercise them.

New Victim Support Services: The number of support services for victims is increasing. While the focus is on domestic violence victims, additional services have been introduced, such as shelters for LGBTQ+ victims and men who experience domestic violence.

Improved Protection Measures: New protection measures, including urgent protection orders, have been introduced to safeguard victims from further harm.

Revised Registration for Domestic Violence: A new registration form for domestic violence victims allows statements made at first contact to be used during the investigation phase, preventing the need for them to repeat their testimony.

GAPS AND CHALLENGES

3

Delays and Compensation Issues (Articles 16, 14): Victims rarely receive compensation, either from offenders or via the state, because of inefficiencies in the Criminal Injuries Compensation Scheme.

Communication Barriers: While there have been changes in how information is provided, the right to understand and be understood remains limited. Key documents and procedures still fail to meet the Directive's standards.

Exclusion of Legal Consequences: Recent legal reforms have been criticised for omitting information about the legal consequences of crimes, which leaves victims without crucial details regarding their case.

Limited Resources for Victim Support: Despite efforts to improve victim support services, staffing shortages and insufficient funding still limit the delivery and roll out of services, especially for vulnerable groups beyond those experiencing domestic violence.



ARTICLE 2: DEFINITION OF VICTIMS

Recent amendments include identifying children under 18 as victims, if they suffer damages following a crime such as domestic violence. However, full implementation remains pending.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

No changes have been made to improve communication for victims. Information rights remain limited, and there are still barriers to ensuring full understanding.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION FROM FIRST CONTACT

A simplified version of the Victim's Statute was adopted in 2021. However, the use of "protection" instead of "support" in the statute leads to confusion.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

No legislative changes, but a new policy directive for Public Prosecutors stresses the right to receive written acknowledgment of complaints.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

New policy directives ensure that victims are informed of judicial decisions that may affect their status, but there have been no legislative changes.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

No significant changes; challenges remain with guaranteeing interpreters for non-Portuguese speakers, especially at first contact with the authorities.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

New services have been created, such as shelters for men and LGBTQ+ victims through memoranda of understanding between the General Prosecutor's Office and Victim Support Organizations (VSOs).

ARTICLE 10: RIGHT TO BE HEARD

The right to be heard has been bolstered by new regulations allowing victims to review and sign their statements, thus making them official in the investigation phase.

ARTICLE 13: RIGHT TO LEGAL AID

Amendments to the law now grant free legal aid to victims of domestic violence, considering them to have insufficient economic means unless proven otherwise.

ARTICLE 14: RIGHT TO REIMBURSEMENT OF EXPENSES

No changes have been made to the existing legal framework.

ARTICLE 16: COMPENSATION

While compensation claims have slowly increased, awareness remains low, and long delays persist.

ARTICLE 18: RIGHT TO PROTECTION

Protection for victims of domestic violence has been expanded with new emergency protection measures, including restrictions on parental responsibilities.

ARTICLE 19: AVOIDING VICTIM-OFFENDER CONTACT

The legal framework is deemed sufficient by the government, with no changes introduced.

ARTICLE 20: PROTECTION DURING INVESTIGATIONS

Improvements include victim accompaniment by support workers during criminal proceedings, which has seen increasing usage by victims.

ARTICLE 22: INDIVIDUAL ASSESSMENTS

The law requires risk assessments for victims of domestic violence but has not been expanded to other crime types.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

No changes since 2018, though there is ongoing training for law enforcement and judiciary on handling child victims.

ARTICLE 25: PRACTITIONER TRAINING

New specialization courses for police officers on domestic violence have been introduced, but training on broader victim support remains inconsistent.

ARTICLE 26: COOPERATION AND COORDINATION

There are awareness-raising campaigns, and cooperation continues through international networks, though no formal changes in the legal framework have been made.

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ROMANIA

POSITIVE DEVELOPMENTS

Expanded Victim Definition: The definition of a victim has been broadened, particularly to include those impacted by domestic violence; children witnessing such violence now qualify as victims.

Support Services for Crime Victims: The creation of the Service for the Support of Victims of Crimes in 2019 provides a framework for victim support, though implementation remains inconsistent across the country.

Legal Reforms: New legislation, including the Parole Act 2019, has enhanced victims' rights, including the right to be informed of offenders' parole decisions.

Compensation Reforms: Victims can now access State compensation when offenders are missing or are bankrupt, simplifying the process when compared to its previous reliance on offenders.

2

GAPS AND CHALLENGES

Inconsistent Victim Support Services: The creation of victim support services at the local level remains limited, as services are only established if the demand justifies their existence. This results in uneven access across regions.

Limited Information Provision: While the legal framework mandates that victims be informed of their rights and case updates, in practice, these actions are not fully implemented. For example, victims are not always informed about parole decisions or offender releases.

Incomplete Application of Rights: Despite legislative changes, many victims still face difficulties in accessing support services, and judicial bodies often fail to properly apply victims' rights.

Inadequate Infrastructure: Existing courthouse and police station infrastructures do not allow for the full implementation of measures to protect victims from contact with offenders, particularly in older buildings.

3



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

The definition of victims was updated to align with the Directive, though it remains somewhat restrictive by excluding certain family members and limiting support to victims within specific relational contexts.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

While legislation mandates that information should be provided in accessible language, there is limited practical implementation, with interviews confirming that this right is often not respected.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION AT FIRST CONTACT

Victims are legally entitled to be recognized and informed from the moment they are identified. However, police officers often fail to properly identify victims, leading to inadequate support.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

A notable change is the requirement for the Court to notify victims when an offender is granted conditional parole. However, the implementation of this provision is still inconsistent.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

No significant legislative changes have been made. There is still a lack of trained interpreters and no mechanisms to ensure the quality of translation and interpretation services.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Victim support services have been established at the national level but are not uniformly available. Many regions lack the necessary services, and demand often dictates their availability.

ARTICLE 10: RIGHT TO BE HEARD

No changes in law or practice have been made to ensure that victims' voices are heard in proceedings.

ARTICLE 11: RIGHTS IN NON-PROSECUTION DECISIONS

No changes to this provision, and victims' ability to challenge a decision not to prosecute remains limited.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

The legal framework has been amended to limit restorative justice to specific cases, such as mediation between the victim and perpetrator, under certain conditions.

ARTICLE 13: RIGHT TO LEGAL AID

Free legal aid is provided for certain crimes, such as attempted murder or sexual assault, and for victims abroad, provided they meet the criteria.

ARTICLE 16: RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER

New legislation has created a state compensation mechanism, allowing victims to access compensation directly from the state when the offender is missing or bankrupt.

**ARTICLE 17: RIGHTS OF VICTIMS
RESIDENT IN ANOTHER MEMBER
STATE
ARTICLE 18: RIGHT TO
PROTECTION**

Relatives of victims of severe violence abroad may apply for financial aid via the Emergency Support Fund.

ARTICLE 18: RIGHT TO PROTECTION

Individual assessments were implemented in 2018 but lack systemic follow-through, leaving victims' vulnerabilities inadequately addressed.

**ARTICLE 21: PROTECTION OF
PRIVACY**

Measures to protect the privacy of victims (in danger) include filing anonymous charges and redacting data from case files, but systemic challenges persist

**ARTICLE 22: INDIVIDUAL
ASSESSMENT OF VICTIMS TO
IDENTIFY SPECIFIC PROTECTION
NEEDS**

No significant changes, though weaknesses in implementation affect victim protection.

**ARTICLE 24: PROTECTION OF CHILD
VICTIMS DURING CRIMINAL
PROCEEDINGS**

No significant changes, but the government continues to prioritize the protection of children involved in criminal proceedings, including the introduction of the Children (Amendment) Act 2021.

**ARTICLE 25: TRAINING OF
PRACTITIONERS**

Training initiatives are improving but lack uniform implementation. A Ministry of Justice-developed victims' rights training is underway.

**ARTICLE 26: COOPERATION AND
COORDINATION**

Cross-border collaboration faces GDPR-related hurdles, though tools such as the European e-Justice portal exist.

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The Victims' Rights Directive Implementation Review: 2024-2025



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Victims' Rights Sustain Justice Across the EU



SLOVENIA

1

OVERVIEW

Directive Implementation: Slovenia has made significant strides in aligning its legal framework with EU Directive 2012/29/EU. Major amendments in the Criminal Procedure Act in 2019 and the Social Assistance Act have established support networks for victims. Despite these efforts, full implementation in practice remains an ongoing challenge.

Key Shift: New amendments have introduced extended victim definitions and new rights for victims, including the right to be accompanied by a trusted person and improved victim support services. The establishment of the first Children's House for victims of crime marks a significant milestone for child victim protection.





SLOVENIA

POSITIVE DEVELOPMENTS

2

Expanded Victim Definition: The Criminal Procedure Act amendments in 2019 broadened the definition of a victim to include family members of those who die due to a criminal offence and victims with special protection needs.

Introduction of Victim Support Services: Slovenia established a free support network for all crime victims, including a 24/7 helpline and victim support offices in Ljubljana and Maribor. The opening of the Children's House in 2022 provides comprehensive support to child victims of sexual abuse.

Improved Victim Protections: Legislative amendments in 2019 introduced new protections for victims, such as the right to be accompanied by a person of trust, and extended the right to receive information about their case from the first point of contact with authorities.

GAPS AND CHALLENGES

3

Implementation Gaps: While laws have been amended to align with the Directive, practical implementation of victim rights remains inconsistent, particularly regarding the use of special victim protection measures and support services outside major cities.

Lack of Comprehensive Support: The right to access victim support services remains underdeveloped in some areas, with services primarily focused on victims of domestic violence. There is also a need for more specialised services for vulnerable victims, such as those with disabilities.

Inconsistent Use of Individual Assessments: Though the Criminal Procedure Act mandates individual assessments of victims, particularly for vulnerability to secondary victimisation, these assessments are not consistently applied or utilised throughout the legal process.



ARTICLE 2: DEFINITION OF VICTIMS

Amendments to the Criminal Procedure Act in 2019 extended the victim definition to include certain family members of a deceased victim and individuals with special protection needs.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

A new right was introduced in 2019, allowing victims to be accompanied by a person of trust during proceedings. This amendment ensures victims are supported throughout the legal process.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION AT FIRST CONTACT

Victims must now be informed of their rights at the first point of contact, with information provided in an understandable format and adapted to the victim's specific needs.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

A new provision in 2019 ensures victims are informed about the status of their complaint, including the right to receive confirmation and translation services.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Victims are entitled to receive information about their case upon request, including updates on the status of criminal proceedings and final judgments.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Legal amendments ensure that victims have the right to use their language in proceedings and receive essential documents in translation. However, challenges remain regarding the availability of interpreters and accessible translation services.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

While Slovenia has introduced victim support offices in Ljubljana and Maribor, full implementation of the right to access victim support services across the country is still a work in progress, particularly for victims of non-domestic violence.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

New provisions introduced in 2019 require state prosecutors to inform victims of their intent to dismiss an indictment for serious crimes and allow the victim to respond or request additional information.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Slovenia has introduced the possibility of a settlement procedure, which allows the state prosecutor to defer prosecution if the victim agrees to certain reparative actions, though this is not universally applied.

ARTICLE 13: RIGHT TO LEGAL AID

The legal framework for free legal aid remains unchanged, but practical access has improved through services like the Barnahus and 24/7 helplines for domestic violence victims.

ARTICLE 16: COMPENSATION

No significant changes to this right, and compensation claims remain slow and difficult to process.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

No new developments regarding the rights of victims residing outside Slovenia.

ARTICLE 18: RIGHT TO PROTECTION

Legislative amendments in 2019 introduced new protection measures, including the use of experts during victim interviews and the protection of victims' personal data, including using protective walls and video conferencing.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

New measures have been introduced to protect victims from contact with offenders, such as recording victim testimonies and using technical means such as video conferencing.

ARTICLE 20: PROTECTION DURING CRIMINAL INVESTIGATIONS

Victim protection is indirectly ensured by the swift handling of complaints and investigations, though there is no specific regulation limiting victim questioning.

ARTICLE 21: PROTECTION OF PRIVACY

Victims can request the removal of personal information from case files to protect their privacy, though some concerns remain regarding the public disclosure of personal data.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

The Criminal Procedure Act now mandates the individual assessment of victims' protection needs, but implementation remains inconsistent across law enforcement and prosecutorial practices.

ARTICLE 23: PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

Protection measures such as recording testimonies and using technical devices such as video conferencing have been introduced, but their practical application varies.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Significant legislative changes ensure better protection for child victims, including the ability to exclude the public during hearings and using specialized facilities like the Children's House.

ARTICLE 25: TRAINING OF PRACTITIONERS

Extensive training programs for various professionals, including judges, police officers, and social workers, have been conducted, with positive feedback. Continued education is planned for 2023.

ARTICLE 26: COOPERATION AND COORDINATION

While Slovenia has made progress in cooperation, particularly through cross-agency working groups, full coordination of services remains under development.

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The BeneVict project also **broke new ground** by estimating the costs of victimization and the benefits of victim support in four countries—**Estonia, the Netherlands, Portugal, and Spain**. These findings equip stakeholders and advocates with evidence to **strengthen victim rights at the national level** and to support the EU in shaping future policies under the Victims' Rights Directive.

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The Victims' Rights Directive Implementation Review: 2024-2025



Just as Nutrients Fuel Health,
Victims' Rights Sustain Justice Across the EU



SPAIN

OVERVIEW

1

Directive Implementation: Spain has made notable progress in implementing the Victims' Rights Directive (VRD) via various legislative updates. Organic Laws 4/2015, 10/2022, and 8/2021 have significantly improved victim protection, especially for children and victims of gender-based violence.

Key Shift: The introduction of comprehensive legislation for children and victims of sexual violence has enhanced victim support systems. However, Spain's territorial division and devolved, autonomous community competences complicate the effective coordination of victim services across the country.



SPAIN

2

POSITIVE DEVELOPMENTS

Expanded Victim Protection: Legislative changes, particularly Organic Laws 8/2021 and 10/2022, have strengthened the rights of child victims and victims of sexual violence. These laws ensure comprehensive protections, such as increased support for minors and enhanced safety measures for victims of domestic violence.

Victim Support Services: Initiatives like the "Act of Information on the Rights of Victims of Crime," available to both the National Police and the Guardia Civil, provide clearer information to victims. Although victim support offices do exist, they are constrained by limited resources and territorial disparities.

Increased Rights for Minors and Vulnerable Victims: Legal reforms introduced in 2021 ensure greater protection for minors and victims with disabilities, including rights to avoid facing offenders in court.

GAPS AND CHALLENGES

3

Coordination of Victim Support: Spain's decentralised system leads to significant regional variation in victim support services. This results in a lack of coordination between services provided by different authorities, with the Victims' Assistance Offices experiencing resource shortages.

Implementation Challenges: While legal frameworks have been updated, full practical implementation across all regions remains inconsistent. There is still a need for clearer protocols and better coordination in applying new laws.

Partial provision of Specialised Services: Despite new provisions, specialised services for vulnerable groups like victims of sexual violence are still underdeveloped in some areas, requiring further attention.



ARTICLE 2: DEFINITION OF VICTIMS

The definition has been expanded to include family members of victims who have died due to criminal acts, and further protections for child victims of gender-based violence were introduced through Organic Law 8/2021.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

The 2019 amendments introduced the right for victims to be accompanied by a trusted person based on personal circumstances. This right has been incorporated into the Criminal Procedure Act to help victims understand and navigate legal processes

ARTICLE 4: RIGHT TO RECEIVE INFORMATION AT FIRST CONTACT

Organic Law 10/2022 mandates immediate information provision from authorities at the first point of contact, including before filing a complaint. This right applies specifically to minors as well.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

The law ensures victims are informed of their rights during the complaint process, but no changes have been made since its introduction in 2015.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Organic Law 10/2022 has expanded victims' rights to receive immediate information about their case without needing to request it. This has streamlined the notification process.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

Although legally recognized, the implementation of translation services remains inconsistent. There is a need for better training and clearer protocols for interpreters, particularly for non-verbal communication for those with hearing impairments.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

The 2022 amendment expanded the range of victims eligible for support, but challenges remain with limited resources and coordination. Victims of domestic violence have better access to services, while those facing other crimes may experience gaps.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

No changes since 2015. However, victims now have the right to challenge a dismissal decision in certain cases, increasing their participation in the process.

ARTICLE 12: SAFEGUARDS IN RESTORATIVE JUSTICE

Restorative justice remains voluntary and only applies in certain cases. Organic Law 10/2022 prohibits mediation in cases of sexual violence and gender-based violence.

ARTICLE 13: RIGHT TO LEGAL AID

The right to legal aid remains unchanged but has been extended to minors affected by violence through Organic Law 8/2021.

ARTICLE 16: COMPENSATION

Compensation procedures remain slow and have not been updated since the law's initial adoption.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

TICLE 18: RIGHT TO PROTECTION

No new provisions, but the Virtual Desk for Digital Immediacy (EVID) offers improved access to justice via video conferencing for victims across the EU.

ARTICLE 18: RIGHT TO PROTECTION

Recent amendments have strengthened protective measures for victims of sexual violence and domestic violence, including temporary suspensions of professional duties in cases of sexual crimes.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

Legal amendments ensure that victims, particularly minors and individuals with disabilities, can provide testimony without facing the offender, using video conferencing and other protective measures.

ARTICLE 20: PROTECTION DURING CRIMINAL INVESTIGATIONS

Improvements have been made by requiring gender-sensitive training for professionals handling victim testimonies, particularly for cases involving sexual violence.

ARTICLE 21: PROTECTION OF PRIVACY

Authorities are now encouraged to work with media outlets to protect victims' privacy and prevent re-victimization through public exposure.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Organic Law 10/2022 has extended individual assessments to include the victim's personal circumstances, improving the identification of specific protection needs.

ARTICLE 23: PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

The law now includes expanded protection for minors and victims of sexual violence, ensuring their testimony is handled in a way that minimizes harm.

ARTICLE 24: PROTECTION OF CHILD VICTIMS

New provisions ensure that children are not required to testify unless absolutely necessary, alternative methods are provided for delivering their testimony.

ARTICLE 25: TRAINING OF PRACTITIONERS

The law mandates training for professionals, with specialized provisions for handling child and sexual violence cases. However, the effectiveness of these programs still needs to be fully evaluated.

ARTICLE 26: COOPERATION AND COORDINATION

Although public authorities are tasked with promoting awareness campaigns, coordination between services remains fragmented, and there is no unified system across all regions of Spain.

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SWEDEN



OVERVIEW

Directive Implementation: Sweden does not have a national victims' law nor a centralised strategy for victims of crime. Victim-related policies are fragmented across different crime categories and specific victim groups, with limited improvements made to general victims' rights and services since 2018. Legislative changes focus on increasing victim protection, especially for women, children, and victims of organised crime.

Key Shift: The introduction of new crime categories such as "barnfridbrott" (a crime addressing children witnessing domestic violence) and legislative changes strengthening victim protections, particularly in domestic violence and organised crime cases, have improved the rights of specific groups.

1



SWEDEN

POSITIVE DEVELOPMENTS

2

Child Protection: The "barnfridbrott" law, effective since July 2021, treats children who witness domestic violence as direct victims of crime, allowing them to seek compensation.

Improved Victim Safety: New measures have improved the protection of victims and witnesses during criminal proceedings, such as the increased use of pre-recorded evidence in court to reduce victim exposure to potential threats.

Focus on Specific Victim Groups: Sweden has placed increased emphasis on protecting women and children, particularly through legislative changes aimed at domestic violence and sexual offences.

GAPS AND CHALLENGES

3

Fragmented Approach: Sweden lacks a unified national victim rights strategy, which results in inconsistent victim support services across its regions. The territorial approach creates challenges in the coordination of victim services.

Inconsistent Training: There is no comprehensive national training structure and/or curriculum for criminal justice professionals on victims' rights, leading to gaps in victim-focused practices across different sectors.

Limited Access to Services: Despite some improvements, victim support services, particularly for generic crime victims, continue to face resource constraints and lack sufficient coordination.



DATA ON THE IMPLEMENTATION OF VICTIMS' RIGHTS

ARTICLE 2: DEFINITION OF VICTIMS

Sweden has expanded the definition of victims to include children who witness domestic violence as direct victims of crime, allowing them to seek compensation under the new "barnfridbrott" law.

ARTICLE 3: RIGHT TO UNDERSTAND AND BE UNDERSTOOD

There have been no national changes; however, local organizations, such as Victim Support Sweden, have increased the availability of services in more languages, and the Swedish Courts now provide more victim-friendly information online.

ARTICLE 4: RIGHT TO RECEIVE INFORMATION AT FIRST CONTACT

The right to receive immediate information was enhanced in 2022, with the police required to inform witnesses of their rights and available support at the first point of contact.

ARTICLE 5: RIGHT TO MAKE A COMPLAINT

No changes to this article since the 2015 adoption of the Victims' Statute.

ARTICLE 6: RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

The law was amended in 2022 to automatically inform victims about their case status, eliminating the need for victims to request information.

ARTICLE 7: RIGHT TO INTERPRETATION AND TRANSLATION

No changes in the law, though there is an ongoing need for improved coordination and professionalization of interpretation services, particularly for non-verbal and alternative communication needs.

ARTICLES 8 & 9: RIGHT TO ACCESS AND SUPPORT SERVICES

Despite the introduction of centralized victim support services and improvements at the local level, access to support is still insufficient, with a notable gap in services for victims of crimes other than domestic violence.

ARTICLE 10: RIGHT TO BE HEARD

Legislative changes in 2021 made it easier for courts to use pre-recorded statements from victims to reduce re-victimization and exposure to threats during trials.

ARTICLE 11: RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

No changes to the law; however, victims have gained the ability to challenge certain decisions, such as the dismissal of criminal charges.

ARTICLE 12: RIGHT TO SAFEGUARDS IN RESTORATIVE JUSTICE

No changes in restorative justice practices, though the use of mediation and conciliation in cases of sexual violence and gender-based violence remains prohibited.

ARTICLE 13: RIGHT TO LEGAL AID

A negative development: Legal aid limitations introduced in 2018 restrict victims' access to legal representation in appeal cases, leaving some victims without protection during the appeals process.

ARTICLE 16: COMPENSATION

Sweden introduced a significant increase in compensation available to crime victims in 2022, making it easier to access and apply for compensation.

ARTICLE 17: RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

New legislation allows victims with protected identities from other countries to provide evidence in Swedish courts, facilitating cross-border cooperation in criminal investigations.

ARTICLE 18: RIGHT TO PROTECTION

Increased use of pre-recorded evidence in trials, along with enhanced penalties for those attempting to intimidate victims or witnesses, strengthens victim protection during criminal investigations and proceedings.

ARTICLE 19: RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

Courts have adopted measures such as separate waiting rooms for victims and witnesses. However, comprehensive victim-centric infrastructure for new court buildings has not been prioritized.

ARTICLE 20: PROTECTION DURING CRIMINAL INVESTIGATIONS

No legislative changes, but the existing laws continue to ensure prompt action during criminal investigations to minimize victim distress.

ARTICLE 21: PROTECTION OF PRIVACY

Privacy protections have been strengthened with new measures introduced in 2022, including protections for victims' personal information and new rules for crown witnesses.

ARTICLE 22: INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Sweden is developing a national guide for conducting individual assessments of victims, but implementation remains inconsistent.

ARTICLE 23: PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

New measures have been introduced, including the use of pre-recorded evidence for vulnerable witnesses and specialized facilities for child victims (Barnahus).

ARTICLE 24: PROTECTION OF CHILD VICTIMS

Sweden introduced the "barnfridbrott" law, ensuring children witnessing domestic violence are treated as direct victims of crime, with all corresponding rights.

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