

The Victims' Rights Directive

What does it bring?

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Did you know?

Every year, an estimated **15 %** of Europeans or **75 million people** in the European Union fall victim to crime.

The New EU rules on victims' rights that apply since 16 November 2015 bring major changes in the way victims of crime are treated in Europe. The Victims' Rights Directive lays down a set of binding rights for victims and clear obligations on EU Member States to ensure these rights in practice.

The aim is that all victims of crime and their family members are recognised and treated in a respectful and non-discriminatory manner based on an individual

approach tailored to the victim's needs. They change attitudes towards victims and place victims at the centre of criminal proceedings. The rules improve the situation of millions of victims in Europe.

They apply to all people who fall victim to crime in Europe regardless of their nationality.

The key victims' rights explained



1. Rights of victims' family members

When victims die as a result of the crime, their family members become victims too. Under the new rules, family members of deceased victims will enjoy the same rights as direct victims, including the right to information, support, protection and compensation. Family members of surviving victims also have the right to support and protection.

Ellie's husband was killed in a terrorist attack. From now on, she has exactly the same rights as any other victim of crime under the Directive, including the right to information, support, protection and compensation.

Tim's mother is abused and the crime is reported to the police. As the child of a victim of crime, Tim has the right to support and protection according to his individual needs.



2. Right to understand and to be understood

Under the new rules, all communication with victims must be provided in a simple and accessible language. The form of communication must be adapted to the specific needs of every victim, including, for example, needs related to age, language and any disability.

Alberto is a young child aged six and becomes the victim of a crime. All people who come in contact with him must use language that is adapted to his age. They must also make sure that they understand what he is trying to tell them.

Mathilda is autistic and falls victim to hate crime. The police and all those coming into contact with her throughout the court proceedings must ensure that information is provided to her in a way that is adapted to her needs.



3. Right to information

The new rules require that national authorities give victims a range of information concerning their rights, their case and the services and assistance available to them. For example, they must be informed about the type of support they can obtain, the procedure to make a complaint, how and under what conditions they can obtain protection, legal advice or compensation. The information must be given from the first contact with a competent authority and without delay.

If criminal proceedings are launched, victims - if they so wish - must be informed about their case including the time and place of the trial, any final judgement or important steps in the case. The victims should also be offered the possibility to receive notification about the release or escape of their offender.

Thomas is a British citizen on holiday in Germany. His car is stolen and he reports the crime to the police however he cannot manage to explain all the details of what happened in German. The police arranges for an interpreter so he can explain what has happened and can receive information. He also receives an information sheet in English. When the investigation starts, he is kept up to date with the investigation, is informed about the decision to go forward with the prosecution and the date of the trial. When the offender is sentenced to prison, he is asked if he wants to be informed when the person is released.



4. Right to support

Member States must guarantee that victims have access to support services and must facilitate the referral from authorities to such services. Support must be free of charge and confidential and available also to victims who do not officially report the crime. Support must include both general support services and specialist support services, such as shelters, trauma support and counselling specifically adapted to different types of victims.

Maya is a refugee fleeing from Syria. She falls victim to violence in Europe but does not want to officially report the crime to the police. A social worker gets into contact with her. The social worker refers her to a specialist support service, where she will find shelter and will receive information, advice and emotional and psychological support.



5. Right to participate in criminal proceedings

Victims are entitled to get a more active role in criminal proceedings. They have the right to be heard and be informed about the different steps of the proceedings. In particular, they must be informed if the offender will not be prosecuted and have right to have such a decision reviewed if they do not agree with the decision. They also have the right to compensation and if restorative justice proceedings are used in the national system, there are now safeguards in place to ensure victims' safe participation.

Emilie's case is dismissed due to lack of evidence. She requests the public prosecutor's office to review the decision and the case is checked by another prosecutor who finds additional evidence to base a prosecution. She is heard during investigation and at the trial. She files a compensation claim which is dealt with in the criminal proceedings and receives a decision on compensation from the offender at the end of the trial.



6. Right to protection and to individual assessment

Victims must be protected from both the offender and from risk of further harm by the criminal justice system itself. In order to determine their protection needs, all victims must receive an individual assessment to see whether they are vulnerable to further harm that may arise during the criminal proceedings. If so, special protection measures must be put in place to protect them during the proceedings and against any possible threat from the offender. Special attention is given to the protection of children.

László and his family are assaulted in their home by armed robbers. The police asked them about any possible needs for protection or assistance during proceedings. During the criminal investigation that followed, the questioning of the parents was kept to a minimum and was always conducted by the same police officer, and their children were only interviewed once by a specialised officer to avoid any risk of harm. When the case went to court, they could wait in a separate waiting room so they did not have to face the perpetrators outside the court room.