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REPORT ON THE PRACTICAL IMPLEMENTATION OF THE EU VICTIMS' RIGHTS DIRECTIVE 2018-2024



Victim Support
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DISCLAIMER

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The findings of the report are based on the data collected between October 2022 and April 2023 by national researchers. Any inaccuracies in the interpretation of national results lays with the authors of the present report only. The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date.

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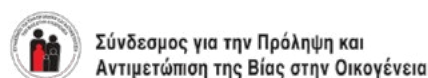
ABOUT THE PROJECT

In 2022, Victim Support Europe (VSE), the European network for the rights of victims of crimes has brought together 22 partner organisations, most of them VSE members, to support the EU and its Member States in their future action on common values and the implementation of the EU Victims' Rights Directive (VRD), EU Victims' Rights Strategy, as well as to support EU and Member State initiatives in further advancing the rights of victims of crimes.

The project was built on the findings of the previous EU initiatives, in particular the VOciare project, that VSE and partners have implemented in the period from 2017 to 2019, which resulted in the baseline report on the practical implementation of the 2012 VRD.

BeneVict partners have been:

- **Weisser Ring AU**
- **Bulgarian Center for Not-for-Profit Law**
- **Bijeli Krug**
- **Association for the Prevention and Handling of Violence in the Family**
- **Estonian Human Rights Centre**
- **Victim Support Finland through the Finnish Association for Mental Health**
- **France Victimes**
- **Weisser Ring DE**
- **European Public Law Organisation**
- **Crime Victims Helpline**
- **Rete Dafne**
- **BIEDRIBA SKALBES**
- **VILIAS**
- **Victim Support Malta**
- **SLACHTOFFERHULP NEDERLAND**
- **WSPIERANIA DZIALAN NA RZECZ OSOB POTRZEBUJACYCH POMOCY DROGA**
- **ASSOCIACAO PORTUGUESA DE APOIO A VITIMA**
- **University of Bucharest**
- **PIC PRAVNI CENTER ZA VARSTVO CLOVEKOVIH PRAVIC IN OKOLJA LJUBLJANA**
- **ATENIN Sociedad Cooperativa Andaluza de interés socia**
- **Victim Support Sweden**



ACKNOWLEDGMENTS

The Project BeneVict: Benefits of full implementation of the Victims' Rights Directive team wishes to thank the national researchers that have contributed to the collection and analysis of data which this report is based upon, namely:

Christine Tinzl, Tobias Körtner, Jana Hinterholzer, Susanna Lundell, Frida Wheldon, Isabelle Sadowski, Pauline Okroglic, Ciara Molloy, Michele Puckhaber, Andrea Poltronieri, Stefano Avedano, Santa Laimiņa-Rubene, Santa Skara, Anuška Podvršič, Katarina Bervar Sternad, Frederico Marques, Marta Carmo, Mafalda Valério, Krzysztof Wilczek, Agnieszka Zduniak, Dorota Dąbrowska-Cichorz, Nora Kunz, Eike Eberle, Vasiliki Artinopoulou, Lefkothea Stavrou, Theodora Lyberopoulou, Nicole van Gelder, Eva Fechner, Robin Fontijne, Algimantas Čepas, Rasita Adomaitytė, Dovilė Strazdauskaitė, Gabrielė Bielskutė, Agnė Revuckaitė, Mariana Crnogorac Mikulić, Paula Herceg, Fernando Moreno Moreno, Carmen García Ruiz, Enrique Anarte Borrillo, Andra-Roxana Trandafir, Dorel Herinean, Velina Todorova, Marieta Dimitrova, Zahari Iankov, Kelly Grossthal, Liina Rajaveer, Iro Michael, Andreas Petrides, Charlotte Portelli, Maroš Matiaško, Silvia Allegranza, Barbora Burajova, Anne Lemonne, Cécilia Talavera and István Szijártó.

The project team also wishes to thank those who responded to the online survey and those who cooperated with the national research teams by accepting their invitation to participate in the semi-structured interviews.

The team also wishes to thank Portuguese Association for Victim Support (APAV) for cooperating with Victim Support Europe for the development of the research methodology and the senior experts who provided input during the conceptualisation of the methodology: Antony Pemberton, Brit Tammiste, Frida Wheldon, João Lázaro, Hetty Burgmann, Vasiliki Artinopoulou and Levent Altan.

Finally, the team would like to thank Pamela Dalby for proofreading the report and Efthymios Antonopoulos and Maria Georgiou for revising our work.

ABBREVIATIONS

| | |
|---|---|
| APAV - Portuguese Association for Victim Support | LECRIM - Spanish Code of Criminal Procedure |
| BGA - Bureau de Gestion des Avoirs | MS - Member State |
| CCP - Code of Criminal Procedure | MPP - Model Provision's Paper |
| CIVI - Commission for Compensation of Victims of Crime | MARAC - Multi-Agency Risk Assessment Conference |
| CICS - Criminal Injuries Compensation Scheme | MPF - Maison de Protection des Familles |
| CRC - Committee on the Rights of the Child | Mol - Ministry of Interior |
| CSA - Conseil Supérieur de l'Audiovisuel | NCC - National Call Center |
| DEC112 - Digital Emergency Call 112 | NICHD - National Institute of Child Health and Human Development |
| DPP - Director of Public Prosecutions | NAP - National Action Plan |
| DPSUs - Garda Divisional Protective Service Units | NGOs - Non-governmental Organisations |
| EIO - European Investigation Order | OUG - Government Emergency Ordinance |
| ENVR - European Network of Victim's Rights | PAD - Protokollieren Anzeigen Daten |
| EVID - Virtual Desk for Digital Immediacy | RJS4C - Restorative Justice: Strategies for Change |
| FLO - Family Liaison Officer | RJ - Restorative Justice |
| GRETA - Group of Experts on Action against Trafficking of Human Beings | SES - Socioeconomic Status |
| IFJR - French Institute of Restorative Justice | SIAJ - Legal Aid Information System |
| INA - Individual Needs Assessments | StPO - German Code of Criminal Procedure |
| ITAS - Tourist Assistance Service | SWS - Social Welfare Services |
| JAM - 'Just A Minute' | UAPED - Paediatric Reception Units for Children at Risk |
| | VSA - Victim Support Agency |
| | VSE - Victim Support Europe |
| | VRD - Victims' Rights Directive |

EXECUTIVE SUMMARY

The BeneVict project aims to gain a comprehensive understanding of the reality of how the rights of victims of crime are implemented across the European Union (EU). It seeks to identify persistent challenges in the practical implementation of the Victims' Rights Directive (VRD) and provide a foundation for shaping the future of victims' rights. Spanning across 26 EU Member States,¹ the project combines research, advocacy, and capacity building to enhance both understanding and policy action thus ensuring better support and justice for victims of crime.

The BeneVict project builds on a body of work previously conducted by Victim Support Europe (VSE), its members and partners. In particular, in 2018, VSE led a partnership in the VOCIARE project,² which resulted in the publication of the baseline report on the practical implementation of the VRD across the EU.³ The present report evaluates progress made since 2018 identifying areas for further improvement.

The present report was developed from the work of dozens of researchers across 26 EU Member States, guided by a senior experts' team. The report is based on a comparative desk-research and engagement with more than 600 professionals⁴ to better understand successes as well as the challenges faced by millions of European victims of crimes.

Key Findings

When compared with the findings of the VOCIARE report⁴, the comparative analysis of the 26 EU Member States reveals that, since 2018, while progress with the implementation of the VRD has been made in many areas, core challenges persist. Many Member States have partially or fully transposed the VRD into national legislation, yet practical implementation remains inconsistent. Victims often face barriers to the full enjoyment of their rights, stemming from systemic shortcomings and a lack of coordination by relevant authorities.

Victims frequently face obstacles in understanding their rights and how they can demand their implementation, due to the use of overly complex legal language or poor communication.

1 All EU Member States, with the exception of Denmark, were included in the analysis. Denmark was not made part of the research, as they do not fully participate in the implementation of certain measures relating to justice and home affairs. Therefore, the participating Member States were: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

2 Victim Support Europe. VOCIARE : <https://victim-support.eu/what-we-do/our-projects/previous/prjct-vociare/>

3 Victim Support Europe, APAV, VOCIARE Synthesis Report: Victims of Crime Implementation Analysis of Rights in Europe (2019). https://victim-support.eu/wp-content/uploads/2021/02/VOCIARE_Synthesis_Report.pdf

4 Ibid.

Support services are not always available and are often unevenly distributed, with rural areas being particularly underserved. Although mechanisms that ensure victim referral to appropriate support services exist in many Member States, they are often limited to specific victim groups, such as victims of domestic or gender-based violence, or are conditioned by complex and unnecessary administrative requirements. This leaves most victims without access to adequate support.

An individual needs assessment, which is critical to understanding victims' protection needs – especially when it comes to secondary victimisation – should be conducted for all victims who report a crime and then revised throughout the criminal proceedings. Yet, in practice, such an assessment remains an exception rather than a rule, resulting in victims being exposed to apparent risks of intimidation and retaliation, as well as repeat and secondary victimisation.

Guidelines on conducting assessments, along with tools and training for professionals, are inconsistent across Member States. Translation and interpretation services are similarly problematic, with shortages of knowledgeable professionals and inadequate quality control. These deficiencies, in turn, result in undermining victims' participation in legal proceedings.

Compensation mechanisms are also a concern. Victims often lack awareness of their eligibility for compensation, while the compensation process is hindered by complex procedures, long delays, and insufficient financial awards. Simple solutions that stem from the VRD, such as deciding on victims' compensation requests during criminal proceedings, are rarely applied. Taking their compensation request to a civil court means victims losing any protections granted to them by VRD; they are thus faced with either exposing themselves to further secondary victimisation or foregoing compensation for their suffering.

The training of professionals who work with victims largely remains ad hoc, limited and non-standardised in terms of who is trained and by whom, for how long, with which frequency, and on what topics.

Areas of Progress

Whilst numerous problems have been noted since 2018, many EU Member States have adopted new legislation and implemented policies that are related to victims of crimes. Early indicators of such initiatives point to promising advancements for the rights of victims of crimes.

Many Member States have expanded crime definitions and introduced new types of crimes in their legislation, to cover harmful behaviours that had previously not been specifically criminalised (e.g. stalking) or to give more precise meaning to crimes that had previously existed (e.g. rape), as well as to introduce targeted support mechanisms.

Technology, such as online crime reporting, participation in legal proceedings at a distance, and digital tools for victim support, has played an increasing role in enhancing victims' access

to their rights. Improved privacy protections have also been implemented in some countries, offering victims greater safeguards.

Victim support services continue to be established across the EU, diversifying the types of support they provide and creating more shelters for vulnerable victims.

However, most of the changes that have taken place since 2018, have largely been focused on crimes that disproportionately affect certain groups of persons (gender-based violence and domestic violence), crimes against particularly vulnerable victims (children) and victims of crimes that are of a particular interest for the society as a whole (terrorism).

Such changes, targeting specific groups of victims, can be expected to improve responses to the needs of the affected groups. However, such focused action is usually undertaken in the absence of broader initiatives that would guarantee the rights of all victims of all crimes. While it may be argued that prioritisation of certain groups of victims is justified, in the current circumstances, there is a high risk of two tiers of victims being created: the few groups whose rights are recognised and whose needs are responded to, and the rest of the victims who remain invisible to the system. Moreover, this fragmented approach to victims' policy is impeding effective implementation of rights for all – including the targeted groups. This is because crime harms, victims' needs, and the pathways through which they access services and justice are diverse and not solely determined by the type of crime. Moreover, solutions require multi-sector responses and multi-agency co-operation to be effective and efficient. As such without a comprehensive mechanism for assisting victims and facilitating access to and participation in justice for all, rights established in the VRD will always be greatly impeded even where action has been taken for some groups of victims.

Conclusion and Recommendations

The research results underscore the urgent need for a systemic, coordinated approach to fully implement the rights of victim of crime across the EU. While progress has been made, responses remain fragmented, leading to gaps in service provision and inconsistent protection of victims' rights. Future efforts must focus on creating a structured, long-term strategy that integrates support services across all sectors, ensures the consistent implementation of the VRD, and addresses the evolving needs of victims. This approach will require sustained investment, collaboration, and commitment from Member States and the European Commission to deliver meaningful improvements to the lives of victims of crime.

A systemic approach to victim support has countless benefits not only for victims of crime but for everyone involved: law enforcement officials, victim support workers, professionals working with victims or in other supportive professions, and society at large.

Specific recommendations on bringing a systemic approach to reality are outlined in the Conclusions and Recommendations chapter of this report. The same chapter contains

recommendations on the most critical topics outlined above: information, referral, individual assessment, compensation, and training, among others.

In next few years, Member States will have to implement a range of new victims' laws on violence against women and domestic violence, human trafficking, child sexual exploitation and more. An updated VRD is also likely to be adopted in 2025. This makes it critical that the EU and its Member States adopt a strategic, systematic, and co-ordinated approach to maximise access to rights and services for victims. This requires a balanced focus on solutions that benefit all victims and those that address the needs of specific victims; skills development to embed victim-centred practices within the values and goals of criminal justice professionals and others who work with victims; and integrating victim-focused solutions across various sectors.

The BeneVict conclusions encourage the adoption of new national Strategies, laws, policies, practices and funding mechanisms that will make a genuine difference to the lives of all victims of crime. They press for reforms to the Victims' Rights Directive, while also safeguarding and building on the progress made since the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and abuse of Power.

I. INTRODUCTION

In 2012, the European Union adopted its first ever compulsory legal instrument that has set a minimum standard regarding the guarantee of the basic of all victims of all crimes – the EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime – better known as the Victims' Rights Directive (VRD). This ground-breaking instrument has been built on a body of policies and legislative initiatives – both at the EU level and within the Member States. This body of work had for decades been aiming at recognising the impact of the crime on its victims and responding to the needs of all victims of all crimes – understanding that crime can happen to anyone and that all victims have different needs that the States have a responsibility to respond to.

While many Member States have been working to recognise the victims and respond to their needs, it is beyond doubt that the adoption of the VRD in 2012 has pushed many others to start developing national victim support frameworks⁵ in response to the legal requirements of the Directive.

Yet, full implementation of the VRD is far from achieved. Since 2016, infringement proceedings against 21 Member States have been instigated for their failure to transpose the Directive. In most MSs, victims' experiences – of justice and support services – remain unsatisfactory. At the same time, there is limited evidence that can help us understand the basic elements of victimisation: its scope, impact and costs; and the benefits of victim support. In 2019, the VOCIARE project⁶ identified several issues with the practical implementation of the Victims' Rights Directive. Building on the challenges identified in the VOCIARE synthesis report⁷, the BeneVict project aims to improve the implementation of victims' rights and support the European Commission in its implementation of the Strategy on victims' rights 2020-2025⁸ and the crafting of the future of victims' rights in the EU.

The present report focuses on one key project element: the analysis of the VRD's implementation, specifically the report looks into changes that have occurred since 2018 in legislative and policy frameworks, as well as in how victims' rights function in practice, across the 26 implementing Member States.

5 For more details on operations of national victim support frameworks, see Victim Support Europe, National Framework for Comprehensive Victim Support, 2022: https://victim-support.eu/wp-content/files_mf/1673427018NationalFrameworkforComprehensiveVictimSupportcompressed.pdf

6 Victim Support Europe. VOCIARE, <https://victim-support.eu/what-we-do/our-projects/previous/prjct-vociare/>

7 Victim Support Europe, APAV, VOCIARE Synthesis Report: Victims of Crime Implementation Analysis of Rights in Europe (2019). https://victim-support.eu/wp-content/uploads/2021/02/VOCIARE_Synthesis_Report.pdf

8 European Commission. EU Strategy on victims' rights (2020-2025), https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/eu-strategy-victims-rights-2020-2025_en

VRD State of affairs

In July 2023, following a decade of the Directive's implementation, the European Commission published a proposal for an amended Victims' Rights Directive. This proposal was developed on the trail of the evaluation of the VRD, completed by the Commission in 2022.

The evaluation indicated that over the first ten years of its implementation, the Victims' Rights Directive has greatly contributed to improving the lives of victims across the EU. It has enhanced victims' safety and reduced the risk of negative effects from the participation in criminal proceedings and from contacts with the offender. However, the evaluation also indicated that there are still times when not all victims can fully rely on their rights, due to a lack of clarity and precision in the drafting of some of the rights in the Directive. Shortcomings were identified in relation to victims' access to information, victims' access to support services and to protection in accordance with each victim's individual needs⁹.

Responding to the evaluation, the European Commission published a Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA¹⁰ - the Revised Victims' Rights Directive, which is expected to be passed in 2025.

While the Revised VRD appeared as an indication of the Member States' intention to improve the position of victims of crimes across the EU, VSE has expressed concern that, despite this endeavour, they appear to have little willingness to commit to enhancing victim rights¹¹. Namely, throughout the legislative process, the Member States have largely rejected or diluted the EU Commission's proposals, turning obligations into options. This undermined the potential benefit of the Revised VRD, leaving diverse crime victims inadequately protected and potentially harmed by the systems meant to protect them and deliver justice.

The present report, while looking into the implementation of the current VRD, sets the foundation for the implementation of the revised instrument, as it is set to ensure that a revised Victims' Rights Directive will serve all victims of crime in the most meaningful way possible. The research findings presented in this report aim to provide the evidence necessary to formulate much-needed answers to the complex questions of victims' rights.

9 European Commission. *Victims' rights in the EU*, https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/criminal-justice/protecting-victims-rights/victims-rights-eu_en

10 EUR-Lex. *Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52023PC0424>

11 Victim Support Europe, *Joint Statement in Reaction to the Council Position on the Victims' Rights Directive Revision*, 2024, <https://victim-support.eu/news/joint-statement-in-reaction-to-the-council-position-on-the-victims-rights-directive-revision/>

Methodology

In 2018, VSE and its partners conducted research to identify issues related to the practical implementation of the Victims' Rights Directive through the VOCIARE project¹². The research findings informed a series of EU actions in the field of victims' rights, including the Victims' Rights Strategy and other initiatives. Although the previous research has positively contributed to the work of VSE, its members, and various stakeholders in the EU and beyond, many of its findings are now out of date.

The BeneVict project provides an insight into the practical implementation of the VRD in 26 EU Member States from July 2018 (the cut-off date for the findings in the VOCIARE report) until April 2023 (the cut-off date for the present research). The analysis aims to contribute to a greater understanding of specific actions and solutions which are needed to improve both the implementation of the VRD and the overall improvement of victims' rights across the EU and beyond.

To conduct the analysis, VSE, with the support of various professionals across the EU¹³, developed a comprehensive research methodology consisting of multiple research tools. The original VOCIARE research tools were consulted and adapted to reflect the scope of the research.

National researchers collect both primary and secondary data using the following research tools:

- Desk research;
- Online survey;
- Semi-structured interviews.

The desk research and survey were designed to provide a better understanding on what data are missing or are incomplete and should be sought further through the interviews. Both tools were complementary and could be used in parallel as researchers saw fit.

The interviews were conducted during the final stage of the data collection process after reviewing the data amassed previously. An online data collection practices form was used by the national researchers to mark which data are available.

The survey received 492 responses from victim support professionals, police officers (or similar competent authority representatives), prosecutors (or equivalent), judges, and policy makers from every participating Member State. Project partners conducted more than 120 interviews with professionals working with victims of crime in all participating countries (judges, prosecutors, lawyers, police officers, victim support professionals, and managers of victim support organisations). More information on the research tools can be found in Annex I.

¹² VOCIARE Synthesis Report

¹³ In particular, the development of the BeneVict methodology was supported by the Senior Experts Team

Intersection between different provisions of the Directive

The impact of trauma, specific vulnerabilities and socio-cultural differences all influence a victim's ability to understand the information provided. If victims are not properly understood, authorities will not be able to apprehend their situation and assess their needs. Thus, they will fail to offer measures that are best suited to the individual's circumstances, which can result in secondary victimisation, as victims may feel ignored and marginalised by the process. Furthermore, if victims cannot understand what is being asked of them or the purpose of their engagement with the authorities, they may face difficulties in articulating their circumstances and their vulnerabilities, which can lead to a lack of protection. Therefore, ensuring that victims are both **understood and able to understand** is critical to the effective implementation of the entire Directive.

The full enjoyment of the right to understand and be understood from Article 3 of the VRD is closely related to the due implementation of Article 4 of the VRD¹⁴. Namely, Article 4 sets out the requirement for Member States to provide victims with information on available support, relevant procedures, access to legal advice and other essential rights.

Giving victims information that is customised to their individual circumstances, whilst guaranteeing that the content is easy to understand, enhances victims' ability to comprehend the information provided. This is particularly relevant in the context of Article 7 of VRD, which guarantees the right of victims who do not speak the language of the official proceedings to interpretation and translation. The implementation of this provision is of fundamental importance for victims who do not use the language of the proceedings.

Moreover, Article 22, specifically the right to individual needs assessment (INA)¹⁵, must also be considered in conjunction with the entirety of the Directive. Namely, INA is used to identify victims' needs for protection from retaliation, intimidation, repeat and secondary victimisation. However, without the effort to ensure that victims understand and are understood in the proceedings, it is difficult to imagine a sufficient basis for an accurate and relevant assessment of needs to be conducted. This is particularly relevant for the protection from secondary victimisation – which victims regularly experience through their interactions with the authorities.

This interplay between different provisions should be given serious consideration when Member States implement the Directive.

Priority Articles

While the implementation analysis covers the entirety of the Directive with data available on 25 articles of the Directive in 26 EU Member States, nine priority articles were selected as a focus

¹⁴ See section on Article 4

¹⁵ See section on Article 22

of the analysis. Priority articles refer to those articles which have seen the most challenges with their implementation, as confirmed by previous research. This includes the European Commission's evaluation of the Victims' Rights Directive¹⁶, the VOCIARE Synthesis report¹⁷, the IVOR report¹⁸, and Victim Support Europe's policy paper on compensation¹⁹.

Based on the aforementioned research, the nine priority articles selected were:

- **Article 2 – Definitions**

According to the VOCIARE report²⁰, there were concerns about the definition of family members who can be considered as victims. Not all Member States include in the legal definition of family members as envisaged by the Directive, preventing those excluded from enjoying the rights set forth in the Directive and in national legislation²¹. Furthermore, the European Commission found that the definitions of 'victim' and 'family member' have been interpreted differently in several Member States. This can impinge on certain victims' rights. For example, Member States may use the VRD to limit the number of eligible family members to discriminate against certain victims/relatives (e.g. same-sex partners)²².

Special attention was therefore paid to the definitions of family members across the EU as well as the rights of same-sex partners.

- **Article 4 – Right to receive information from the first contact with a competent authority**

Some of the main challenges in the implementation of Article 4 are related to the overall lack of awareness by competent authorities of certain victims' rights. Victims may also suffer because of their lack of knowledge about where to find information on their rights. For instance, evidence from the evaluation study shows that often neither the authorities nor the victims are aware of victims' right to lodge a criminal complaint and the right to receive an acknowledgment of the complaint. Moreover, in most Member States, competent authorities do not use language tailored to the victim²³.

16 EUR-Lex. COMMISSION STAFF WORKING DOCUMENT EVALUATION of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2022. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=SWD:2022:179:FIN>

17 VOCIARE Synthesis Report

18 APAV, *Final Report of Project IVOR – Implementing victim-oriented reform of the criminal justice system in the European Union*, 2016. https://apav.pt/apav_v3/index.php/en/1219-final-report-project-ivor-implementing-victim-oriented-reform-of-the-criminal-justice-system-in-the-european-union

19 Victim Support Europe. *A Journey from Crime to Compensation*, 2019, <https://victim-support.eu/publications/a-journey-from-crime-to-compensation-2019/>

20 VOCIARE Synthesis Report

21 Ibid.

22 EUR-Lex. COMMISSION STAFF WORKING DOCUMENT EVALUATION of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2022. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=SWD:2022:179:FIN>

23 EUR-Lex. COMMISSION STAFF WORKING DOCUMENT EVALUATION of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims

The VOciare report suggested that a number of indicators²⁴, such as: simplicity of language, adaptation of language, diversity of means, and follow-up²⁵ should be used as a measurement for compliance with the Directive's requirement that victims have effective access to and effectively understand information provided to them from their first contact with the competent authorities.

In view of this, BeneVict methodology required researchers to pay special attention to the availability of information in multiple formats and simple language, the authorities' knowledge of victims' rights, and the existence of follow-up procedures after the initial provision of information.

- **Article 7 – Right to interpretation and translation**

The lack of qualified interpreters and translators was identified²⁶ as an EU-wide obstacle to guaranteeing victims' right to interpretation and translation. The roots of this difficulty seem to be the lack of nationwide networks or registries of certified interpreters and translators in most Member States. Linked to this is the lack of State funding for the establishment of such registers. Often the poor investment in training of interpreters and translators on criminal legal matters and the lack of quality control of interpretation and translation whenever these services are provided, jeopardise victims' rights and their due participation in the proceedings.

The European Commission also found that there is a lack of professional translators and interpreters²⁷, especially when the requirement to have professional interpreters has not been made mandatory. Their analysis shows that even in cases of complete transposition into the legislation, access to certain rights, as is the case with interpretation and translation, is hampered by practical difficulties.

- **Article 8 – Right to access victim support services; Article 9 – Support from victim support services**

According to the IVOR report²⁸, few Member States can provide generic victim support services at the national level. Mostly, victim support is either present at the regional or local levels, or it deals with specific categories of crime, limiting access by other victims of crime. A lack of funding seems to be the main reason for this constraint, but respondents also identified other problems, such as the lack of coordination between victim support

of crime, and replacing Council Framework Decision 2001/220/JHA, 2022. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=SWD:2022:179:FIN>

24 VOciare Synthesis Report

25 Ibid.

26 Ibid.

27 EUR-Lex. COMMISSION STAFF WORKING DOCUMENT EVALUATION of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2022. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=SWD:2022:179:FIN>

28 APAV, Final Report of Project IVOR – Implementing victim-oriented reform of the criminal justice system in the European Union, 2016. https://apav.pt/apav_v3/index.php/en/1219-final-report-project-ivor-implementing-victim-oriented-reform-of-the-criminal-justice-system-in-the-european-union

services (which is surprisingly better with criminal justice authorities, i.e. the police) and a lack of awareness about victims' rights and needs (which remains the main responsibility of NGOs working with victims of crime).

Meanwhile, the European Commission notes²⁹ that the lack of specific quality standards in the Directive negatively impacts the quality of the services provided. As a result, service standards vary greatly, not only across Member States, but also within the same Member State. Furthermore, while the Directive states that services should be free of charge, victims of crime still face difficulties with expenses they may incur, such as travelling to the location of the services or charges for interpretation and translation.

Therefore, the BeneVict analysis focused on the availability and accessibility of generic victim support services at the national level, the availability of specialised services, and the quality – and ways to assess it – of services provided.

- **Article 12 – Right to safeguards in the context of restorative justice services**

According to the VOCIARE report³⁰, most Member States do not have any form of restorative justice mechanisms in place. In the few Member States where these mechanisms exist, there is a generalised lack of knowledge about them: what they are, how they function, and in which circumstances they can be resorted to. The IVOR report argues that the fact that some experts require an explanation of what restorative justice is, demonstrates a certain unfamiliarity with the term and the practice. The present analysis therefore paid attention to any new restorative justice mechanisms, practices, programmes, and other relevant developments.

- **Article 16 – Right to decision on compensation from the offender during criminal proceedings**

Even when compensation from the offender can be requested within criminal proceedings, victims are often instructed to take their claim to a civil court; however, it is often difficult to guarantee that victims will indeed receive a compensation payment. Most of the time, this is due to the offenders' inability or refusal to pay compensation. Therefore, the State often takes on a subsidiary role which, in many Member States, may be subject to strict requirements and conditions³¹.

Overall, victims are united in their general dissatisfaction with the amount of compensation they received: 93.8 per cent of respondents from VSE's 2018 victims' survey were unhappy with the amount of their awards, claiming they were insufficient to meet their needs³².

29 EUR-Lex. COMMISSION STAFF WORKING DOCUMENT EVALUATION of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2022. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=SWD:2022:179:FIN>

30 VOCIARE Synthesis Report

31 Ibid.

32 Victim Support Europe. *A Journey from Crime to Compensation*, 2019, <https://victim-support.eu/publications/a-journey-from-crime-to-compensation-2019/>

The European Commission's report found that there were several obstacles regarding the right to a decision on compensation from the offender during criminal proceedings, such as cumbersome and lengthy procedures, as well as a general lack of awareness of this right by all concerned.

The present analysis focused on developments regarding emergency payments and advance payments of compensation by the State.

- **Article 22 – Individual assessment of victims to identify specific protection needs**

According to the European Commission, the main challenges around individual assessment are the lack of specific guidelines, protocols and practical procedures for conducting the assessments or the lack of awareness among practitioners of the importance of the assessments and what they should consist of [as well as] lack of training of the authorities who perform the individual assessment. There is no assurance that the individual assessment is conducted consistently and effectively where cooperation is not well established. [I]n certain cases, the lack of a secure tool for exchanging information between competent authorities prevents the effective implementation of the individual assessment when more than one authority is involved. Victims' specific needs can be protected only if there is an adequate individual assessment. Therefore, the challenges related to the implementation of the right to an individual needs assessment have a negative impact on the implementation of protective measures across Member States. [Best practices in this field] relate to the development of a practical questionnaire to facilitate the individual assessment of victims and make it possible to identify specific protection needs³³.

The VOCIARE report concluded that in the absence of regulations, guidelines or other instruments which create clear and transparent procedures on how, when and by whom the assessment should be performed, the evaluation of victims' protection needs is very much left to individual professionals' (usually police officers) sensitivity and perception of the case³⁴.

Against this background, the BeneVict analysis focused on any new tools, guidelines, mechanisms, or training developed for the implementation of individual assessment.

- **Article 25 – Training of practitioners**

The VOCIARE report found that many Member States fail to provide both general and specialised training for professionals on victims' rights, needs and protection³⁵. Even though issues such as victimology, victims' rights, and the protection of victims with

33 EUR-Lex. *COMMISSION STAFF WORKING DOCUMENT EVALUATION of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA*, 2022. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=SWD:2022:179:FIN>

34 VOCIARE *Synthesis Report*, p. 151-157

35 Ibid.

specific needs are now included in the curricula of practitioners in some Member States, most training initiatives are provided by civil society organisations, not the State, and in some cases with little or no additional financial support from the State.

Therefore, the present analysis focused specifically on funding, government-run programmes, and any new or innovative training programmes.

Importance of systemic approach

During the collection of data, BeneVict researchers worked hard to obtain relevant and accurate qualitative and quantitative data to be able to both perform an unbiased analysis and identify areas of progress as well as those still in need of improvement. While some criteria are more objective, such as the compliance of national legislation with the text of the Directive, others, such as VSE's position on certain topics, may be seen as being more subjective. However, VSE's positions are based on decades of research not only by VSE, but by other leading European organisations, policy makers, national victim support organisations, and statistics bodies.

The overarching theme of VSE's positions can be summarised as the importance of systemic approach. Time and time again, the significance of offering victims comprehensive and harmonised solutions rather than sporadic, one-off support has been made clear.

National framework model

VSE has been making an evidence-based argument that victim support “must be organised in a systemic, structured and strategic way that promotes everyone's role in assisting victims and addressing the impact of crime”³⁶. Indeed, in Member States where support for victims of crimes is delivered within the framework of long-term strategies, that support is more effective than in Member States where victim support is based on individualised, short-term decisions. Moreover, available research data shows that the economic and social benefits far outweigh any costs associated with implementing support systems.

The National Support Framework, developed by VSE, aims to change the way we ensure the implementation of the VRD, from that of a silo approach with each actor that the victims encounter on their journey to recovery operating in a single sphere and with a single perspective, to one where every entity coming into contact with victims does so from a victim-centred, human rights perspective. Consequently, instead of asking how a victim fits within a country's system, Member States should adapt their systems to ensure that impacts of crime on a victim are understood and appropriately addressed.

A national support framework will vary by country and its layout will depend on each Member State's legal system, national and cross-border referral pathways, the victim support network,

36 *VOCIARE Synthesis Report*

and availability of resources to respond to the needs of all victims. Nonetheless, the national framework should be designed to ensure that its organisation and its delivery of support for victims, is managed strategically in a way that formalises cooperation and coordination between government and civil society organisations working with victims of crime. Evidence indicates that the stronger and more supportive a victim's social network, the better the outcomes. Building greater societal awareness of how the public can help victims may have an important effect on improving resilience.

All-crime (generic) and specialist support within the national framework

When victims need support, they can turn to all-crime (generic) and specialist support services – whether run by civil society or by government authorities. Generic victim support offers assistance to all victims of crime, irrespective of the type of crime or the victim's situation; this essential service ensures no victim is forgotten and left without access to support. Specialist support is made available to only certain groups of victims, based on their specific situation.

Specialist services can be organised depending on a number of criteria. Based on the type of crime, for example, there may be specific services made available only to victims of e.g. terrorism, hate crime, stalking etc. Based on the personal characteristic of a victim, services may be available to children, women, persons with disabilities, members of an ethnic or religious group etc. Sometimes, services can also be organised around the type of service that is being offered – e.g. legal aid, psychological support, peer support etc. Naturally, sometimes a combination of one or two criteria can also be built into the core of the service. This is frequently observed in services for women victims of gender-based violence, but also in a number of other situations. Finally, in some complex situations, victims may need a multi-agency collaboration in order to ensure the response to their needs. This may include, for example, high-risk situations of domestic violence, specific needs of victims of terrorism and trafficking in human beings or responding to the needs of children victims.

Specialist support may be offered by organisations that only specialise in one specific type of support, or within a single all-crime (generic) support organisation.

Sufficient sustainable funding streams are required both to operate victim support services and to ensure that sectors interacting with victims employ trained professionals who understand victimisation, its impact, and the needs of victims. In addition, police need to be trained and empowered to ensure mandatory referrals to support services (unless a victim explicitly refuses to do so), to ensure that all victims receive appropriate, targeted and timely support. Key national actors such as victims' commissioners, victims' coordinators or specific governmental bodies

can be set up in a Member State to take the lead to ensure that laws, policies and procedures mainstream victims' rights, and that all sectors cooperate in a coordinated, efficient manner.

A combination of these different mechanisms and coordination between actors and sectors will have the greatest impact on victims who need protection, support and justice. These various methods for delivering and improving support services will help ensure a coherent and comprehensive response to crime from the victim's perspective³⁷.

Victim-sensitive approach

Professionals working at numerous organisations and institutions regularly come into contact with victims. For instance, law enforcement agents will often be the first point of contact for a victim after a crime. Justice professionals (prosecutors, judges, lawyers, etc.) will be in contact with victims throughout their journey in the criminal justice system. Victims will also often come into contact with healthcare practitioners, or social service staff when dealing with the consequences of a crime, whether immediate (e.g. physical injuries resulting from the crime) or in the medium and long-term (e.g. for housing needs, childcare placement or employment assistance).

VSE's national framework paper argues that a victim-sensitive approach must be implemented across these various institutions in order to ensure victims have the best chance at recovery. According to VSE, this victim-sensitive approach can be achieved by and/or practiced through:

- Identifying signs of victimisation and understanding the needs of victims;
- Communicating with (identified and potential) victims in a respectful and sensitive manner;
- Providing relevant information on victims' rights, available support and services, and on where to find more information;
- Directly connecting victims to internal or external stakeholders depending to their needs in accordance with data protection legislation³⁸.

VSE demands that all organisations and services must develop, and integrate within, a victim-sensitive approach for their service delivery and interaction with potential or identified victims. Such an approach should be achieved at three levels – within the leadership of the organisation, through the behaviour of the organisation's members, and within the organisation's structures, rules and policies. Thus, for example, front-line staff members should regularly receive appropriate training to identify, engage with and provide information to victims in a respectful manner³⁹.

37 Ibid., p.3

38 Victim Support Europe. *National Framework for Comprehensive Victim Support*, pp. 12-13. 2022. <https://victim-support.eu/publications/national-framework-for-comprehensive-victim-support/>

39 Ibid., p. 13

Safe justice

The formal concept of safe justice within the context of victims' rights in the EU is a relatively new concept, even though many of the notions comprising it are not new. Victim Support Europe defined safe justice as a "holistic, systematic, needs-driven, rights-based, victim-sensitive approach to justice which includes in its objectives upholding of victim's rights and the protection of the physical, psychological, and emotional safety of the victim, thus benefitting the justice system as a whole and supporting the creation of a fairer, safer society"⁴⁰.

The concept of safe justice is one where victims' rights develop from:

- The requirement to address any harm experienced by victims of crime (and any consequences thereof)
- The requirement to meet victims' needs which result from the crime
- The requirement to operate in a victim-sensitive way

These rights should subsequently be reviewed to achieve a fair balance, taking into account wider justice principles such as fair trial rights, impartiality, due process, non-discrimination, and balance of power⁴¹.

The concept of safe justice starts from the position that victim-centric strategies, laws, rights and policies, and practices in criminal justice should be designed to address any harm experienced by victims and to meet their subsequent needs. To achieve this, it must be victim-sensitive – following core principles of recognition, respectful treatment, empowerment, well-being and safety. These actions may then be adjusted to balance other principles of justice, such as fair trial rights, impartiality, due process, non-discrimination, etc.⁴² In practice, this entails:

- Diversifying reporting mechanisms and making them safer;
- Helping victims to be informed through multiple two-way communication techniques;
- Helping victims to be safe through effective individual assessment and protection measures;
- Enabling meaningful participation in proceedings through functioning rights to legal aid, reimbursement of expenses, etc.;
- Helping victims achieve restoration through compensation and beyond.

It is VSE's firm belief that achieving safe justice requires an integrated response, connected to a comprehensive framework of victim support and communication at the national level. It requires action by international and European institutions, by states, and by services and actors within justice systems: updating legislation, reviewing the functionality of national justice systems, addressing bias and inappropriate attitudes.

40 Victim Support Europe. *Safe Justice for Victims of Crime*, p. 18. 2023. <https://victim-support.eu/publications/safe-justice-for-victims-of-crime-discussion-paper/>

41 Ibid., p.18

42 Ibid., p.97

II. IMPLEMENTATION ANALYSIS

ARTICLE 2 - Definitions

For the purposes of this Directive the following definitions shall apply: a) 'victim' means: (i) a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence; (ii) family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death; 'family members' means the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim; 'child' means any person below 18 years of age; 'restorative justice' means any process whereby the victim and the offender are enabled, if they freely consent, to participate actively in the resolution of matters arising from the criminal offence through the help of an impartial third party.

Member States may establish procedures: to limit the number of family members who may benefit from the rights set out in this Directive taking into account the individual circumstances of each case; and in relation to paragraph (1)(a)(ii), to determine which family members have priority in relation to the exercise of the rights set out in this Directive.⁴³ As previously asserted by VSE, the definition of a 'victim' focuses on content and not on semantics and therefore, there is no issue with Member States using other terms, such as 'injured party' or 'civil party' as long as their rights are guaranteed in the same way⁴⁴. In view of this, in the majority of the Member States the definition of victim, understood in its substance and regardless of the other term used to refer to a victim, has all the elements foreseen in Article 2 of the VRD. In some Member States, more than one term to determine victim may be used, however, these definitions including a totality of different elements linked to the enjoyment of different rights from the Directive.

However, not all Member States have attained this level of recognition of the definition of victim. Already in 2018, concerns were raised as to the definition of family members who can be considered as victims, as not all Member States included in the legal definition of family members all persons envisaged by the Directive⁴⁵. As a result, persons who are recognised as victims in the Directive, have been excluded from enjoying the rights set forth in the Directive

⁴³ N.B. Article 2 of the VRD offers definitions of other key concepts, however, the analysis of the present report is focusing on the definition of the 'victim' as this particular notion is fundamental for their full enjoyment of the entirety of their rights guaranteed by the Directive.

⁴⁴ VOciare Synthesis Report, p.17

⁴⁵ Ibid.

and in national legislation. Moreover, the European Commission found that the definitions of ‘victim’ and ‘family member’ have been interpreted differently in several Member States⁴⁶. This can, of course, impinge on certain victims’ rights.

In light of the above, BeneVict researchers were tasked with looking into two main concerns: (1) whether same-sex and unmarried partners are considered to be family members across the EU; and (2) whether there are limitations on the number of family members or the degree of relationship of a family member when recognising an individual as a victim of crime in Member States.

Five years later, the same stands true: the way Article 2 is transposed into national legislation varies greatly. Most Member States use a definition of ‘a victim’ which either matches or is broader than that provided by the Directive.

Yet, since 2018, new legislation has been adopted in majority of Member States. As a matter of fact, only four countries reported no changes regarding the implementation of Article 2: **Finland, Greece, Latvia, and Ireland**. In many Member States, the legal definition of victims or family members has not changed but new legislation has increased the number of people who can be considered victims and their family members based on, for instance, what is considered to be a crime.

In **France, Portugal, and Sweden** children who have witnessed domestic violence are now considered to be direct victims of domestic violence. In **Portugal**, the change is already being implemented in practice. In **Sweden**, this was achieved by introducing a new type of crime – “barnfridsbrott” – or “child welfare offence”.

‘Victim’

In multiple Member States, the definition of a victim has been expanded or changed to fall in line with the Directive. In **Cyprus**, the definition of the term ‘victim’ has been expanded so that if a victim becomes incapable of exercising their will and judgment because of the crime, a family member can step in and exercise the victim’s rights instead. In **Estonia**, the new Victim Support Act (entered into force on April 1, 2023) defines a victim as ‘a person who has been harmed or killed as a result of a crime, violence, or crisis’. In **Austria**, the definition of a victim with specific protection needs has been slightly extended. In **Czechia**, an amendment to the Victims of Crime Act in January 2017 clarified the definition of a victim, on one hand limiting its scope (include only those who have suffered harm as a result of the offence, in comparison to the previous provision which included as victims family members of deceased victim regardless of whether they suffered any harm), and on the other expanding the protections granted to certain groups

46 EUR-Lex. COMMISSION STAFF WORKING DOCUMENT EVALUATION of Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, 2022, p.11. <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=SWD:2022:179:FIN>

of victims (by defining victims of terrorist attacks and senior citizens as vulnerable victims). In **Poland**, a new law came into effect on June 23, 2023, turning the definition of domestic violence into a much broader definition of family violence (to also include economic and cyber violence).

In **Italy**, the 2022 penal reform⁴⁷ introduced the term ‘victim’⁴⁸ (instead of a ‘person offended by the crime’) and considerably extended the role of family member beyond the scope established by VRD. Moreover, legal entities affected by the crime were granted the same rights as victims, although the VRD grants victim status only to natural persons⁴⁹. Therefore, the notion of a victim has been significantly expanded in Italy.

As mentioned above, while the definition of a victim has not changed in many MSs, in practice their rights have expanded and are applicable to many more individuals. For instance, in **Belgium**, the non-consensual dissemination of sexual images and recordings is now considered a crime. Similarly, in **Sweden**, while there has been no change in the definition of victim/injured party, there has been an extension as to which groups are to be included in the definition. In **Bulgaria**, a Supreme Court ruling expanded the circle of persons who can claim non-pecuniary damages as victims of the crime. In **Malta**, the Gender-Based Violence and Domestic Violence Act (2018) added further clarity by defining who can be considered a victim of these types of crimes. Overall, across the EU, definitions of a victim have become more specific in their wording and, at the same time, broader – including more family members and other individuals who can qualify as a victim as well as defining crimes which hadn’t been previously recognised.

In **Lithuania**, in 2021 a new Law on Victim Support was passed which introduced the concept of a ‘person who has suffered from a criminal act’ along with the concept of a victim (injured party) established by the Code of Criminal Procedure (CCP). These two concepts are almost identically defined, except for one important exception: The status of a ‘person who has suffered from a criminal act’ is granted to everyone who has suffered from a criminal act, **irrespective of whether the person has reported the crime**.

Portugal has implemented the use of template documents to assess a victim’s status⁵⁰. Currently, three types of status can be determined, each with its own procedures. Depending on the victim’s vulnerability and the type of offense committed against them, individuals can be assigned either the status of victim (i.e. applicable to all crimes), the particularly vulnerable victim status (i.e. applicable to victims of human trafficking, terrorism, domestic violence) or the vulnerable victim as a result of factors such as their age, health or disability.

47 Legislative Decree No. 150 of 27 September 2022

48 Art. 42 of the Decree No. 150

49 Art 42(2) of the Decree No. 150

50 Portaria n.º 138-E/2021, de 01 de julho. (2021). Available at: https://pgdlisboa.pt/leis/lei_mostra_articulado.php?artigo_id=3427X0002&nid=3427&tabela=leis&ficha=1&nversao

‘Family members’

In **Slovenia**, amending the Criminal Procedure Act brought an important shift in the status, role and rights of the injured party – the Slovene language equivalent for the victim. Namely, the definition of injured party now includes certain family members of a person who died as a consequence of the criminal offence.

In **Germany**, a definition of the term ‘injured party’ was included in the Code of Criminal Procedure⁵¹. The definition was made to also include ‘a person living in a joint household’, a lesser requirement than set out in Article 2 and one which expands the definition of ‘victim’. In the **Netherlands**, changes have taken place regarding the expansion of the definition of ‘family’ in the context of the right to be heard (Article 10). The foster and stepfamily of a deceased victim have namely been included as family members as of January 2023. This also applies to people who had a close relationship with the deceased victim and who took care of the deceased victim or were part of the deceased victim’s family.

In **Spain**, the concept of family member has been expanded, both regarding the access to precautionary measures and protection orders⁵².

Overall, in most Member States the definition of a victim either corresponds to or is broader than that provided by the Directive. New legislation in this area has mainly focused on broadening the scope of the definition of a victim by including additional family members. Finally, while some countries have not changed their definition of a victim, they have passed laws on new types of crime or recognised certain witnesses as direct victims, therefore increasing the scope of the protections of the VRD to more people than before.

51 Section 373b, subsection 2, no. 2

52 Organic law 8/2021, of June 4 2021

ARTICLE 3 - Right to understand and be understood

1. Member States shall take appropriate measures to assist victims to **understand and to be understood** from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, including where information is provided by that authority.
2. Member States shall ensure that communications with victims are given in **simple and accessible language, orally or in writing**. Such communications shall take into account the **personal characteristics of the victim** including any disability which may affect the ability to understand or to be understood.
3. Unless contrary to the interests of the victim or unless the course of proceedings would be prejudiced, Member States shall allow victims to be accompanied by **a person of their choice in the first contact with a competent authority** where, due to the impact of the crime, the victim requires assistance to understand or to be understood.

Article 3 of the Victim's Rights Directive includes two key components. First, competent authorities must ensure that communication safeguards are implemented from the initial contact with victims and throughout subsequent procedures. This is to guarantee that victims fully understand their rights and the consequences of their participation in criminal proceedings, whilst ensuring that the authorities can effectively capture and understand the victim's perspective, needs, and concerns. Second, it stipulates that victims should have the right to be accompanied by a person of their choosing, at least during their initial contact with authorities, should they desire such support.

In 2018, VSE highlighted significant gaps in the implementation of Article 3 across the EU⁵³. While several Member States made efforts to establish communication safeguards, aimed at improving victims' ability to fully comprehend their rights and their involvement in legal proceedings, and enhancing the authorities' capacity to more accurately understand the victims, such measures frequently proved insufficient. As a result, victims' needs for both understanding and being understood remained inadequately addressed, limiting the effectiveness of the communication process.

Overall, the VOCIARE report indicated that much work was needed to ensure the full implementation of Article 3, and to ensure that victims can understand and are understood⁵⁴. Findings underlined that vulnerable groups, such as children, victims with disabilities or victims who do not (fluently) speak the language of the proceedings, face significant challenges in navigating criminal proceedings. Even so, promising practices that targeted groups, such as children with disabilities, that have particular communication needs, have been noted⁵⁵.

53 VOCIARE Synthesis Report, p.19-24

54 Ibid.

55 For example, in Finland, an easy-to-read brochure, "If you Become a Victim of a Crime", which offers victims practical assistance, was adapted for animation into Finnish sign language to improve accessibility for victims

However, many Member States have been found to heavily rely on standardised, one-size-should-fit-all forms and templates when communicating with victims. Although such standardised templates can be useful in guaranteeing consistency and in eliciting/providing basic information, they risk failing taking into account a person's individual needs and circumstances – therefore often offering too much of the irrelevant and too little of relevant and needed elements. In addition, the problem lies not in the actual use of such templates; it lies in the spoken and unspoken (body) language used and the insufficient efforts displayed by authorities to ensure that victims truly understand the information being communicated to them.

Effective and reciprocal communication requires more than simply the provision of passive information; it demands a proactive effort to tailor communication to victims' needs and circumstances. Moreover, it has been demonstrated across the Member States that the ability to adapt information to the victim's needs largely depends on the skills of the person providing it, rather than on the use of any particular brochure or questionnaire. This reliance on individual capabilities creates a system of inequality, as the quality of information delivery depends solely on the individuals with whom the victims engage⁵⁶.

Since 2018, several changes have been made to enhance the implementation of Article 3, either through legislative reforms which strengthen existing legal frameworks or by practical implementation. The changes can be classified either as targeting the accessibility of the information provided or the tailoring of communication to meet a victim's specific needs.

Use of simple and accessible language

In a more specific sense, accessibility should be seen as a clear legal requirement stemming from Article 9 of the UN Convention on the Rights of Persons with Disabilities (UN CRPD), to which the EU and all the Member States are a party, and which sets out clear legal obligations regarding accessibility for persons with disabilities⁵⁷.

Seen as such, accessibility must be ensured to victims with disabilities as an underlying precondition to their enjoyment of any of their rights from the VRD. As the UN CRPD Committee has asserted, 'there can be no effective access to justice if the buildings in which law-enforcement agencies and the judiciary are located are not physically accessible, or if the services, information and communication they provide are not accessible to persons with disabilities'⁵⁸. The same may be said not only for the law enforcement and the judiciary, but for any other service that victims with disabilities may need to interact with in their journey after a crime.

with hearing impairments Ministry of Justice of Finland. (2015). *Rights of a crime victim & If you become a victim of a crime* brochures. Retrieved from https://www.youtube.com/watch?v=uuDIUJ8ArSg&list=PLBOD3s07Ie2wMR6gz9UHL8iJe_S-E7Nm

56 Victim Support Europe. (2022). *Transforming how we communicate with victims* (p. 27). https://victim-support.eu/wp-content/files_mf/1681918001TransformingHowWeCommunicateWithVictims_compressed.pdf

57 For a detailed analysis of accessibility for persons with disability, see UN Committee on the Rights of Persons with Disabilities, General Comment No 2., Article 9 – Accessibility, 2014, available at: <https://documents.un.org/doc/undoc/gen/g14/033/13/pdf/g1403313.pdf>

58 Ibid., p.37.

Accessibility in communication with victims is multifaceted. It can be understood in multiple ways and addressed by various means. Namely, accessibility in the broader sense means that when communicating with victims, the authorities remain empathetic, understanding of the victims' trauma and suffering and do not act in a way that may cause secondary victimisation. Moreover, this accessibility may also mean the removal of barriers for victims to reach out to the authorities – through a variety of channels (in person, through phone or text, or online) – all of which are accessible and easily understandable. To achieve accessibility of communication with victims, relevant actors may use clear and easy-to-understand language and the use of audio, visual or digital communication channels to enhance the victim's understanding of the information provided.

An increasing number of Member States, notably **Belgium, Hungary and Spain**, are enacting new legislation aimed at making information more accessible⁵⁹. In **Belgium**, since 2021 the College of General Prosecutors, has required that during key investigative and procedural periods, victims must now receive information which is provided in a clear understandable language; magistrates must oversee how such information is given to individual victims⁶⁰.

The new **Hungarian** Criminal Procedure Code (CPC) of 2018 defined how persons involved in criminal procedures must be informed of their rights and obligations during a procedure. According to the CPC, courts, prosecutors or investigative authorities must inform persons who are subject to procedural actions of their rights and obligations in an accessible manner and must further tailor such information to victims' personal circumstances. They should also ensure that individuals understand the information communicated to them and if they don't, further clarification must be provided.

In **Spain**, new legislation has focused on improving communication safeguards for children and adolescents⁶¹. The law now mandates that information provided to minors is to be clear and understandable, adapted to their language skills and is available in accessible sensory and cognitive formats. The legislation is supported by good practice, as highlighted by expert survey responses. One professional noted that *"From the very beginning, victims are fully informed in an accessible language. Protocols are in place to provide adapted information, differentiating by type of victim and crime."* Additionally, it was mentioned that both written and online information for victims has been modified to ensure better understanding, fully aligning with the principle of accessibility in practice.

Other Member States have implemented more practical, on-the-ground changes to further improve the accessibility of information and victims' understanding, either through the development of comprehensible materials or the execution of specific initiatives to enhance accessibility⁶².

59 BE, HU, RO, SI, and ES.

60 COL 10/2021

61 Organic Law 8/2021, Art 10(3)

62 EE, IE, LT, SK, and SE.

In **Estonia**, civil society organisations have helped advance these efforts: in 2022, the Social Insurance Board, in collaboration with MTU Vaimupuu, launched a project aimed at simplifying official texts for individuals with cognitive or sensory challenges⁶³. In **Lithuania**, the language of the standardised 'Letter of Rights', that the Office of the Prosecutor General updated in 2020, remained somewhat legalistic. In response, NGOs launched a variety of initiatives; for example, in 2020, the Human Rights Monitoring Institute set up a dedicated user-friendly and accessible website on victims' rights⁶⁴.

Despite efforts to improve accessibility and thus victims' understanding, several challenges persist; such as the practical application of new legal provisions. In **Slovenia**, the right to understand and be understood was introduced to the Criminal Procedure Act in 2019; it entails the right of victims to be informed of their rights in consideration of their needs and requires the communication to take place in an appropriate manner. While information is offered through multiple channels, including oral communication, written leaflets and online resources, accessibility remains a challenge. NGOs warn that the leaflets and online materials are too technical and are difficult to understand, and police officials have noted that the oral communication of victims' rights can be overly complex and challenging for victims to grasp.

Comparable limitations were noted in other MS. In **Romania**, although new legislation mandates the provision of information in simple and accessible language, the practical implementation still falls short, and the right is often not respected⁶⁵. One lawyer highlighted that judicial bodies are unprepared for communicating with victims, and as a result, victims are not well treated. The expert further noted that prosecution bodies sometimes hide behind technical language, thus avoiding any meaningful communication with the victim. Likewise, in **Poland**, the Ombudsman highlighted the difficulty victims face because of overly technical materials, which fail to meet the needs of those without legal education, leaving them without clear guidance.

In addition to the already noted shortcomings when it comes to communication with the authorities for persons with limited literacy, as well as for persons with disabilities, in **Germany**, the wording of Code of Criminal Procedure (StPO) has been criticised. Namely, relevant sections mandate that information is given to victims "*as early as possible*" and "*regularly in writing*". Critics argue that the phrase "*as early as possible*" should be replaced with "*at first contact*" to ensure timely communication and that written instructions "*must always*" complement oral explanations"^{66 67}.

63 Eesti Rahvusringhääling. (2022, January 13). *Ametlikke tekste hakatakse puuetega inimestele lihtsamaks muutma* [Official texts are to be made easier for people with disabilities]. ERR.ee. <https://www.err.ee/1608479288/ametlikke-tekste-hakatakse-puuetega-inimestele-lihtsamaks-muutma>

64 Nukentejusiems. (n.d.). Retrieved January 15, 2025, from www.nukentejusiems.lt.

65 Emergency Ordinance 24/2019, Art. I, points 9 and 10

66 VOciare National Report Germany, p. 25, <https://victim-support.eu/publications/vociare-national-report-germany/>

67 Bialon, Jörg; Opferschutz, 2020, p. 34.

In **Sweden**, police officers are required to give victims specific information at their initial contact, as per their legal duty; however, ensuring that the victims understand the information is not legally mandated. Thus, the effectiveness of this provision often depends on the interaction between individual officers and the victims, leading to inconsistent implementation of Article 3, as it largely depends on the personal inclinations of individual officers to make an effort that the victim is understood and that they understand the consequences of their engagement with the authorities.

Another challenge is the lack of assessment, as seen in **Bulgaria**, where no evaluations take place to assess the quality of information provided to victims to better understand their rights. Though 2018 amendments allow the police to use interpreters or explainers to assist victims who don't understand Bulgarian or have hearing impairments, there are no systematic efforts to ensure comprehension of the information provided⁶⁸. While a pending amendment suggests that victim notifications should be clear and comprehensible, the bill still fails to adequately address the needs of victims with mental disabilities. Furthermore, a recent study highlighted the significant challenges faced by victims with disabilities, who often have trouble accessing justice due to failures by investigators, prosecutors, and judges to understand them.

Tailored Communication

There have been limited efforts to improve the provision of information to vulnerable groups. In **Finland**, the Barnahus approach plays a pivotal role in ensuring communication with children is both child-friendly and age-appropriate as it adapts interaction to the child's level of maturity, understanding, and unique needs.⁶⁹ By tailoring communication in this way, children can better comprehend the information being shared and are also able to express themselves more clearly. Similar approaches are identified through the Barnahus model in a number of other Member States⁷⁰.

In terms of communicating with vulnerable groups, **Slovakia** and **Malta** provide notable examples of training of practitioners. In **Slovakia**, the Ministry of the Interior (Mol) has implemented training programmes aimed at enhancing the skills of police officers in identifying and addressing the needs of victims with special protection needs. This includes training on the specific situations and requirements for communication with victims with disabilities, children, and those affected by domestic or sexual violence. Similarly, in **Malta**, the 2021 legislation introduced stronger protections for victims with specific needs, such as children, which amongst others included measures ensuring that interviews with vulnerable groups are conducted by trained professionals.

68 Interviews with the lawyer, working with a victim support service, and a judge.

69 Barnahus-hanke. (n.d.). Barnahus-hanke. <https://barnahus.fi/barnahus-hanke/>

70 For a comprehensive overview of Barnahus approach, see e.g. Barnahus Network, available at: <https://barnahus.eu/en/about-us/>

In contrast, **France** faces challenges in the availability of trained professionals to communicate with victims with specific protection needs, particularly victims with disabilities. In the absence of sufficiently and appropriately trained professionals, victims are often given too much information which can hinder their ability to understand more relevant rights.

Changes in legal frameworks were also noted. In **Hungary**, new procedural regulations have been established regarding individual needs assessment and ensuring tailored communication for victims. These regulations specify that a victim may enjoy procedural guarantees if they experience difficulties in understanding the procedure or in being understood during it. Clearly stating that a victim who struggles to understand the criminal process qualifies as someone requiring protection measures represents a significant advancement in the application of Article 3, as it encourages the relevant authorities to enhance their communication with such victims throughout the criminal proceedings. This new rule marks a notable improvement compared to the previous CPC, which merely laid out a general rule on the provision of information.

Similarly, in **Czechia**, amendments to the Law on Victims of Crime highlight the need to provide victims information in consideration of their age, mental abilities, literacy, health (including mental state)⁷¹. The law further stipulates that the information provided to both the victim and any concerned close person must be tailored to their specific needs, ensuring that it is relevant to the nature and seriousness of the offense. While this requirement is clearly made with respect to Article 4 of the VRD, its consequences result in better understanding between the victim and the authorities – hence showcasing how interrelated Article 3 and 4 of the VRD are.

In **Italy**, while no significant legislative changes have taken place, the ‘Progetto Azzurro’ project is dedicated to child victims and offers useful information, using simple, child-friendly language.

In September 2021, the ‘Just a Minute (JAM)’ card initiative was launched by the judicial authorities in **Ireland**. This card allows people with a learning difficulty, autism, or a communication barrier to tell others that they need just a minute discreetly and easily. Those who display such a card will receive an additional amount of time to deal with their query. It allows victims to disclose their condition in “a simple, effective non-verbal manner” to receive additional support^{72 73}.

The right to be accompanied by a person of choice

Article 3 obliges competent authorities to respect the right of the victim to be accompanied by an individual of their choosing during their first contact with the authorities. The presence of a close person is thought to offer practical and emotional assistance to the victim and provide moral support during the reporting phase of the crime. This can help minimise secondary victimisation and enhance the likelihood of victims both understanding the information they receive and being understood.

⁷¹ Amendment no. 130/2022

⁷² Courts Service. (2022a). *Courts Service Annual Report 2021*. Courts Service, p. 26.

⁷³ JAM Card, <https://www.jamcard.org/>

According to the VOciare report, although the right to be accompanied by a trusted person is legally enshrined in most Member States, and may even be mandatory in certain situations (e.g., in cases involving minors or victims with disabilities), it is often the case that victims are not aware of this right and as such, fail to take advantage of it.⁷⁴ The reluctance of law enforcement officers to allow accompanying persons was also noted in several countries, despite this clear legal obligation. The reasoning for this failure to respect the rights of victims being that the victim's statement may be impaired or modified when a third person is present.

Through the current research, some changes and initiatives related to this right were identified.⁷⁵ A key trend has been raising awareness regarding the right to be accompanied by a person of choice. The *'WithYou'* project focused on enhancing practitioners' and victims' understanding of the benefits of accompaniment and developing practices which allow victims to be accompanied by victim support workers during judicial proceedings. This initiative signals an increasing commitment to a victim-centred approach. The project also supported the creation of dedicated websites promoting the right to be accompanied by person of victim's choice in Lithuania, Portugal, Croatia, France and Spain⁷⁶. An additional effort has been made in **Portugal**, to raise awareness of the right to be accompanied, despite it not being granted in all stages of criminal proceedings. Public prosecutors are now instructed to prioritise the right, particularly when victims request to be accompanied by a lawyer or trusted person.

Other Member States have seen legislative changes that have expanded the right of the victim to be accompanied, aiming to formalise accompaniment and make it more accessible. In **France**, the law of 22 December 2021 specified that informing the victims of their right to ask to be accompanied by an adult of their choice during any stage of the investigation or proceedings also includes being accompanied by a lawyer. However, some law enforcement officers refuse the presence of a third person – especially professionals (e.g., victim support worker) - when victims file a complaint. Current findings show that closer collaboration between victim support associations and police officers simplify and facilitate the presence of victim support professionals at the victim's initial contact with the authorities. As a result, the right to be accompanied has become more accessible to victims and legal professionals. Having been part of the "WithYou" project, dedicated to victims and witnesses' accompaniment in the justice system, France also runs a webpage containing information on the right to be accompanied⁷⁷.

In **Slovenia**, an amendment of the Criminal Procedure Act in 2019 broadened the categories of victims eligible to be accompanied by a trusted person. While the legislation does not set any limitations on who this person of trust can be; in practice, the right is still often denied as the

74 VOciare Synthesis Report, p.22

75 CZ, FR, LT, PT, and SI.

76 The platform informs victims about their rights and extends the knowledge to the accompanying persons, ensuring that victims, witnesses, and support professionals are well informed. The Lithuanian version is available at: www.withyou.lt, the French at: <https://withyou-info.fr/>. Other language versions, however, appear to unfortunately have been discontinued.

77 With You. (n.d.). www.withyou-info.fr. Retrieved February 10, 2025, from <https://www.withyou-info.fr>

criminal procedure also prohibits participation to any other person who might be expected to testify in the criminal proceedings (e.g. if a family member may be expected to be called as a witness, they cannot be allowed to be present in the testimony of the victim – or else both of their testimonies may be found inadmissible by the court). Moreover, the person of trust is not allowed to speak or intervene to assist the victim during the proceedings, not even to facilitate communication. Hence, the role of the person of trust appears quite limited in practice. In view of the above, there appears to be a trend towards improving the right of victims to understand and be understood, propelled by the greater emphasis on making information more accessible, tailoring communication to victims' needs and recognising the right to be accompanied. These efforts reflect an increased awareness for the necessary clarity in communication.

Yet, issues still persist: inconsistent implementation of the right, a lack of training, and reliance on individual skills. Ongoing efforts are required to address these systemic challenges and should focus on enhancing the consistency and effectiveness of communication safeguards, ensuring that victims are genuinely understood, and fully supporting their ability to participate in proceedings with the accompaniment they need.

The effective implementation of Article 3 is fundamental for the implementation of the other rights from the VRD, since the effectiveness of other provisions depends upon it. As mentioned earlier, rights regarding INAs and access to information, as well as the right to interpretation and translation are linked to the understanding of victims and of the competent authorities and therefore MS must ensure a comprehensive framework that will produce accessible communications between two.

ARTICLE 4 - Right to receive information from the first contact with the competent authority

Member States shall ensure that victims are offered the following information, without unnecessary delay, from their first contact with a competent authority in order to enable them to access the rights set out in this Directive: the type of support they can obtain and from whom, including, where relevant, basic information about access to medical support, any specialist support, including psychological support, and alternative accommodation; the procedures for making complaints with regard to a criminal offence and their role in connection with such procedures; how and under what conditions they can obtain protection, including protection measures; how and under what conditions they can access legal advice, legal aid and any other sort of advice; how and under what conditions they can access compensation; how and under what conditions they are entitled to interpretation and translation; if they are resident in a Member State other than that where the criminal offence was committed, any special measures, procedures or arrangements, which are available to protect their interests in the Member State where the first contact with the competent authority is made; the available procedures for making complaints where their rights are not respected by the competent authority operating within the context of criminal proceedings; the contact details for communications about their case; the available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

The extent or detail of information referred to in paragraph 1 may vary depending on the specific needs and personal circumstances of the victim and the type or nature of the crime. Additional details may also be provided at later stages depending on the needs of the victim and the relevance, at each stage of proceedings, of such details.

Article 4 of the Victims' Rights Directive (VRD) requires that competent authorities—such as law enforcement agents, judges, prosecutors and other representatives of the competent authorities must proactively provide information to victims. By providing, at a minimum, the information specified in Article 4, the victims' position and capability to exercise their rights are strengthened, because only an informed victim is an empowered victim.

Successful implementation of Article 4 is not solely dependent on the provision of information but rather is conditional on the victims' effective understanding of it, as is clearly recognised by Article 3.

As a matter of fact, it is next to impossible to observe implementation of Article 4 without reverting to the requirements of Article 3 and the victims' right to understand. As VSE has previously argued, the following indicators may be employed to assess a Member State's compliance with the Directive's requirement that victims not only receive the information outlined in Article 4 but also effectively understand it: language simplicity; contextual adaptation; diversity of linguistic means; follow-up to monitor victims' understanding of their rights and offering information

again, whenever an opportunity arises⁷⁸. **Article 4 requires provision of information not only at the first contact with the authorities, but it insists on a continuous provision of relevant information throughout the proceedings and from the very first contact with the authorities.**

In the immediate aftermath of a crime, victims often experience heightened emotional distress. The shock, fear, and confusion associated with the crime and their participation in criminal proceedings can leave them feeling overwhelmed, making it difficult to fully comprehend or retain the information that may be provided. As a result, many victims may forget or remain unaware of their right to obtain information. Thus, merely informing victims of this right at the initial point of contact is not enough, this initial notification should serve as the starting point of a more comprehensive and proactive information strategy. Such an approach would ensure that victims remain informed and engaged throughout the process, with clear options for managing the information flow according to their preferences.

This can be achieved by regular follow-ups with the victims throughout the entirety of the investigative and judicial process⁷⁹. The system used should preferably be set up to assume victims' willingness to receive information, unless they explicitly refuse this right (the opt-out approach). The opt-out approach guarantees that victims are informed of their rights and that the case can progress without requiring additional effort on their part while retaining their ability to opt-out if they choose.

Additionally, the way information is provided should be accessible, clear, and sensitive to the victim's emotional and psychological state, ensuring that it does not exacerbate their distress or confusion. Authorities should understand that victims may have varying needs that are influenced by factors such as age, language proficiency or mental health status, necessitating tailored communicating strategies. For instance, victims with disabilities, or child-victims, may require additional support to ensure that they understand the information provided and can make informed decisions about their involvement in the case.

Against this background, just a routine provision of a copy of legislative texts is insufficient to satisfy the requirements of Article 4. Victims of crime should receive information that is easy to understand and simple to follow. Information that is provided to the victim must avoid complex language filled with legal terminology and professional jargon. Moreover, authorities are advised, when providing information to the victim, to consider factors such as age, personal circumstances at the time the information is provided, the nature of the crime committed against them, and the victims' communication and language needs. This requires that, as the case progresses through different stages of the proceedings, updates and additional information should be supplemented to respond to the circumstances of the case and of the victim, as they evolve.

⁷⁸ *VOCIARE Synthesis Report*, p.28-30

⁷⁹ See section on Article 4

To further enhance victim's understanding, information should be conveyed through a variety of communication channels. The reality is that more often than not, the provision of information is standardised and insufficient. Victims are often simply not given any information regarding their rights, unless they demand it specifically. When they are provided with information – it is usually a routine step, consisting of handing out leaflets or brochures, which are rarely adapted to the victims' specific circumstances, often using dry legalistic language or providing an overwhelming amount of information, most of which is irrelevant for the victim.

At the same time, providing information only orally, may not always be appropriate. For instance, depending on the severity of the crime, if victims are already traumatised at their initial contact with authorities, receiving complex verbal information on their rights can be overwhelming. In such cases, they may not be able to process the information they receive, increasing the risk that they will forget key details. Therefore, other means of provision of information, including websites, such as Infovictims, 116006 and other helplines, online chat platforms, mobile apps, but also, importantly, referral to victim support services, can also be utilised to ensure that relevant information is widely and easily accessible to whomever needs it⁸⁰.

While the first contact should focus on delivering the most critical information, subsequent follow-ups can ensure further information is provided, to correspond to the evolving situation. Repeated contact with victims ensures that they receive and can understand all relevant information and gives them more opportunities to ask questions or solicit further details regarding some elements of information.

The 2018 report identified several gaps which prevented implementation of the Directive across Member States⁸¹. A key problem in practice was the provision of overly complex, legalistic, or excessive information that victims, especially those in a state of distress, struggled to process. The inadequate training of first line staff on effective communication using simple, accessible language further compounded this problem. In many Member States provision of information was stockpiled into one single block of materials, overwhelming the victims and leaving them, as a result, without the crucial knowledge they required at the various stages of the proceedings. These findings demonstrated that Member States perceived the obligations outlined in the VRD to be merely procedural formalities, rather than measures that were supposed to genuinely ensure that victims can fully benefit from their rights.

However, BeneVict project is indicating that the implementation of Article 4 has evolved, with many countries making efforts to improve the clarity and accessibility of information that is provided to victims.

80 Infovictims is an initiative led by Portuguese Victim Support Association (APAV), in collaboration with a number of partner organisations across the EU. Infovictims provides country specific information to victims of crimes in a number of languages. For more details, visit www.infovictims.com

81 *VOCIARE Synthesis Report*, p.31-33

In **Estonia**, new materials were developed and updated in 2023; these include information about victims' rights and other relevant details, written in plain language. These materials, which are available in six languages, are linked to other resources such as web pages, phone numbers and feedback forms⁸².

In **Spain**, the National Police and Guardia Civil distribute the easy-to-read '*Act of Information on the Rights of Victims of Crime*,' to ensure that victims receive clear and easy to understand information. These guides facilitate the understanding of rights and procedures, promoting more inclusive access to justice and essential information from the first contact with authorities. In **Luxembourg**, an information sheet offering a comprehensive overview of victims' rights and available support is provided in 12 languages, to cater to the diverse population⁸³. Both these efforts reflect a broader shift towards improving the clarity and accessibility of information, while also recognising the need to offer victims multiple channels to better understand their rights and positions.

Belgium has also taken steps to ensuring that victims are properly informed by publishing a circular that is issued by the College of General Prosecutors in 2021⁸⁴. This circular explicitly requires information to be provided to victims in clear and accessible language and is, in part, a response to a growing focus on victims' rights, following the 2016 terrorist attacks which highlighted the need for greater clarity and support for victims.

Since 2019, the **Slovenian** Criminal Procedure Act has explicitly required competent authorities to inform victims of their rights in a manner that is both easy to understand and is tailored to victims' needs; this information must also be available in various formats during the initial contact.

In **Czechia**, the law was amended to broaden the scope of who can receive information, with the legislative reform stipulating that victims, legal persons and persons close to the victims all having the right to receive information about the crime; this includes institutions offering victim support⁸⁵. The information must be provided orally and in writing, to ensure that all parties are adequately informed from the outset. However, there are still some limitations to presenting the information in an accessible format, particularly for victims with mental disabilities.

Romania's legal framework has also evolved to improve recognition of the victim, and consequently their access to the rights that are guaranteed to them. In this vein, victims are now recognised immediately upon identification, regardless of whether a formal complaint is

82 Prokuratuur (Prosecutor's Office). (n.d.). Kuriteos kannatanule (Information for victims of crime). Retrieved from <https://www.prokuratuur.ee/et/kriminaalmenetlus/kuriteos-kannatanule>

83 Police Grand-Ducale. (2021). Infodroit - Information aux victimes en vertu de l'article 3.7 du Code de procédure pénale. Retrieved from <https://police.public.lu/fr/publications/2021/infodroit-justice-victimes-article-3-7-du-code-de-procedure-penale.html>

84 COL 10/2021

85 Amendment no. 130/2022

filed, thus granting them rights to information, support and protection⁸⁶. This approach fosters a more inclusive system, broadening the scope of information provision.

Despite these advancements, some Member States continue to face practical challenges when implementing these changes. In **Austria**, although the police try to communicate clearly and to provide written information on victims' rights, the language used often remains complex and difficult to understand. In **Cyprus**, while the official police website uploaded a publication on "*Crime Victims: Victims' Rights, Support and Protection*" in 2022, interviews have revealed that when victims receive materials on their rights, the language is frequently complicated which undermines its accessibility⁸⁷. In **France**, the information in leaflets given to victims tends to be long and overly complex, which reduces its effectiveness, as victims find the leaflets difficult to read and understand.

The 2021 National Audit Office Report in Sweden highlights the significant issues of poor training and communication⁸⁸. Namely, it was found that often, as staff lack appropriate training, victims don't receive the information they require, which hinders their engagement with the justice process. The report recommended the better tracking of and improved routines for information provision⁸⁹. In response, the Swedish Police Authority is working to enhance officers' communication with victims, especially during the initial contact phase. When it comes to the provision of information about available services, in Sweden the police are not allowed to show 'favouritism' for any specific service provider, but are required to put the victim in front of the impossible choice to find the most appropriate service themselves, based on an extensive list of all service providers who operate in a given area.

Similarly, in **Lithuania**, the Law on Victim Support requires that various "first contact institutions," including Emergency Response Centers, municipal administrations, social service agencies, and educational and health facilities, to inform victims of their rights⁹⁰. Nevertheless, no measures have been implemented to ensure that staff are sufficiently trained or equipped to deliver essential information on victims' rights, thereby limiting the efficacy and outreach of the law.

In **Romania**, while the Ministry of Justice has established a section on its website to inform victims of their rights, the language used is highly technical and difficult to understand⁹¹. All

86 art. 41 Law no. 211/2004

87 Cyprus Police. (n.d.). Information for victims of crime. Retrieved from <https://www.police.gov.cy/police/police.nsf/All/F253E8A980264C06C225880E00345D5F?OpenDocument>

88 The Swedish National Audit Office is part of Parliamentary control. They carry out both performance and financial audits throughout the whole chain of executive power. They are an independent organisation under the Parliament.

89 The Swedish National Audit Office. (2021). Effectiveness of the Police Authority's work to provide information to victims of crime. Retrieved from <https://www.riksrevisionen.se/en/audit-reports/audit-reports/2021/effectiveness-of-the-police-authoritys-work-to-provide-information-to-victims-of-crime.html>

90 Lietuvos Respublikos pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymas (Law on Victim Support of the Republic of Lithuania). (2021, January 20). TAR, Nr. 908, Article 9.

91 Ministerul Justiției. (n.d.). Drepturile victimelor infractiunilor. Retrieved from <https://www.just.ro/drepturile-victimelor-infractiunilor/>

the while, in the **Netherlands**, while victims can access easy to understand information on a dedicated website, research has shown that the information is not always appropriately tailored for children under 12, failing to account for their language development and cognitive abilities⁹².

In **Hungary**, victims' right to information is outlined in the Criminal Procedure Code (2017) and the Victim Support Act. Yet, there is no specific requirement for authorities to provide information at the first point of contact. Instead, a ministerial decree mandates that victims receive a leaflet outlining their rights, but this leaflet has remained unchanged since 2018. The lack of standardised regulations for police, prosecutors, or courts on how to inform victims at initial contact can lead to inconsistent practices. Police officers only hand out the leaflet and offer an oral notification of the victims' rights.

The timeliness of information provision also varies significantly across Member States, with some countries facing substantial challenges in meeting the requirements of the Victims' Rights Directive (VRD). In **Bulgaria**, victims often experience considerable delays, only receiving information after pre-trial proceedings have begun, in contradiction to the VRD's stipulation that victims are to be informed promptly upon first contact with authorities. In **Malta**, while changes have been made to ensure the delivery of timely and accessible information, the information given at first contact is often not comprehensive, nor is it delivered competently. It has been suggested that the police should avail of a simple leaflet outlining available victims' services; this suggestion has yet to be implemented.

By contrast, in **Spain**, a 2022 amendment requires victims to receive information, immediately and without any unnecessary delays, from the first point of contact with authorities⁹³. This is a notable change from the previous law, which did not specify the immediacy requirement. The Spanish legal framework also stipulates that the information provided to victims shall be tailored to their individual circumstances, the nature of the crime and the harm suffered. This right requires that information for minors is adapted in a way that is age-appropriate and aligned with their maturity levels.

From the above, it is clear that many Member States have attempted to address their obligation to provide victims with information upon first contact. For some Member States, survey respondents noted that there have been improvements in utilising different communication means to inform victims of their rights⁹⁴. For example, since July 2018, **Croatia** has focused on improving information provision. Consequently, victims now receive both verbal and written

92 Sondorp, J. E., & Hoogeveen, C. E. (2020). De bescherming van minderjarige slachtoffers: Implementatie van internationale voorschriften in nationale wet- en regelgeving en in de praktijk. Retrieved from https://repository.wodc.nl/bitstream/handle/20.500.12832/2465/3041_volledige_tekst_tcm28-452501.pdf?sequence=2&isAllowed=y

93 The amendment to Law 4/2015 reinforced this right through Organic Law 8/2021, which emphasizes the immediacy of providing information and its adaptation to the victim's personal circumstances, the nature of the crime, and the harm suffered.

94 CY, HU, IT, HR, SI, SK, FR, BE, GR, PL, LV, PT, RO and EE

information as well as a document outlining available help and support. In response to the COVID-19 pandemic, **Belgium** has also adapted its communication methods, using websites, phone lines, videoconferencing and chat rooms to enhance victims' accessibility to information and support.

In **Greece**, before 2018, there were no dedicated information tools on victims' rights. In the meantime, with the support of the European Commission, the Infovictims website for Greece has been put into operation, and relevant printed materials were made available.⁹⁵ Additionally, resources tailored to specific victim groups have been created, such as the "Guide for the Rights of Hate Crime Victims," published in 10 languages by the Ministry of Justice, as well as the Gender-Based Violence App, which serves as a practical tool for both professionals and individuals encountering incidents of gender-based violence.

Similarly, in **Italy and France**, Infovictims website was put into operation, providing essential information on victimisation from both legal and psycho-emotional perspectives, written in simple, accessible language with engaging graphics⁹⁶.

In **Ireland**, older leaflets have been replaced by a Garda Information Booklet, which was revised in September 2022. This booklet addresses eight critical subjects, including the rights of victims, the process of reporting crimes, victim protection measures, details regarding cases, the prosecution process, available support services, information about Garda Victim Service Offices, and valuable online resources⁹⁷. Since February 2020, victims are provided with a card providing the name and contact information of a Garda officer, as well as details for the Victim Service Office and other pertinent helpline numbers⁹⁸. This commendable contact card system ensures that victims can promptly access essential support and other resources. Additionally, cultural mediators are now available to victims, thereby further improving their accessibility of information and support services.

The BeneVict survey results are more mixed in other Member States with a substantial percentage of responses either reporting a lack of any significant change taking place or reflecting an uncertainty regarding the implementation of any new approaches⁹⁹. This suggests the need to ensure further effort to improve the information provision in those member states. For example, since 2018, **Hungary's** online victim support resources have deteriorated, with multilingual options no longer available, disadvantaging non-Hungarian-speaking victims. Although victims are informed of their rights during the criminal procedure, a written notice provided at the outset could better ensure victims are fully aware of their rights from the first contact with the authorities.

95 Infovictims Greece, available at: <https://www.infovictims.gr/en>

96 Infovictims Italy, available at: <https://www.infovictims.it/en>; Infovictimes France, available at: <https://www.infovictimes.fr/en>.

97 Anson, S., Cochrane, L., Iannelli, O., & Muraszkievicz, J. (2020). The experiences of victims of crime with the Garda Síochána: Interim report. Policing Authority; An Garda Síochána. (2022). Victim information. AGS.

98 Ibid.

99 AT, SE, MT, LU, NL, FI, DE, IE, LT, ES, CZ and BG

Several Member States have also recognised the importance of the provision of tailored information upon first contact and have taken steps to implement it in various forms. In **Austria** a system is in place to guide police officers through questions and information that must be given to victims, depending on the crime committed¹⁰⁰. For example, the PAD (Protokollieren Anzeigen Daten) system, used to record a criminal complaint, prompts officers to ask a specific set of questions and determines the information they must provide to the victim. This approach is designed to ensure that victims receive the relevant information and support based on the unique circumstances of their case. Similar process is used also for individual needs assessment for protection needs, as will be discussed in relevant parts of the present report.

Despite such progress, several MS face obstacles in providing information tailored to the needs of the victim. **Estonia, Italy, and Slovenia** for example, lack nationally standardised protocols, instead relying heavily on the subjective judgment of competent authorities. In **France**, victims receive either too much information or not enough, without any adaptation to individual needs. Meanwhile, in **Lithuania** and **Czechia**, no changes have been identified in terms of implementation of Article 4. Interviewees from **Finland** state that no changes have been noticed in the practical implementation of victims' right to information since 2018, with police officers deciding the level of information that victims should receive. However, training initiatives such as one set by the Autism Foundation Finland, aim to improve this¹⁰¹.

Member States have increasingly prioritised enhancing communication by streamlining language delivery, customising information to meet individual needs, and employing diverse communication channels. Significant advancements have been made in tailoring information according to the nature of the crime, the victim's unique circumstances, and the changing requirements throughout the legal process. Nevertheless, challenges persist, particularly in guaranteeing that all victims, especially those in vulnerable positions, receive sufficient support. While numerous MS have made progress in improving the clarity and accessibility of information, challenges such as inadequate staff training, overly complex language, and inconsistent effort to adapt the information to the victims' needs and personal circumstances persist. The requirement for standardised information provision and communication protocols and more effective follow-up measures is critical to ensuring that victims not only receive information but also that such information is provided in a simple language; that it is adapted to the context in which it is provided, that follow-up is ensured, with any further relevant information and that the information is offered again, whenever an opportunity arises.

100 Icherheitspolizeigesetz. Available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=1000579>

101 Autism Foundation Finland. <https://www.autismisaatio.fi/briefly-in-english.html>



- Legislation changes
- Policy changes
- Changes in services
- Informal changes
- No changes

Article 4 – Right to receive information from the first contact with a competent authority

Out of the 26 EU Member States where the VRD is in force, 20 countries reported changes. Six countries had no changes. Six countries passed new/amended legislation. Seven countries introduced new/expanded services. Six countries implemented new/updated policies.

ARTICLE 5 - Rights of victim when making a complaint

1. **Member States shall ensure that victims receive written acknowledgement of their formal complaint** made by them to the competent authority of a Member State, stating the basic elements of the criminal offence concerned.
2. Member States shall ensure that **victims who wish to make a complaint with regard to a criminal offence and who do not understand or speak the language of the competent authority be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance.**
3. Member States shall ensure that **victims who do not understand or speak the language of the competent authority, receive translation, free of charge, of the written acknowledgement** of their complaint provided for in paragraph 1, if they so request, in a language that they understand.

Article 5 of the Victims' Rights Directive outlines the rights of victims when they come into contact with competent authorities to file an official complaint. Specifically, the article establishes two key victims' rights: (1) the right to automatically receive written acknowledgment of their complaint, and (2) the right to have their complaint registered in a language they speak and understand, presented in a format that is both accessible and easy to read.

Written acknowledgment of their formal complaint

The Directive mandates that when victims submit a complaint regarding any crime, competent authorities are obliged to provide a document containing, at least, the basic details of the crime reported, the number of the file corresponding to the report, and the time and place of the complaint's filing. This acknowledgment may have several useful purposes; for example, it can be used by victims when submitting insurance claims. Victims should also be able to receive a copy of the full complaint, rather than just the acknowledgment.

In principle, the obligation of the authorities to issue an acknowledgement of complaint at a request of a victim may be conducive to the implementation of Article 5 of the VRD. However, only when all victims of crimes are required to receive such an acknowledgement by default, without any specific request to that effect, will Article 5 be fully implemented in any given Member State.

This is the case with, for example, victims in **Czechia, where any victim** that files an official complaint will always receive an acknowledgment, whether it has been explicitly requested or not. With this document, victims also receive transcripts of their statements, written and oral information about victim support services, protective measures and where to find further relevant information¹⁰². Similarly, in **Sweden**, already in 2018 Article 5 has been fully

¹⁰² Article 8 §3 of the Law on Victims of Crime

implemented, and therefore the fact that no changes have been introduced since 2018 is of no concern. Victims continue to receive standardised letters confirming receipt of the complaint by police officers, and appropriate authorities consider the circumstances and type of the crime. For example, in cases of domestic violence, when receipt of a formal letter may lead to further violence if discovered by the abuser, authorities make direct contact with the victims to better ensure their safety.

The VOciare report highlighted that there were inconsistencies across Member States in providing victims of crime an acknowledgment of their formal complaints¹⁰³. In some countries, victims had to specifically request such an acknowledgement from the competent authorities, increasing their administrative burden during an already difficult process. Furthermore, issues such as procedural gaps, a lack of awareness by both the authorities and victims about the obligation of the former and the right of the latter, as well as situations in which victims were charged a fee for the acknowledgment were identified. Overall, even though some Member States have moved towards a stronger implementation of Article 5, this lack of consistency and awareness remains a challenge.

In several Member States, the BeneVict research has failed to identify any relevant theoretical or practical changes to the right of victims to receive an official acknowledgment of the crime reported¹⁰⁴. This is, of course, a matter of concern only in reference to those States where the implementation of this right has not been satisfactory and where changes were called for to improve the compliance with the requirements of the VRD.

In this vein, no legislative amendments have been observed in **Croatia**. Nonetheless, law enforcement officers were found to – free of charge and in any language understood by the victim – formally certify receipt of the report. However, the system relies on the victim to ask for the acknowledgment. Thus, access to this right may be limited only to those who are aware of it. This is also the case in both **Estonia** and **Germany**, where written acknowledgment of a victim's complaint is provided only upon request¹⁰⁵. Similarly, in **Portugal**, where the right to acknowledgment was already established under previous legislation, a 2022 Directive issued by the General Public Prosecutor's Office emphasised the right to acknowledgement as part of a broader framework for victim support¹⁰⁶. **The Directive reiterated that Public Prosecutors must comply with the relevant Articles of the CPC and ensure that victims or other individuals receive confirmation of their complaint upon request.**

No significant changes have been made in **Finland**, where despite the full transposition of Article 5 into national legislation, victims do not always receive a written acknowledgement, which is

103 VOciare Synthesis Report, p.35

104 HR, CY, CZ, EE, FI, GR, HU, IT, LV, LU, RO, SK, ES and SE

105 Tätigkeitsbericht 2019, p. 23/24. Retrieved from <https://www.berlin.de/sen/justva/ueber-uns/beauftragte/opferbeauftragter/>

106 Procuradoria Geral da República. (2021). Diretiva n.º 1/2021. Retrieved from <https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/diretiva-1-2021.pdf>

consistent with the situation in 2018¹⁰⁷. However, there is an obvious trend of improvement in the provision of the acknowledgment of complaint, with this now being a standard practice at least in the Helsinki metropolitan area, and the observation that templates have been made available to the police, which make it easier for officers to acknowledge the crime report. Additionally, this matter has been raised by legislative bodies, who have underlined its importance; thus suggesting that there is growing awareness of this issue and an effective effort to improve the implementation of Article 5 in Finland.

Neither **Cyprus** nor **Luxemburg** have introduced any major changes regarding the right to receive an official acknowledgment of a complaint, and both countries lack comprehensive data on the implementation and effectiveness of this right. In **Cyprus**, while the right has been transposed, there is no information available as to how often the provision occurs in practice or how useful it is¹⁰⁸. Furthermore, in **Luxemburg**, the current version of the Infosheet – the document providing information to victims about their rights – does not include the right for victims to receive an acknowledgment in an accessible language.

Slovenia and Austria introduced amendments to formalise and clarify the requirement by authorities to inform victims of their right to receive a confirmation of their complaint. The new article added to the Slovenian Criminal Procedure Act establishes the right of victims to be informed about the possibility to receive an acknowledgement, free of charge. Similarly, Austria's 2019 amendment clarified that victims must receive – free of charge – confirmation of their complaint and the police interview protocol¹⁰⁹.

In **Lithuania**, a 2022 update to the Recommendations of the Prosecutor General for the Initiation of Pre-trial Investigation and Its Registration introduced several changes to victims' right to receive a copy of their complaint, some of them being seemingly to the detriment of the victim¹¹⁰. Previously, the certificate of registration had to be sent to a victim within two days (if not received in person at the time of filing a complaint); today, the deadline has been extended to three days. This change impacts the timeliness of the acknowledgment, potentially delaying the victim's access to important documentation.

By contrast, since 1 July 2022, police officers in **the Netherlands** are required to explain why they did not give victims a copy of the report, providing greater transparency and accountability when a victim is denied access to important information¹¹¹. This example proves that there is room for improvement, even when the rights from the VRD have already been fully implemented.

107 Victim Support Europe. (2021). VOIARE national report: Finland (pp. 22–23). Victim Support Europe. Retrieved January 24, 2025, from https://victim-support.eu/wp-content/uploads/2021/02/VOIARE_National_Report_Finland_interactive.pdf

108 Article 7 of the Law 51(I)/2016

109 Gewaltschutznovelle 2019

110 Lietuvos Respublikos Generalinio prokuroro. (2008, August 11). Įsakymas Nr. I-110 dėl Rekomendacijų dėl ikiteisminio tyrimo pradžios ir jos registravimo tvarkos patvirtinimo [Order of the Prosecutor General of the Republic of Lithuania No I-110 of 11 August 2008 on the Approval of Recommendations on the Procedure for the Initiation and Registration of Pre-Trial Investigations]. Valstybės žinios, 2008-08-19, Nr. 94-3713, para. 20.

111 Ministerie van Justitie en Veiligheid. (2022, November 3). Voortgangsbrief Slachtofferbeleid: Beleidskeuzes uitgelegd. Retrieved from <https://www.overheid.nl/tk-voortgangsbrief-slachtofferbeleid.pdf>

Overall, most Member States have not implemented major changes in the regulative framework or practical implementation of Article 5 of the VRD. While many States have, in theory, adequately transposed Article 5 into their national frameworks, improvements are still needed; many states rely on request-based approach, where the provision of confirmation is primarily driven by the victim and their request to receive acknowledgement. Introducing default provisions of acknowledgement such as used in **France** and **Czechia** would enhance accessibility and better align with the legislative intent behind Article 5.

Right to make the complaint in a language that they understand

The second right established by Article 5 pertains to the language in which victims can submit their complaints. According to the Directive, if a victim lacks the language proficiency of the country where the complaint is filed, Member States must provide free linguistic assistance. When filing a complaint, this assistance should be offered by a certified interpreter or, alternatively, by someone fluent in a language the victim understands, such as a trusted individual close to the victim.

The 2018 VOCIARE report identified significant challenges in providing victims with linguistic assistance¹¹². While 38 per cent of professionals believed that victims could make complaints in their own language, many noted that this right was rarely or occasionally upheld. Over 8 per cent stated that victims never received this support.

While most MS included legislation on the right to linguistic assistance, practical implementation remained inconsistent. Despite the legal frameworks put in place, the availability and quality of linguistic assistance remained uneven, particularly for victims who spoke less well-known languages. Moreover, concerns about non-certified interpreters underscored the need for improved oversight to ensure victims received appropriate support.

One explanation given as to the limited availability of interpreters has inadequate recompense, as was the case in **Austria** in 2018, when interpreters reported that low salary rates for their services hindered their availability.

BeneVict findings indicate improvements across various countries. In 2018 and 2019, **Bulgaria** introduced explicit provisions regarding linguistic assistance for victims. In 2018, legislation was amended to allow law enforcement authorities to use an interpreter to assist individuals who do not understand Bulgarian or who are deaf or mute. This support ensures that victims can be properly informed of their rights and of the actions taken by the authorities. Furthermore, in 2019, an amendment to the Combat of Trafficking in Persons Act required temporary accommodation shelters to provide free legal aid and appropriate linguistic support to victims of human trafficking who do not speak Bulgarian¹¹³.

¹¹² VOCIARE Synthesis Report, p.37

¹¹³ Article 10 paras 1, 5 of the Combat of Trafficking in Persons Act.

Malta's 2021 amendment to the Victims of Crime Act, introduced the provision of translation and interpretation services for victims. The legislation addresses the needs of victims who do not speak Maltese or English and are at greater risk of being unable to access their rights due to language barriers. However, concerns remain regarding the availability and quality of these services for non-native speakers, including those in asylum reception or immigration detention centres. Organisations such as the Group of Experts on Action against Trafficking of Human Beings (GRETA) have highlighted the importance of ensuring that high quality, independent interpreters are available. They also pointed out the absence of specialised training for registered interpreters on effectively assisting vulnerable victims¹¹⁴.

Interpretation goes beyond linguistic and technical proficiency, especially in the context of victimisation. Interpreters must be equipped to maintain professional boundaries, manage stress and understand the dynamics when assisting vulnerable individuals in communicating their experiences. This underscores the urgent need for comprehensive training programmes that not only focus on language skills but that also address the specific challenges faced by interpreters working with victims¹¹⁵.

Even in those MS where few changes were identified, most already had robust systems in place¹¹⁶. When surveyed, experts from **Czechia** confirmed that the strong implementation of this right continues. Linguistic assistance remains the standard, with the provision of translation or interpretation services not contingent on proof that the victim does not speak Czech. Victims only need to inform the authorities that they do not understand the language, and a free interpreter will be provided. In **Cyprus**, according to expert survey responses, victims are provided with interpretation services when deemed necessary or upon request, ensuring that language barriers do not impede their ability to report a crime. Additionally, these victims receive a written acknowledgment of their complaint. For those with visual impairments, documents are available free of charge in Braille. The importance of ensuring that victims understand their rights in their native language is emphasised, victims receive both interpretation and written confirmation of complaints as required.

Sweden had enacted legislation to ensure that victims who do not speak Swedish are given linguistic assistance when reporting a crime, along with a translated acknowledgment confirming their complaint. Expert responses from the latest survey indicate that there have been significant improvements in the application of this legislation, particularly regarding the right to interpretation and translation, with victims being given better access to interpreters, especially during interviews. Additionally, information on registering a complaint is now available in several languages; thus improving accessibility for victims.

114 GRETA (Group of Experts on Action against Trafficking in Human Beings). (2021, November 10). Evaluation Report Malta. Third Evaluation Round. Access to justice and effective remedies for victims of trafficking in human beings. GRETA. <https://rm.coe.int/greta-evaluation-report-on-malta-3rd-evaluation-round-/1680a47d84>

115 Aditus Foundation. (2020, August 18). Interpreting for refugees: My perspectives. Aditus. https://aditus.org.mt/culture-mediating-interpreting-in-the-context-of-seeking-asylum/#.Y_iWh3bMK3A

116 HR, CY, CZ, EE, LT, NL, RO and SE

In **the Netherlands**, victims are entitled to file a complaint in a language they understand; language assistance is often available via Tolkentelefoon (telephone interpretation), making linguistic assistance highly accessible. Furthermore, the state requires that, for criminal and immigration law cases, interpretation is only provided by appropriately certified individuals. However, expert feedback reveals some practical inconsistencies. One victim support worker noted that, in their experience, victims sometimes had to rely on acquaintances for translation.

Some MS have made little progress since 2018. In **Greece**, while Article 5 is transposed at the national level, the lack of available interpreters, particularly in regional police stations, remains a significant challenge. This shortage impedes victims' ability to file complaints and receive written acknowledgments in a language they understand.

In **Spain**, this lack of change in the implementation of Article 5 hampers the provision of quality language assistance. Police officers working with victims who do not speak Spanish often rely on external translators or interpreters, whose services are often poor; some victims report receiving inaccurate translations of their statements. In the judicial context, the situation is similar, with dependence on occasional interpreters whose training and competence in legal matters and victim support are not always assured.

Similarly, in **Finland**, the effective implementation of linguistic assistance remains problematic. The quality of service often depends on individual police officer's ability to assess a victim's linguistic needs; some officers lack awareness of the rights provided under Article 5. Survey results support these concerns, with more than half the respondents indicating that the ability to file a complaint in one's own language is only sometimes, rarely, or never facilitated. In a more recent survey, 38 per cent of respondents reported no change to the implementation of this right, while 31 per cent were unsure.

Overall, trends across the EU show a mixed picture in the implementation of victims' rights to file complaints in comprehensible languages. While some MS have improved victims' access to linguistic assistance and have introduced legislative amendments to improve this right, others continue to struggle with inconsistencies and gaps in service provision. The most common challenges include the inadequate availability of certified interpreters, variability in the quality of language assistance, and insufficient compensation for interpreters. Effective implementation appears to be more robust in countries that have introduced specific legislative measures or have existing strong frameworks.

However, there remains a notable disparity in the quality and accessibility of these services, particularly for less common languages and vulnerable populations. The ongoing need for improved oversight, better compensation for interpreters, and enhanced training suggests that while progress has been made, further efforts are necessary to ensure that all victims receive the linguistic support they are entitled to under Article 5.

ARTICLE 6 – Right to receive information about their case

1. **Member States shall ensure that victims are notified without unnecessary delay of their right to receive the following information about the criminal proceedings** instituted as a result of the complaint with regard to a criminal offence suffered by the victim and that, upon request, they receive such information:

- (a) **any decision not to proceed with or to end an investigation or not to prosecute the offender;**
- (b) **the time and place of the trial, and the nature of the charges against the offender.**

2. Member States shall ensure that, **in accordance with their role in the relevant criminal justice system**, victims are notified without unnecessary delay of their right to receive the following information about the criminal proceedings instituted as a result of the complaint with regard to a criminal offence suffered by them and that, upon request, they receive such information:

- (a) **any final judgment in a trial;**
- (b) **information enabling the victim to know about the state of the criminal proceedings**, unless in exceptional cases the proper handling of the case may be adversely affected by such notification.

3. Information provided for under paragraph 1(a) and paragraph 2(a) shall include reasons or a brief summary of reasons for the decision concerned, except in the case of a jury decision or a decision where the reasons are confidential in which cases the reasons are not provided as a matter of national law.

4. **The wish of victims as to whether or not to receive information shall bind the competent authority, unless that information must be provided due to the entitlement of the victim to active participation in the criminal proceedings.** Member States shall allow victims to modify their wish at any moment, and shall take such modification into account.

5. Member States shall ensure that **victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released from or has escaped detention.** Furthermore, Member States shall ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender.

6. Victims shall, upon request, receive the information provided for in paragraph 5 at least in cases where there is a danger or an identified risk of harm to them, unless there is an identified risk of harm to the offender which would result from the notification.

Article 6 of the VRD is very descriptive and concrete in the type of information that is to be shared with the victim. While it is closely related to Articles 3 and 4 – the type of information

that is required to be provided is very specific to the criminal proceedings and the victims' participation therein. Seen as such, Article 6 is *lex specialis* to Article 4, as it adds more detail into the obligation of the authorities to provide follow-up information to the victim. Therefore, regarding the importance of making the information accessible for the victim, the analysis provided in the discussion on Articles 3 and 4 above remains true and equally applicable for Article 6.

As the provision of Article 6 itself identifies, for victims to effectively exercise their right to receive information about their case during the judicial process, they must know that they can request such information from the relevant authorities, such as the police, the prosecutor's office, or the court. This information should be clearly communicated in an accessible format, as already discussed under Articles 3 and 4 above, both orally and in writing, and should give victims the autonomy to decide whether they wish to receive updates. This empowerment ensures that victims can readily follow the progress of their case, which can significantly impact their sense of justice and closure. Moreover, victims shall retain the right to change their decision at any time after their initial contact with the competent authorities as to whether they wish to commence or cease receiving case-relevant updates. Authorities must respect the victims' preferences and allow them the flexibility to adjust their choices at any time.

It is crucial for victims to be aware of the reasoning behind key decisions in their cases, such as why an investigation might be closed or why charges have been dropped. Such transparency not only helps victims understand the legal process but also builds trust in the justice system. In cases where the offender is released from detention or escapes custody, the victim must be notified without delay, as such developments may significantly impact their safety and well-being.

The VOCIARE report indicated that a predominant practice among Member States was to inform victims of their right to receive information regarding their case during their initial interaction with authorities¹¹⁷. However, while most countries' legislation aligns with the Directive, in requiring continued provision of follow-up information about the case, in practice, this was often found to be inadequate. In fact, in less than 37 per cent of cases it was perceived that victims had always received the information they requested, while more than 40 per cent of victims had never, rarely or only been sometimes regularly informed. In many instances, victims had to actively insist on receiving updates, creating significant disparities between those with legal representation or access to victim support services and those without; the latter group were often left without the necessary care-relevant information.

Since 2018, several Member States have not only made improvements to their national legislation but have also improved practices associated with it. In **Spain**, a 2022 reform eliminated the obligation of victims to request information and instead introduced an automatic notification system¹¹⁸. By simply providing their contact details, typically an email address, victims can

117 VOCIARE Synthesis Report, p. 39-44

118 Organic Law 10/2022

receive automatic notifications about key case details, such as trial dates and charges against the offender. The legislation establishes the right of victims to receive information immediately, thus speeding up the notification process. The option to decline notifications remains available, giving victims control over which information they receive. Victim assistance offices play a key role in coordinating with the courts to ensure victims receive timely updates. The reform also ensures notifications are sent via email rather than the post, which speeds up the process of receiving information.

Nevertheless, the efficiency of information provision is still somewhat dependent on the court's pace of work and the nature of the crime. While victims of gender-based violence benefit from a well-established notification system, other victims may face challenges in accessing case-relevant information, leading to inequality in the support and communication they receive. This lack of consistency can result in some victims being left uninformed, which undermines the principle of equal treatment and access to justice for all victims, and certainly goes against the spirit of the VRD, which aims to ensure minimum rights for all victims.

Expansions of the right through amendments and new legislation have also been reported. In **Bulgaria**, through a 2020 amendment to the Criminal Procedure Code, effective as of June 2021, victims can receive notifications on the progress of criminal proceedings and be informed about their right to appeal against judicial decisions¹¹⁹. Victims can agree to receive notifications, including summons, via email, and can withdraw their consent to receiving these documents at any time. This provides victims with a more accessible and flexible way to stay informed.

In **Romania**, a 2019 amendment introduced the obligation for courts to notify victims when an offender is released on parole, in addition to already existing obligation to notify the victim about escape or permanent release of the offender¹²⁰. However, this information will only be available to victims in cases in which a no-contact order has been issued¹²¹. This conditioning for the provision of information to the victim goes against the provisions of the VRD.

Cypriot legislation was modified to strengthen the victim's right to be informed about an offender's release or escape, but the practical implementation remains ambiguous¹²². While the Department of Prisons is obliged to notify the police of an offender's release or escape, questions remain about the effectiveness of communication between the authorities and victims. It is unclear as to who should contact the victim once they have asked to be kept informed and whether administrative constraints within the police force may hinder the timely and consistent provision of information¹²³. Concerns about the capacity of the police to ensure effective communication with victims have also yet to be addressed.

119 Article 75 of the Criminal Procedure Code.

120 OUG no. 24/2019 modified Law no. 211/2004

121 Law 254/2013

122 Law 36(I)/2022

123 Cyprus Center for European and International Affairs (2016), p. 7-8.

Recent legislative reforms in **Austria** and **France** underscore a growing focus on the prompt provision of information on case developments, especially when they directly affect victims' interests. Recent legislation in **Austria**, effective from 2021, states that victims must be notified whenever conditions warrant a provisional suspension of prosecution¹²⁴. In **France**, under the broader framework of the French Criminal Procedure Code (CPC), victims are now entitled to be informed if the public prosecutor decides to close a case without further action. Additionally, victims of domestic violence may request a certificate from the public prosecutor detailing the steps of the proceedings of their case and can be used by the victim to assert their rights. A further 2021 decree has established a system of mandatory notifications to ensure that victims of domestic violence are informed when the offender is about to be released^{125 126}.

The Netherlands has made significant strides in improving access to information for victims, particularly through the development of a dedicated online platform. Since February 1, 2020, victims have had digital access to key information via the "*MijnSlachtofferzaak*" (Dutch for 'my victim case') website¹²⁷. The website was conceived as a hub where victim, logging in with their ID card, can access all the relevant information and documents that are maintained in relation to their case with the police, victim support, the prosecutor's office, courts, and as of 2023, also information on compensation. By accessing the platform, victims can also get information related to any protection measures, as well as those related to the release or escape of the accused. However, concerns have been raised regarding the quality and consistency of the information. Namely, it is assumed that full access to information is only made available to victims who benefit from support by a victim coordinator, a function that is only made available to victims in cases involving high-impact crime¹²⁸. Meanwhile, victims of lower impact crimes often receive a limited amount of information and may be unaware of some of their rights, despite the comprehensive access provided through the platform.

A similar initiative has been launched by the Croatian Ministry of Justice. Namely, the Ministry has made available an "*e-case*" website which streamlines the provision of information by allowing victims to monitor the progress of their cases in regular and legal remedy procedures. Nonetheless, the website still faces a challenge with the accessibility of the language it uses. It has been reported that the information is delivered through the use of complex legal terminology that can be difficult for victims who do not benefit from legal aid or do not have legal education to understand.

124 Maßnahmenvollzugsanpassungsgesetz 2021

125 Decree of 21 December 2020

126 2021 Decree

127 Mijn Slachtofferzaak. (n.d.). Home. Mijn Slachtofferzaak. Retrieved January 24, 2025, from <https://mijnslachtofferzaak.nl/home>

128 The victim coordinator in the Netherlands is the first point of contact within the Public Prosecution Service, offering support to victims throughout the criminal process. They provide information, coordinate with various stakeholders, and ensure victims' rights are respected. The coordinator also helps prevent secondary victimization by managing case-related details and communicating sensitively with victims, while maintaining professional distance. <https://www.werkenvoornederland.nl/organisaties/ministerie-van-justitie-en-veiligheid/openbaar-ministerie/het-werk-van-de-slachtoffercoordinator#:~:text=Een%20slachtofferco%C3%B6rdinator%20is%20een%20persoon,van%20slachtoffers%20en%20levert%20maatwerk.>

Moreover, in the Netherlands, information directed at victims under the age of 12 is typically provided to their legal representatives. This raises concerns as to whether the needs of younger victims are adequately addressed, particularly when the information is not always tailored to their language skills or developmental level. In many cases, children are not fully informed about decisions regarding the prosecution or the settlement of their case.

Similarly, in **Slovenia**, a 2019 amendment to the Criminal Procedure Act granted victims the right to receive information about the status of pre-trial or criminal proceedings and final judgments. However, normally the information is made available only on specific request to that effect (unless there is a specific legal requirement to the contrary). In response to this legislative change, the police have developed an online form that allows victims to track the status of their participation in criminal proceedings, including whether the crime has been recorded in the system and if the investigation is ongoing. Victims can receive automatic notifications by entering their details into the system. However, receiving information about the release of the accused is anything but straightforward. To be granted access to such information, victims must request, during the court proceedings, to enter into an agreement with the Prison Administration, that would allow them to be informed about the offender's escape or release. However, victims may not be aware of this requirement, or the Prison Administration may fail to receive the request. Even when an agreement is made, due to the shortcomings in the notification system, victims may receive notifications about the release of perpetrators from unrelated cases. Therefore, there are significant concerns regarding secondary victimisation that may be caused by these shortcomings.

To improve personalised communication with victims, in 2022 **Czechia** implemented a new provision ensuring that the manner and timing of information provision are suited to victims' specific needs¹²⁹. The provision states that the victim and their person of trust should receive information in a comprehensive manner taking into consideration their age, mental maturity literacy, health and mental state, as well as the nature of the offense. Authorities shall, moreover, not provide information if victims and their persons of trust decide not to be informed, unless such information is essential for the effective exercise of their rights during legal proceedings. However, in practice, it would appear that the manner in which victims are informed about their rights largely depends on the professionalism and training of police officers¹³⁰, which tend to vary between officers. Consequently, the quality of information that victims receive is dependent, to a large extent, on luck. Furthermore, information is frequently provided using standardised templates, which may not adequately cater to the unique needs of each victim. There is also a notable shortage of legal professionals who are trained to support victims in criminal proceedings, therefore resulting in more barriers for victims to fully enjoy their rights from Article 6 of VRD.

129 Amendment No. 130/2022 to the Law on Victims of Crime

130 Expert interview No. 3

The creation of the Victim Support Agency (VSA) in **Malta** in 2021 has addressed several key issues related to victim notification and support. As per the VOCIARE national report, past challenges such as a lack of information on case developments, failure to notify victims of arrest or release of offenders, and ineffective communication systems were persistent problems¹³¹. VSA, conceived as a multidisciplinary agency, bringing together specialists from the police, probation and parole services, and well as legal and psycho-social professionals, was designed to improve these systems by providing victims with consistent and structured information. The agency works to provide victims with both verbal and written updates about their cases, including follow-ups and, where applicable, notifications regarding the release of an offender. By adopting a more centralised and coordinated approach, the VSA helps address the gaps in communication and the previous lack of specialised training for police officers. Additionally, the victim's preference for receiving written updates via email, further ensures that victims are informed in a way that suits their needs.

In **Ireland**, the 2019 Parole Act 2019, goes a step further and grants victims with a possibility to make an intervention and present an oral statement to the Parole Board when an inmate seeks parole. However, the opt-in nature of this system may present challenges. By placing the onus on victims to decide whether to engage, it could unintentionally impose additional stress during an already difficult period, potentially resulting in some victims being unaware of or unable to navigate the procedural requirements. This dependence on victims to opt in may undermine the system's effectiveness in ensuring that they are consistently informed and engaged in significant decisions pertaining to their cases.

Several other Member States have not reported any relevant or significant changes since 2018¹³². This lack of progress raises concerns, especially as the VOCIARE report highlights several gaps and a need for improvement in the implementation of Article 6.¹³³ The most prominent limitations were the absence and inaccuracy of victims' contact details, the lack of mechanisms allowing information provision, the failure of competent authorities to adopt a proactive role, and the delayed provision of case-relevant information. The absence of any further reform may hinder the efforts to address the limitations identified and ensure better practices.

In **Finland** for instance, no relevant changes have occurred since 2018. Yet, a key issue identified in the VOCIARE report was the lack of an intra-agency information sharing system. As a result, authorities often failed to notify victims promptly about the release or escape of their offender¹³⁴.

131 Victim Support Europe. (2021). VOCIARE national report: Malta (pp. 21–21). Victim Support Europe. Retrieved January 24, 2025, from https://victim-support.eu/wp-content/uploads/2021/02/VOCIARE_National_Report_Malta_interactive.pdf

132 EE, FI, DE, GR, HU, IT, LU, PL, PT and SK

133 VOCIARE Synthesis Report, p. 39-44

134 Ibid.

Hungary has not made any legal or practical changes to the right of victims to receive information about their cases since 2018. Neither the previous nor the current Criminal Procedure Code (CPC) requires authorities to inform victims of their rights at the start of the criminal process. Instead, victims receive information on specific procedural actions as their cases progress.

Previous assessments revealed that while recently enacted legislation has – in theory – improved the situation, access to all relevant case information is not universal but rather limited to certain victims. Specifically, information regarding procedural steps would be given exclusively to victims identified as an injured party and/or witnesses, while victims in the broader sense were not provided with such information. This distinction becomes important in cases with multiple victims, where not all are pressing charges or testifying, yet all of them might suffer consequences of the crime and have an interest in (some) developments in the criminal proceedings, regardless of their role in the proceedings. Moreover, Article 4 does not condition victims' rights with any form of their participation in the proceedings. Therefore, all victims need to be given an opportunity to choose whether to be informed about different steps in the case.

In **Portugal**, while the victims' role in legal proceedings does not limit their right to receive information about their case, other important issues have been identified. A key aspect of Article 6 is the obligation of competent authorities to notify victims of their right to be informed and to keep the information flowing as a matter of procedural routine. However, in Portugal, case updates are only provided when the victim proactively requests them. Moreover, discrepancies have emerged in how effectively this right is implemented, depending on the nature of the crime and the residency status of the victim. Victims of crimes other than domestic violence and sexual offences are not systematically informed of this right and non-resident victims from other Member States report difficulties in accessing information. Despite these findings, no relevant changes have taken place since 2018. The right to receive notifications of judicial decisions was highlighted by the General Public Prosecutor's Office directive and highlights that there are still gaps to overcome.

These issues have been echoed by responses to the experts' survey. One respondent noted that, unless victims are accompanied by a victim support worker, they often struggle to obtain necessary case information. Another pointed out that while victims can receive information regarding criminal proceedings, they are not always informed about the release of the accused. Additionally, it was mentioned that communication is available in Portuguese only, which can be a barrier for non-Portuguese-speaking victims.

Similarly, in **Sweden**, there are different approaches to ensuring communication with victims, depending on the type of crime. Namely, officers handling serious crime are more likely to have time to follow-up with victims, compared to those assigned to high-volume crimes. This may result in disparities based on crime type, with victims of high-volume crimes receiving less attention and fewer updates, potentially leading to inequality in access to important information, and therefore barriers in enjoyment of their rights. For example, a family liaison

officer (FLO) gets assigned to facilitate communication of victims with the authorities. In such circumstances, FLO acts as an intermediary, by bringing information from the family to the authorities and updating the family on how the case is progressing.

In conclusion, while progress has been achieved by various MSs in the implementation of Article 6 of the VRD, several significant challenges remain. The establishment of more effective notification systems, including automatic delivery and opt-out mechanisms, has certainly helped keep many victims informed without imposing additional burdens on themselves.

Nevertheless, discrepancies in the provision of case-related information, especially across different types of crimes have been observed. For instance, victims of gender-based violence or domestic violence, or victims of crimes considered as 'serious' or 'high impact' often benefit from particular information sharing systems, while victims of offences that may not be as prioritised may encounter systemic obstacles in obtaining information, potentially resulting in feelings of exclusion and injustice, and secondary victimisation.

While it is not unreasonable to argue that severity or the circumstances of the crime may dictate the approach in maintaining communication with victims, this should not be the only criteria which guides the use of different approaches to keeping the victim informed. In this regard, it would be of particular importance to ensure that individual needs assessment conducted in accordance with Article 22 identifies any potential risks that can be caused by failure to keep the victim informed, and appropriate measures should be identified and followed through, to ensure due implementation of Article 6.

Furthermore, notification systems to which victims need to proactively subscribe (opt-in) are still practiced in some countries, although this goes contrary to the spirit of Article 6 of the VRD. The expectation that victims must actively seek updates imposes an excessive burden on them during already challenging times, undermining the victim-centred approach that was intended by the legislation. The practical implications are significant: victims who remain uninformed about critical developments, such as the release or escape of an offender, may be exposed to increased risks of harm and further trauma.

The unavailability of a systematic approach to information provision culminates in the aforementioned issues. All victims, regardless of the who they are, where they come from, or what type of crime they had suffered, are entitled to receive updates on their case. While the authorities should be attentive to individual communication needs and the nature of the crime to avoid secondary victimisation, these factors should not affect the quality of the information provided to the victims.

ARTICLE 7 - Right to interpretation and translation

- 1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, upon request, with interpretation in accordance with their role in the relevant criminal justice system in criminal proceedings, free of charge, at least during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their active participation in court hearings and any necessary interim hearings.**
- 2. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, communication technology such as videoconferencing, telephone or internet may be used, unless the physical presence of the interpreter is required in order for the victims to properly exercise their rights or to understand the proceedings.**
- 3. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, in accordance with their role in the relevant criminal justice system in criminal proceedings, upon request, with translations of information essential to the exercise of their rights in criminal proceedings in a language that they understand, free of charge, to the extent that such information is made available to the victims.** Translations of such information shall include at least any decision ending the criminal proceedings related to the criminal offence suffered by the victim, and upon the victim's request, reasons or a brief summary of reasons for such decision, except in the case of a jury decision or a decision where the reasons are confidential in which cases the reasons are not provided as a matter of national law.
4. Member States shall ensure that victims who are entitled to information about the time and place of the trial in accordance with Article 6(1)(b) and who do not understand the language of the competent authority, are provided with a translation of the information to which they are entitled, upon request.
5. Victims may submit a reasoned request to consider a document as essential. There shall be no requirement to translate passages of essential documents which are not relevant for the purpose of enabling victims to actively participate in the criminal proceedings.
6. Notwithstanding paragraphs 1 and 3, an oral translation or oral summary of essential documents may be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings.
7. Member States shall ensure that the competent authority assesses whether victims need interpretation or translation as provided for under paragraphs 1 and 3. Victims may challenge a decision not to provide interpretation or translation. The procedural rules for such a challenge shall be determined by national law.
8. Interpretation and translation and any consideration of a challenge of a decision not to provide interpretation or translation under this Article shall not unreasonably prolong the criminal proceedings.

Member States run databases of sworn legal interpreters. However, when it comes to translation and interpretation in criminal justice proceedings, the services of these professionals are primarily aimed at tending to the rights of the accused, in view of the implementation of the EU Directive 2010/64 on the right to interpretation and translation in criminal proceedings. However, victims' rights to interpretation and translation are, unfortunately much narrower than those of the accused and their access to quality services has been a challenge.

In 2018, VSE has identified the lack of qualified interpreters and translators as a major EU-wide challenge to guaranteeing victims' right to interpretation and translation.¹³⁵ The lack of nationwide networks or registries of certified interpreters and translators, combined with insufficient training of these professionals in issues of victimisation, as well as the lack of quality control, have been identified as the root causes of this problem¹³⁶. These issues, like many other shortcomings in the implementation of the VRD, driven by a lack of sustainable funding, have been seen as jeopardising victims' rights, and impacting victims' experiences in criminal justice systems.

In 2018, VSE found the lack of translators and interpreters on several levels as a transversal problem.¹³⁷ This finding has been affirmed by the European Commission who determined that even in cases of complete transposition into the legislation, victims' access to certain rights, as is the case with interpretation and translation, is hampered by practical difficulties.

BeneVict research confirms that the vast majority of these challenges remain unresolved across the EU. While in some countries there have been developments both regarding new legislation and practical implementation, the overall situation is largely similar to the one described in VSE's 2018 report¹³⁸. More than half of all Member States reported no changes at all regarding the implementation of Article 7, noting specifically the same challenges as outlined above¹³⁹.

In practice, some Member States indicated improvement, while some others recorded deterioration, in terms of the availability of translators and languages they translate. Thus, the situation deteriorated. In **Germany**, where the number of formally employed translators has steadily decreased since 2018. Yet, in **Finland**, the number of legal interpreters has grown from 42 to 132 and the number of languages from 12 to 27, although issues remain with the quality of interpretation provided as well as with the authorities' power to decide which documents need to be translated.

In addition to these mixed results, a number of Member States have seen changes in their laws, largely through amendments to already existing legislation; as it has been the case in **Slovenia**, **Bulgaria**, and **Lithuania**. While these changes may be observed in isolation – it is important

¹³⁵ VOCIARE Synthesis Report, p. 47-51

¹³⁶ VOCIARE Synthesis Report, p. 8

¹³⁷ VOCIARE Synthesis Report, p. 47-51

¹³⁸ Ibid.

¹³⁹ AT, BE, HR, EE, FR, DE, HU, GR, IT, LV, LU, PT, PL, RO, IE and SE

to keep in mind that for victims who do not speak the language of the proceedings, timely and quality translation and interpretation is fundamental for their exercise of their other rights from VRD, starting from the right to understand and be understood (Article 3) and the rights related to provision of information.

In **Slovenia**, Article 7 of the VRD is now more correctly transposed through an amendment to the Criminal Procedure Act that regulates the right of the parties (witnesses, suspects, victims and other participants in the proceedings) to use their language in investigative and other judicial proceedings, or at the main hearing. For greater clarity, the provision now defines which documents require written translations that are essential for the victim. Translations are provided by professionals listed in the publicly available Directory of Court Interpreters and Legal Translators.

In **Bulgaria**, in 2022, the Judicial Power Act was amended with the aim to regulate the interpretation/translation in the court proceedings and set up an official registry of interpreters/translators within Appellate Courts, based on a selection procedure and approval by a special commission. Moreover, shelters for victims of trafficking in human beings now must provide linguistic assistance to victims who do not speak Bulgarian¹⁴⁰.

In **Lithuania**, the list of documents which can be translated for victims has been expanded with the changes to the Code of Criminal Procedure. However, this is only approved based on the acceptance of a reasoned request of the victim to that effect.

In **Malta** since 2021 the courts can assess whether victims require interpretation or translation. When interpretation is not granted by the court, victims can challenge this decision. In theory, there should be no limitations in victims' access to interpretation and translation. While Malta now has an official database of legal translators and interpreters, it is unclear whether the provision of translation functions satisfactorily in practice¹⁴¹.

Czechia has also strengthened the ability of victims who do not speak Czech to understand the information they receive by ensuring comprehensive and tailored communication¹⁴².

In some countries, although no legislative changes took place, improvements were made in practice. In **Cyprus**, state funding was made available for the purchase of translators' and interpreters' services. In **Spain**, policy and informal improvements have been made at the autonomous community level.

Overall, the lack of registered qualified interpreters and translators remains a major challenge to guaranteeing victims the right to interpretation and translation. Positive developments in this area have focused on organising systems that enable victims to access qualified translators

140 Article 10 paras 1, 5 of the Combat of Trafficking in Persons Act.

141 Victims of Crime (Amendment) Act, 2021

142 Amendment no. 56/2017

and interpreters' services: online registries and other similar tools which allow users to filter through the various languages available. However, this expanded capacity is rarely, if ever, made contingent on a set of quality standards. This can lead to the effectiveness of communication being compromised in individual cases.

Sweden hosts an association for legal interpreters called "Rättstolkarna" which offers clients the opportunity to search for an interpreter with a specific language. This platform is used by the Swedish courts; officials may then choose an interpreter who is not a member of the victim's (or their family's) community¹⁴³. The Swedish criminal justice system has strict rules regarding impartiality, so interpreters that know any of the parties involved are automatically excluded from the trial. This practice addresses a common challenge identified in the research over the years: the lack of confidentiality, impartiality, and safety in situations when the interpreters know the victims, which is especially prevalent in smaller migrant communities around the EU.

In general, implementation of Article 7 is particularly relevant and should be observed in conjunction with Article 3 – right to understand and be understood, but also in relation to Article 17 – rights of cross-border victims. Namely, while it is not unusual for one Member State to have more than one official language (e.g. Belgium, Luxembourg or Finland), as well as smaller or larger minority languages, issues of translation are particularly pertinent in relation to cross-border victims.

For example, in France the complexity of cross-border victims' access to their rights is further complicated by the provision of interpretation services. One French professional noted that while access to interpreters once prosecutions have been initiated, has improved, challenges in securing such services still exist in the earlier stages of the proceedings. These barriers to effective communication and coordination can significantly hinder the ability of foreign victims to navigate the legal system and secure the support they need. Moreover, although the French system of victim compensation is seen as generous and exceeding the requirements of the Directive, applications for compensation and supporting documents are only accepted in French and English as the official application forms for compensation requests are not available in other languages.

¹⁴³ <https://www.rattstolkarna.se/hitta-rattstolk>



- Legislation changes
- Policy changes
- Changes in services
- Informal changes
- No changes

Article 7 – Right to interpretation and translation

Out of the 26 EU Member States, only 10 countries reported changes. 16 countries had no changes. It is one of the articles with the lowest number of countries reporting changes in implementation. Six countries passed new/amended legislation. Two countries introduced new/expanded services. One country implemented informal changes.

ARTICLE 8 – Right to access victim support services

- 1. Member States shall ensure that victims, in accordance with their needs, have access to confidential victim support services, free of charge, acting in the interests of the victims before, during and for an appropriate time after criminal proceedings. Family members shall have access to victim support services in accordance with their needs and the degree of harm suffered as a result of the criminal offence committed against the victim.**
- 2. Member States shall facilitate the referral of victims, by the competent authority that received the complaint and by other relevant entities, to victim support services.**
3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim.
4. Victim support services and any specialist support services may be set up as public or non-governmental organisations and may be organised on a professional or voluntary basis.
5. Member States shall ensure that access to any victim support services is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

As the VOCIARE report outlined, the aim of this article is to ensure that victims across the EU have access to information and support services in accordance with their needs, independently of whether or not they reported or decide to report the crime¹⁴⁴.

In the years since the adoption of the VRD, it has become apparent that the wording of Article 8 is rather vague and allows for ambiguity, to the point that Member States may understand its prescription to not require any action on their part. Specifically, as already argued in the VOCIARE report, the meanings of **access to support services** and **sufficient geographical coverage** are not clearly defined and are difficult to interpret¹⁴⁵. While the meaning of ‘accessibility’ of services has been explored in literature, it often remains theoretical^{146 147}.

VSE has, however, developed a more detailed analysis regarding the accessibility of victim support services. Namely, to VSE, given ‘the difficulty that victims may face in coming forward

144 VOCIARE Synthesis Report

145 Ibid.

146 VOCIARE Synthesis Report, p. 64

147 Victim Support Europe. *Safe Justice for Victims of Crime*, p. 10. 2023. <https://victim-support.eu/publications/safe-justice-for-victims-of-crime-discussion-paper/>

and seeking help, it is important for a victim support organisation to make access for a victim as easy as possible. It is also important to be aware of some of the challenges victims face when coming forward e.g. victims who don't want to report the crime are unlikely to come to an office located in a police station. Alternative locations or ways of being supported should be considered for such persons. Awareness of the challenges for victims to reach victim support should inspire special measures to make victim support easily accessible.

This can be done by having flexible opening hours that go beyond regular office hours, by being located in a place easy to reach by car, foot and public transport, by offering home visits, etc. The greater the visibility of the organisation and the more forms of getting support, the more accessible the service will be.¹⁴⁸ Moreover, as discussed under Article 3, accessibility also needs to be provided within the context of making services accessible also to persons with disabilities, in line with the specific requirements of the UN CRPD.

Research conducted for the BeneVict project demonstrates that the challenge of ensuring services that are accessible to all victims remains relevant in many Member States. The notion of 'access' remains vague and often misunderstood to mean – availability of any service that may be declared as aimed at victims.

Nonetheless, limited positive developments have been reported. Those include **the establishment of new and the expansion of existing services (Croatia, Romania, Portugal, Cyprus)**, strengthening of **specialised services** for victims of domestic and **gender-based violence (Finland, Malta)**, **services for victims of terrorism (Belgium)**, and increased **funding for some specialised services (Austria)**. In **Ireland**, new organisations now provide support for child victims and migrant victims of crime.

Some specific services have seen a range of changes – some for the better, the other for worse. In **Austria**, despite an increase in funding, the victim 116006 helpline had to cut its operating hours from a 365/7/24 service to a one that is only open from 8am to 8pm on workdays¹⁴⁹. Conversely, in **Croatia**, the 116 006 helpline became available to victims on a 24/7 basis.

For the first time in **Lithuania**, the right to generic victim support – provided by Victim Support Services – has been established. While there are currently 26 organisations in Lithuania that provide generic victim support, no steps have been taken to build a comprehensive nation-wide system.

Some MSs now ensure a more **coordinated approach** to victim support. Since 2018, the federal **German** government as well as most of the German states have appointed victims' commissioners and/or central contact points.

148 Victim Support Europe, Standards for Accreditation, 2020, internal document for VSE members, not publicly available

149 The helpline is nationally also available through the Freephone number 0800 112 112

Quality control in service provision – another issue identified in the research – has also been improved by the introduction of quality standards and audits, as in **Slovakia**, where the government has published guidance on “*Quality Standards for the Provision of Professional Assistance to Victims of Crime by Accredited Entities*”.

The main difficulty identified regarding **referral** mechanisms in many Member States continues to be the lack of consistent policies and procedures on how to refer victims to victim support services. Moreover, the lack of clear guidelines on processing and transmitting personal data is of concern to professionals who transfer personal details to other services. Even following clarification on the exact scope and application of the GDPR, professionals referring victims to support and other services at times misunderstand the data protection legislation. The 2021 “Victim Support and Data Protection” paper outlines these issues and offers practical GDPR-compliant solutions¹⁵⁰. When it comes to police referral of victims to the support services, the Directive 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data (the Law Enforcement Directive) and the VRD are arguably to be seen as *lex specialis*, and should therefore take precedence to GDPR¹⁵¹.

Yet, most Member States still see victims’ consent is not even considered for referring victim to support services. The most frequent system of victims entering support services is the so-called **self-referral**, where victims are required to themselves reach out to support services – that are made known to them either by the authorities (through reimplementation of Article 4) or through their own explorations. This is the approach that ensures the least number of victims to reach services that they might need.

It is, therefore, positive to see that some Member States are moving towards a more active approach to victim referral. Namely, in some Member States the primary legal base for sharing victims’ data with support services is still consent. In such an environment, referral remains predominantly seen as requiring victims’ explicit consent before they can be put in contact with support services (opt-in system of referrals).

One such initiative has been piloted in **Croatia** since 2022. Namely, the one police district has embarked upon testing a system, whereby victims who report crimes to the police are asked for their consent to be contacted by the national victim helpline 116006. The pilot project has

150 Victim Support Europe. *Victim Support and Data Protection*. 2021. <https://victim-support.eu/publications/vse-data-protection-paper/>

151 See e.g. Nišević M. and Ivanković A., *Balancing Victim Privacy and Victim Care: How Data Protection Laws Shape Victim Support Services – A Comparative Analysis of GDPR and the Victims’ Rights Directive*, 2025, pending publication

subsequently been expanded to additional police jurisdictions, with the plan to roll it out across the entire country.

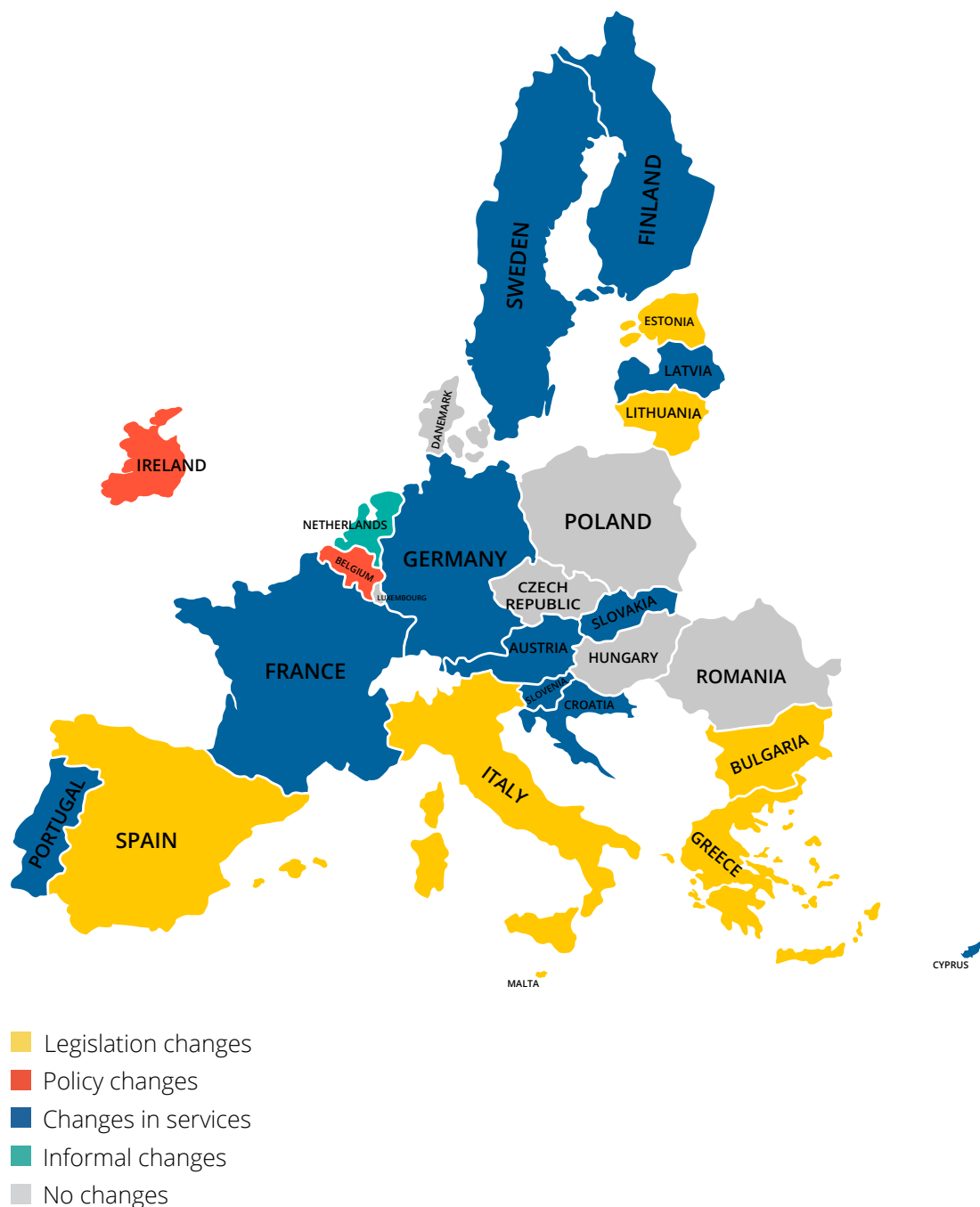
Still, a number of Member States are ensuring that victims are referred to support services, unless they specifically refuse to take advantage of referral (the opt-out system of referrals) – which is the approach to referral that Victim Support Europe strongly favours over other approaches.

Therefore, for example, since 2023, in **Estonia**, the new Victims Support Act foresees that for victims who, through the process of individual needs assessment, are seen as vulnerable, the police ensure their contact details are immediately transferred to victim support, without needing to solicit their consent for such referral. For all other victims, consent is required for their contact details to be shared with victim support.

Similar approach has been reported also in **Slovakia** where referral is mandated for victims who have are benefiting from protection orders. Namely, police officers must share victims' contact details with the intervention centre within 24 hours upon issuance of the protection order; the Centre will then proactively approach the victim to provide them with information to offer appropriate support.

In the **Netherlands**, the opt-out referral system has already been in place in 2018, with Victim Support Netherlands receiving the contact information of every victim who makes a formal complaint regarding a criminal offence, regardless of the crime or how the victim made the complaint (in person or online) – unless, of course, the victim expressly requests to not be referred. In the five years since, while legislation has not changed, there have been informal changes: the data exchange between the police and Victim Support Netherlands is expanding.

Overall, new or expanded services have been established in a number of Member States. Some countries have established generic (all-crime) support services, but most have focused on furthering specialised services, primarily for victims of domestic and gender-based violence, but also for victims of terrorism. Referral continues to pose challenges, in particular due to the inconsistent and overly strict interpretation of GDPR and the misplaced concern that victims can somehow be harmed by favouring their swift access to support.



Article 8 – Right to access victim support services

Out of the 26 EU Member States, 23 countries reported changes. 3 countries had no changes. It is one of the articles with the highest number of countries reporting changes in implementation. Nine countries passed new/amended legislation. 13 countries introduced new/expanded services. Two countries implemented new/updated policies.

ARTICLE 9 - Support from victim support services

- 1. Victim support services, as referred to in Article 8(1), shall, as a minimum, provide:**
 - (a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;**
 - (b) information about or direct referral to any relevant specialist support services in place;**
 - (c) emotional and, where available, psychological support;**
 - (d) advice relating to financial and practical issues arising from the crime;**
 - (e) unless otherwise provided by other public or private services, advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation.**
- 2. Member States shall encourage victim support services to pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.*
- 3. Unless otherwise provided by other public or private services, specialist support services referred to in Article 8(3), shall, as a minimum, develop and provide:*
 - (a) shelters or any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation;*
 - (b) targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.*

As with many other provisions of the VRD, that cannot be observed in isolation one from another – Article 9 and Article 8 are intrinsically connected and can only be interpreted in unison. Where Article 8 guarantees the right to the victims to be granted access to support services, Article 9 provides more detail to the type of services that need to be made available in all Member States¹⁵².

The services required by Article 9 are set as a minimum standard and although some positive developments have been reported throughout the EU since 2018, many challenges still persist, with still a number of EU Member States not providing basic access to generic services to all victims of crimes.

¹⁵² VOciare Synthesis Report, p.70

When it comes to the implementation of Article 9, BeneVict research has indicated several positive trends across the EU, including: **new legislation and strategic documents such as national plans and strategies, new and expanded services for victims, and increased funding for victim support.**

Many Member States, including AT, EL, EE, BE, FI, IT, FR, SK, CY have made a particular effort to ensure additional support to victims of gender-based violence.

In **the Netherlands** a 2019 report from the Council of the Judiciary (Raad voor de Rechtspraak) indicated that there is still room for improvement towards a better implementation VRD, including regarding the availability of services. A national taskforce was named, advising on checklists, instructions and processes to ensure a consistent and sufficient victim services throughout Dutch courts, with the improvement of victim services being currently under development¹⁵³.

In **Austria**, increased funding for specialist victim support services working with victims of gender-based violence and victims of online hate crime has led to the better provision of specialist services for victims of certain crimes and, consequently, to better access to support for those victims.

Similarly, in **Greece**, state funding has been established for a national gender-based violence support network which consists of 44 counselling centres, 19 shelters, and a 24-hour helpline¹⁵⁴. In 2024, 80 safe houses have also started operating for victims of violence across the country. In addition, where victims of domestic violence need to pay out of pocket for psychological support or mental health counselling, as well as when they incur other costs related to changes to a victim's environment – such as relocation are entitled to seek compensation of such costs from the Greek Compensation Authority, who are required to process the application within six months¹⁵⁵. Nonetheless, since its establishment in 2006, the Compensation Authority has only received six claims for state compensation from victims of violence, none of which were granted, a reality that showcases systemic inefficiencies.

In **Finland**, services have also benefitted from an increase in funding and support, mainly for specialist services working with victims of violence against women and domestic violence, to meet the requirements of the Istanbul Convention, as well as for child victims.

In **Belgium**, the National Action Plan to combat gender-based violence (2021-2025) now requires that health and social services must have adequate resources and trained staff to provide assistance to victims and refer them to specialised services. In addition to psycho-social and medical assistance, victims of gender-based violence should have access to other

153 Parlementaire Monitor, 2020

154 These changes were introduced by means of the implementation of law 4604/2019 on “Promoting substantive gender equality, prevention and fight against gender-based violence”

155 Under Law 4531/2018

services, such as housing support, education, training or job search. Driven by this strategic instrument, the number of places in shelters and the number of specialised services for victims of sexual violence (sexual assault care centers) have increased. The federal government has thus approved the creation of seven new centres by 2024.

In **Italy**, the National Strategic Plan on Men's violence against Women 2021-2023, has been put in action to improve the level of support for victims of this type of violence. In **Slovakia**, an amendment to the Victims Act introduced a new type of service – providing crisis intervention and long-term support to victims of domestic violence.

A particular improvement which has been most reported across the EU has been the increased number of places in victim shelters, primarily for victims of domestic violence and gender-based violence.

In **Cyprus**, a new shelter as well as other forms of alternative housing have been made available, mostly targeted at victims of domestic and gender-based violence, such as the Women's House. In **Finland**, two new shelters for victims of domestic violence, which foresee access for victims with disabilities, have been opened.

In **Portugal**, the signing of three memoranda of understanding happened in 2020, aimed at establishing specialised shelters for women aged 66 and older who are victims of domestic violence. These shelters are integrated into the National Network of Shelters for Victims of Domestic Violence, and are located across the northern, central, and southern regions of the country, with a total of 40 beds available. Victims are provided with the necessary accommodation but also specialised care tailored to their specific needs, combining victim support services with technical assistance.

France Victimes, the French federation for victim support, has launched partnerships across **France** with private accommodation providers for emergency accommodation solutions for victims of domestic violence. However, despite this broad partnership, many children and women still do not have their accommodation needs met.

This situation is similar to that in some states in **Germany**, where the demand for services exceeds existing supply structures. This is demonstrated, for instance, by the lack of women's shelters in Berlin, despite the efforts to increase the capacity.

In some Member States, specialist services for children victims have been developed, in particular through the expansion of the Barnahus model being made available to children victims and witnesses of crime. Thus, in **Germany**, in North Rhine-Westphalia and in Schleswig-Holstein were the latest locations in Germany where the Barnahus model was launched in 2020 and 2022, respectively. Similarly, in **Slovenia**, the first Barnahus opened in 2022 to support children victims and witnesses of violence. **Croatia** launched the first steps towards the implementation of Barnahus model at the end of 2023.

Moreover, other types of multi-disciplinary collaboration in the provision of support services for particular groups of victims have been noted.

In **France**, circulars issued on 3 and 7 September 2021 mandated the creation of local victim support committees (CLAV), which initially focused on domestic violence and violence within the family. However, the scope of these committees has since been broadened to include violence against children, in line with national priorities to protect the most vulnerable victims¹⁵⁶. These committees, which are linked to entities dedicated to family violence within the court system, facilitate the sharing of information between stakeholders at both a general and case-specific level. Such collaboration is essential in coordinating protective measures. For example, after joint deliberations, protective measures, such as issuing an anti-approach bracelet or an ‘in danger’ telephone, may be implemented. These decisions are made collectively, ensuring that the victim’s safety, whether from domestic violence or violence against children, is prioritised through a concerted, interdepartmental approach.

Similar measures are in place in **Belgium**, more specifically in Flanders, where the availability of multi-disciplinary safe houses (Veilig Thuis, previously known as family justice centres) has been expanded to cover all Flemish administrative departments as of early 2023. These collaborative centres bring together a range of authorities – the police, prosecutors, social services etc., to focus on families at heightened risk of violence, with the particular emphasis on protecting children¹⁵⁷.

Finally, some Member States have seen improvements regarding the use of technology and the Internet to improve access to victim support. In **Sweden**, the process of calling victims and witnesses to court changed during the COVID-19 pandemic, from posting out paper citations to increasingly sending digital citations. In **Czechia**, an online registry of victim support providers was developed and publicised. However, for the time being, it is not very user-friendly and offers only basic information.

Overall, there is a trend of prioritisation of victims’ rights through the adoption of national strategic instruments and increased investment in victim support services across the EU. However, while services for certain groups of victims have rights been prioritised, it must not come at the expense of investing into supporting all victims of all crimes. Namely, a lot of emphasis has been on developing services for victims of domestic violence, intimate partner violence, and gender-based violence, as well as on expanding the **Barnahus model**. All these services are sorely needed. But what is also needed is services for victims of ‘ordinary’ homicide, victims of robbery and of non-gender motivated violence, as well as other millions of victims of different types of crimes, that do not appear on anyone’s list of priority topics. Understanding that disability, previous victimisation or poverty may be important driver for specific needs for

156 Ministère de la Justice. (2024). Rapport d’activité 2021-2022. Retrieved from https://www.justice.gouv.fr/sites/default/files/2024-09/rapport_activite_2021_2022.pdf (p. 15)

157 Safe House. Available at : <https://www.vlaanderen.be/veilig-huis/wat-biedt-veilig-huis>

support and can present an underlying vulnerability are important factors in the landscape of victims' needs. Still, Member States are not prioritising investing into services for people who have history of previous victimisation or for example homeless victims.

The strongest tool to ensure access to support services to all victims of crimes is the development of robust all-crime, national generic support services that are operating within a strong national victim support framework, as advocated for many years by VSE. Specialist services may and should be developed within such a national framework. However, solely prioritising developing services for only some groups of victims risks causing two tiers of victims – the minority of those who have access to appropriate support and the majority of others, who remain unseen and unsupported.

Court-based support

The presence of victim support professionals in the courts **in France** is seen as an important development. Victim support offices are now being deployed in judicial tribunals and some Courts of appeal, with specialised victim support offices also being created for children. In this way, court procedures are brought together with the victim support service in one place. This allows for partnerships to develop between those working for victims and legal professionals.

Court-based support is essential to ascertaining the truth in criminal proceedings and for preservation of evidence. This type of support should be granted from the start of proceedings. – a statement from a lawyer in Austria.

SACs in Belgium

Sexual Assault Centres in **Belgium**

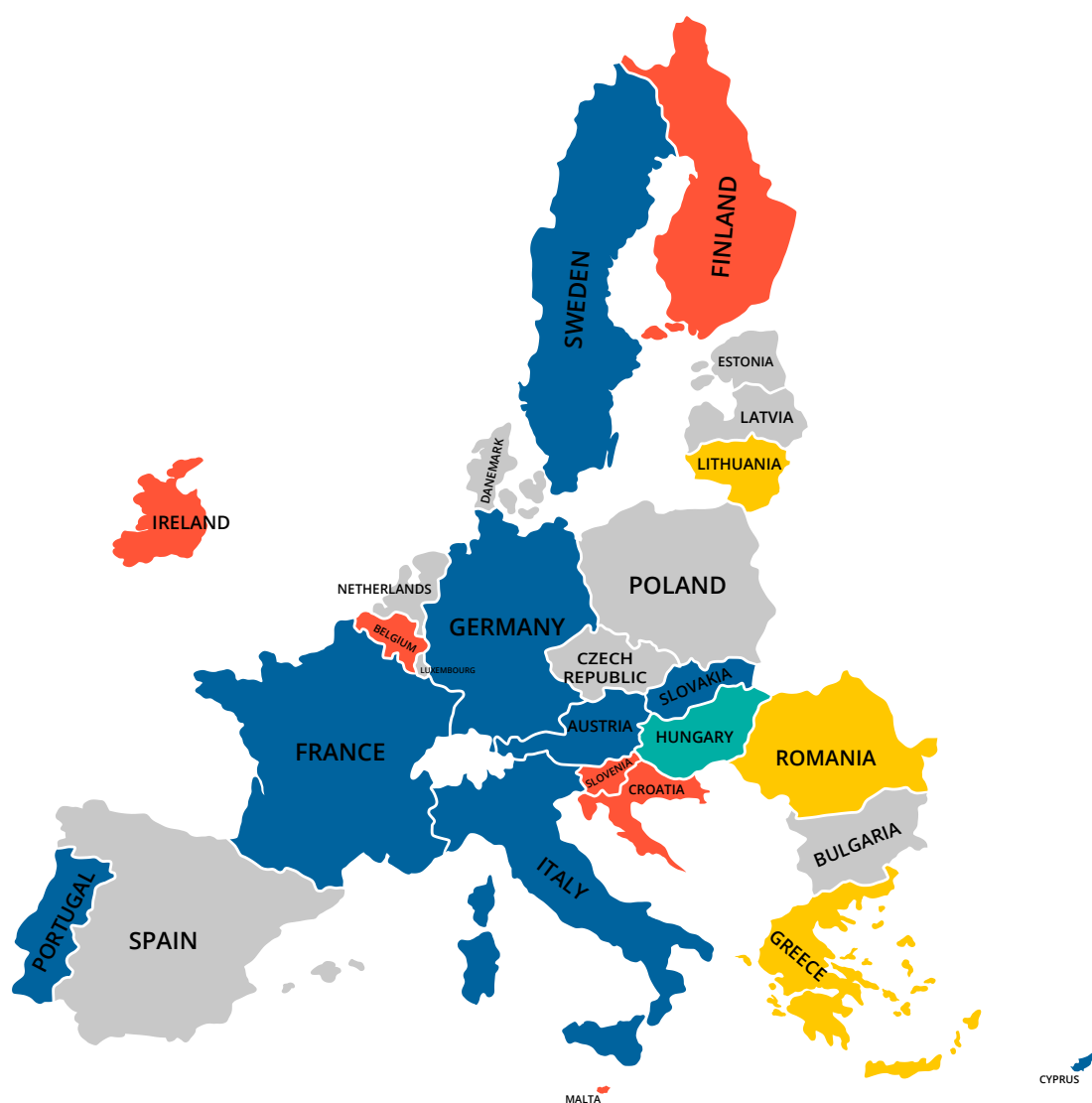
Belgium's Sexual Assault Centres provide multidisciplinary care to victims of sexual violence and advice to the victims' support circle¹⁵⁸.

A Sexual Assault Centres are open 24/7 and offer victims a range of free of charge, holistic care services. Trained professionals, including nurses, psychologists, and police officers, work as a team to offer the following services to victims of sexual violence:

¹⁵⁸ Service d'Aide aux Contribuables. (n.d.). About us. Service d'Aide aux Contribuables. Retrieved January 24, 2025, from <https://sac.belgium.be/en/about-us?menu=menu-0-3>

- *Medical care:* tend any wounds or injuries and perform medical examinations to treat the physical, sexual and/or reproductive effects of sexual violence (including STD screening, emergency contraception, treatment if at risk from HIV transmission, and preventative or treatment of hepatitis A or B and of tetanus).
- *Forensic examination:* record any injuries and collect evidence of sexual violence on the victim's body or clothing.
- *Filing of a report:* submit a police report; however, this is not a requirement. If the victim remains hesitant, the evidence collected will be kept for a prearranged period of time. The victim is free to decide to file a report at a later date.
- *Psychological care:* listen to the victim and provide information and advice on the normal responses to sexual violence and how to cope with them. Clinical psychologists work at the Sexual Assault Centres, which allows consultations to be scheduled as required.
- *Aftercare:* monitor medical and psychological health and/or make referrals to the appropriate psychosocial and legal services.

159 Latest news from facility dogs in Europe (FYDO) project partners: <https://victim-support.eu/news/latest-news-from-facility-dogs-europe-fydo-project-partners/>



- Legislation changes
- Policy changes
- Changes in services
- Informal changes
- No changes

Article 9 – Support from victims support services

Out of the 26 EU Member States, 18 countries reported changes. 8 countries had no changes. Two countries passed new/amended legislation. 9 countries introduced new/expanded services. Six countries implemented new/updated policies. 1 country implemented informal changes.

ARTICLE 10 - Right to be heard

Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

The procedural rules under which victims may be heard during criminal proceedings and may provide evidence shall be determined by national law.

The active participation of victims throughout the criminal proceedings is a fundamental element of a victim-centred approach. The right to be heard is aimed at systematically giving the victim as much control as possible. Victims' active participation includes giving them the opportunity to provide statements and/or evidence if they can and wish to do so. As such, Article 10 of the Victims' Rights Directive establishes the right of victims to be heard during criminal proceedings and to be able to provide evidence – as two distinct sides of the same coin. Right to be heard is broader and relates to the right of the victim to be heard about the greater impact of the crime on their life. Right to provide evidence, however, is narrower and is limited to the victims' ability and willingness to contribute to the evidentiary content of criminal proceedings.

The right to be heard cannot be interpreted as an obligation for the victim to either testify or otherwise give evidence. In this regard, it is crucial to respect victims' autonomy and right to not disclose their experiences during the criminal proceeding, if that is what they want.

Victims across all Member States are given a range of opportunities to be heard during proceedings. However, the application of the right to be heard is open to broad interpretation in practice. Namely, national procedural laws prescribe the conditions and requirements for victims to be heard, but there is a lack of uniformity in how this has been designed across the EU. What these solutions have in common, however, is a set of shared limitations, including 1) lack of technological advancements which would enhance victims' safety; 2) authorities' limited perception of victims' needs; 3) inflexible legal systems and criminal proceedings. In practice, this means that online or video/audio statements are used infrequently; the police and other authorities are unaware of the importance of a victim's testimony or a statement; and reduced access to their rights for those victims of crime who are not given the opportunity to present their testimony during the criminal proceedings.

When a vulnerable victim is to be heard (e.g., child or victim with a disability), competent authorities should take into consideration their communication and protection needs to minimise instances of secondary victimisation. In the case of a child victim, authorities should not only factor in the victim's chronological age but also the level of maturity they exhibit¹⁶⁰.

160 VOCIARE Synthesis Report, p. 102

However, as per the VOCIARE report, in some states, maturity is not measured efficiently¹⁶¹. In addition, inconsistencies exist as to the role children may play during legal proceedings, depending on their age. Some countries like **Bulgaria** or **Poland** were found to strictly limit the engagement of minors during criminal proceedings, while others (e.g., **Germany**) often utilise tools to assess children's competency to testify.

Since 2018, substantial changes have been put in place in certain Member States, improving the implementation of Article 10 and in turn strengthening the position of, in particular, child victims.

In relation to cases wherein children are either victims or witnesses, **France** implemented the use of specialised training in procedural techniques for professionals who come in contact with and take statements from child victims. Specifically, the National Institute of Child Health and Human Development (NICHD) protocol has been designed to gather testimonies from children while ensuring appropriate conditions are maintained.

Latvia has also taken steps to safeguard minors. Since 2018, when a child is being questioned, their representative can participate, if the child so agrees¹⁶². Furthermore, investigators that come in contact with minors are required to have special knowledge on communicating with them. A psychologist may also be present to provide assistance to the interviewer while ensuring the minors' well-being. In **Slovakia**, in cases where the child cannot be represented by a legal representative (e.g., when the parent is the accused) an attorney is appointed as guardian, guaranteeing the child a qualified legal representation. Also, children, as well as other vulnerable victims, are no longer required to repeat their testimony, relieving them of some of the burden caused by legal proceedings and reducing the likelihood of secondary victimisation (e.g., seeing the offender).

In **Italy**, the 'Progetto Azzurro' that had already been mentioned in relation to Article 3 above, ensures that child victims understand, inter alia, that they can submit, if they wish, a written account of what happened. Italian Public Prosecutors have also begun to create specially designed rooms to facilitate an effective listening environment for vulnerable victims.

Spain has extended the right to be heard in order to boost protection measures for children, persons with disabilities and victims of sexual violence. Legislation now requires that children are always heard, with full guarantees and without any age limits, during administrative and judicial procedures¹⁶³. Any restrictions to the right may only be imposed in a reasonable manner, when it is contrary to the child's best interest. What is more, authorities must exhibit professionalism when handling testimonies, especially from vulnerable groups and must undergo training to learn how to use appropriate safeguarding methods. Authorities are also expected to take appropriate measures to prevent the consideration of unscientific theories.

161 VOCIARE Synthesis Report

162 Progetto Azzurro <https://www.progettoazzurro.it/i-diritti-delle-vittime-minorenni/>

163 Organic Law 8/2021

Being heard without secondary victimisation

In **Malta**, the completion of the digitalisation of courts and the introduction of video conferencing in 2021 has resulted in increased efficiency, accessibility and safeguarding for victims who are being heard or who are testifying during criminal proceedings.

Similarly, in **Sweden**, legislation from 2021 makes the use of pre-recorded evidence easier and thus, victims and witnesses are not obliged to testify in person in court.

In **Portugal**, since 2021 a revised reporting form has been introduced in cases of domestic violence, making it unnecessary for victims to repeat their experiences multiple times. In practice, if the victim confirms the declaration, they can sign an affidavit and have the declarations used as proof in the investigation phase. Furthermore, pre-recorded evidence is also used; however, more data are required to make an accurate assessment.

The practices described above serve both as protection measures from intimidation, retaliation, repeat and secondary victimisation, as prescribed by Article 22, while at the same time they facilitate victims' exercise of their right to be heard or to give evidence, in line with Article 10.

Other Member States have not made any major changes to the implementation of article 10, since 2018.¹⁶⁴ For some, the article is already and effectively implemented but for others, the lack of any changes can be problematic considering the results of the VOCIARE report.¹⁶⁵ In **Croatia** for instance, whilst no relevant changes have been implemented at the time of finalising the research for this report, the best interest of a child victim is taken into account by guaranteeing their right to participate in proceedings. Furthermore, a child can only be questioned twice, and authorities also provide the opportunity for questioning to take place through audio-visual devices.

While no changes since 2018 have been made in **Luxembourg**, significant improvements have been expected with the approval of the Draft Proposal no.7992 of 7 April 2022. This proposal uses Directive 2012/29 as a key reference for enhancing the Luxembourgish system and draws inspiration from the 2009 UN Model Law Justice in Matters involving Child Victims and Witnesses of Crime. The proposal introduces provisions requiring an evaluation of a child's age and maturity as well as the appointment of an expert to assess a child's ability to participate in the criminal proceedings whenever there is uncertainty.

¹⁶⁴ BG, HR, CY, EE, FI, DE, GR, LT, LU, PL, RO, SI

¹⁶⁵ VOCIARE Synthesis Report, p.101

Relevant changes have not been identified in **Romania**. While the law already stipulated safeguarding efforts for victims (e.g., recording of interviews given by children), most interviews take place in court in the presence of a psychologist, who usually has a background in organisational rather than child psychology. As these fields are totally different, children who require specialised support to exercise their right to be heard, are not receiving this support.

While a significant effort has demonstrably been made to ensure that children victims are heard in a safe and supportive environment, it would appear that a limited effort is being done for adult victims, in particular in ensuring that victims can be heard, regardless and unrelated to the provision of evidence. Some legal systems, like France or Belgium, provide for the victims to give victim impact statements if they so wish. However, this possibility is not universally available across the EU.

Interplay of different provisions of VRD in relation to the right to be heard

Hearing a victim or taking evidence from them is often related to high risk of secondary victimisation. This is particularly true if victims are required to recount their experiences multiple times. Ensuring that all victims' voices are heard while taking the necessary measures to minimise secondary victimisation is essential in improving their experiences of criminal justice.

To ensure that victims properly exercise their autonomy when choosing whether to testify, it is fundamental to ensure the full implementation of Articles 3, 4 and 6, as well as 7, when appropriate. Scrupulous implementation of those provisions should aim to make sure they understand and are understood, that they are provided with proper information and should ascertain that victims understand their right to be heard as well as consequences of their providing (or refusal to do so) of evidence.

Simultaneously with being empowered to be heard and provide evidence, victims also need to be appropriately supported, by means of a proper implementation of Articles 8 and 9.

Finally, to make sure victims are protected from risks associated with them exercising their right to be heard and give evidence (notably from intimidation, retaliation, repeat and secondary victimisation) their protection needs should be appropriately assessed and addressed, by virtue of full implementation of Article 22 – as will be discussed later on in the present report.

ARTICLE 11 - Rights in the event of a decision not to prosecute

1. **Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to a review of a decision not to prosecute.** The procedural rules for such a review shall be determined by national law.
2. **Where, in accordance with national law, the role of the victim in the relevant criminal justice system will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute.** The procedural rules for such a review shall be determined by national law.
3. **Member States shall ensure that victims are notified without unnecessary delay of their right to receive, and that they receive sufficient information to decide whether to request a review** of any decision not to prosecute upon request.
4. Where the decision not to prosecute is taken by the highest prosecuting authority against whose decision no review may be carried out under national law, the review may be carried out by the same authority.
5. Paragraphs 1, 3 and 4 shall not apply to a decision of the prosecutor not to prosecute, if such a decision results in an out-of-court settlement, in so far as national law makes such provision.

Article 11 of the Directive refers to the right of victims to request a review of the decision not to prosecute. The effective exercise of this right is heavily contingent upon victims receiving timely and sufficient information regarding both their overall rights and the current status of their case. As such, for victims to fully benefit from the provisions of Article 11 in a meaningful manner, the proper implementation of Articles 4 and 6 of the VRD ensuring the provision of information upon first contact and the provision of ongoing case information is essential¹⁶⁶.

As already argued in relevant sections, the timely provision of case information and the opportunity to challenge decisions reinforces victims' participation to justice, their protection, and the transparency of criminal proceedings. This is vital to promoting a victim-centred approach, wherein victims are kept informed, heard, and respected throughout all phases of the proceedings.

As reflected by the VOCIARE report, the procedural protocols required to adopt Article 11 to national legislation vary across the different Member States, reflecting the diversity of legal systems¹⁶⁷. For example, in some countries victims can independently request a review of the decision not to press charges, while in others this right depends on the victim's status as an injured party.

¹⁶⁶ See Sections on Articles 4 and 6

¹⁶⁷ VOCIARE Synthesis Report, p. 104

However, the most important element is that the victim, no matter the position they hold as defined by each country's national law, can challenge the decision not to pursue criminal charges, given there are reasonable grounds that the decision is unwarranted.

It has been recognised that victims face a variety of challenges in exercising their right as stipulated by Article 11. One problem is the short timeframe between when the decision is communicated to victims and the deadline to request a review, which places a significant restriction on victims wishing to exercise this right.

Unfortunately, data since 2018 show that there have been few meaningful changes to address the limitations identified in VOciare and improve the implementation of Article 11. However, some notable improvements in certain Member States are worth discussing.

Slovenia and **Bulgaria** have implemented reforms designed to strengthen victims' rights to review decisions not to prosecute and to increase their involvement in the process. In **Slovenia**, a key change is the new obligation for state prosecutors under the Criminal Procedure Act. Before a state prosecutor can dismiss an indictment for a criminal offense carrying a prison sentence of more than eight years, they must inform the victim in writing of their intention, provide reasons for this decision, and allow the victim 15 days to respond, request additional information, or challenge the decision. While complaints from victims about decisions were rare before these amendments, there has been an increase in challenges since the change took place¹⁶⁸. Despite this positive trend, the overall number of complaints remains relatively low, indicating that many victims may not be fully empowered to exercise their right from Article 11. Alternatively, but probably less likely, the low number of challenges may be due to high quality reasoning provided by the prosecutor.

Similarly, **Bulgaria's** 2020 changes allow victims to be notified of decisions not to prosecute and to appeal that decision via email¹⁶⁹. Prosecutors are also required to inform victims about the prospect of continuing the proceedings as a private plaintiff and the related changes in prosecution. The victims are then given 6 months to submit a claim¹⁷⁰.

In **France** and **Ireland** no changes have been made or are known regarding the application of the right to review a decision not to prosecute or how victims seek a review, but some limited changes have been still introduced in respect of the rights from Article 11. In **France**, a decree of 25 April 2022 requires the public prosecutors to inform victims of their right to request a copy of the file if they decide to close the case without further proceedings. The prosecutor is required to provide victims with the information necessary to assist them in case they decide to challenge their decision.

168 Vlada RS. (2023, January 15). Events. <https://www.gov.si/dogodki/2022-11-25-nacionalna-konferenca-o-preprecevanju-in-odzivanju-na-nasilje-nad-zenskami-v-sloveniji/>

169 Article 75 of the Criminal Procedure Code.

170 Articles 50 and 81 of the Criminal Procedure Code.

In **Ireland**, one minor change was observed in the update of the Garda Information Booklet, which now briefly outlines the right of victims to request a summary of reasons for a decision not to prosecute and further alluding to the possibility of victims requesting a review¹⁷¹. However, the wording is ambiguous, failing to explicitly explain how a summary of reasons might be obtained and stating that it is the right of the victim to request a review.

WORDS OF EXPERTS

Victims are not empowered enough to question the decision of office of the Director of Public Prosecutions (DPP).

While the reasons for reaching a decision not to prosecute are phrased in a more victim-friendly language, they are still vague enough to make it difficult for victims to decide whether to request a review.

Period of only 28 days to request a judicial review is too short for victims to effectively exercise their rights.

In **Malta**, Changes introduced as part of a legal reform in 2020 introduced the possibility of a judicial review and clarified that decisions by the Attorney General not to prosecute are not end of the process¹⁷². Victims can request the Attorney General to reconsider the decision within one month of being informed; if the Attorney General either fails to respond or confirms the decision not to prosecute, victims are entitled to seek judicial review of the decision¹⁷³. Yet, while victims had guarantees to act in case of a decision by the prosecution not to pursue the case, in practice this right was not accessible.

A controversial and much criticised change took place in **Poland**. Before 2020, if a victim was successful in appealing the prosecutor's decision not to pursue prosecution of a case, and if, as an outcome of such an appeal, the prosecutor still maintained their position not to prosecute, the victim would have been able to act in the prosecutor's stead. However, the 2020 amendment made this process more complex. If the prosecutor again refuses to pursue the case, the victim must first appeal to a superior prosecutor. Only if the superior prosecutor upholds the decision of the subordinate prosecutor can the victim proceed to file the indictment themselves.

While this change was introduced to ensure better oversight by the superior prosecutor, it has led to delays and additional burdens for the victims. The requirement for two appeals (instead of one) not only lengthens the process but requires the victim to incur additional costs

171 The Garda Information Booklet refers to the rights of victims in the event of a decision not to prosecute by stating that "If it has been decided not to proceed with or discontinue an investigation, we can give you a summary of the reasons why. If a decision is made not to prosecute, we can tell you how to get a summary of the reasons why. If you require, we can tell you how to get this decision reviewed".

172 Act No. XLI of 2020

173 As outlined in Article 469B of the Code of Organization and Civil Procedure.

for legal representation as the subsidiary indictment involves professional legal assistance. In some extreme cases, the additional delays can even lead to the statute of limitations expiring, particularly when the complaint concerns the refusal to initiate proceedings, as the statute of limitations is not extended in such cases.

No considerable changes have been observed in other Member States¹⁷⁴. For some, their systems were already deemed adequate, but for others, the lack of reform should be of concern. In **Germany**, for instance, not all decisions to discontinue the proceedings offer victims a legal remedy; as is the case for minor offenses (e.g., unlawful entry), victims are not formally entitled to an option to appeal. There is still a need for reform to ensure comprehensive protection for victims.

The situation is even more alarming in **Cyprus** and **Greece**, where Article 11 has yet to be transposed into the respective national legislations. In **Cyprus**, there is no mechanism for victims to review or contest the decision not to prosecute, leaving them without a formal recourse if they disagree with the outcome¹⁷⁵. In **Greece**, victims can only appeal a decision not to prosecute if they had initially filed a complaint and the decision of said review is final, with no further remedy available.

One troubling finding common to several Member States is the unavailability of statistical data on how often victims request a review and how often such reviews are successful¹⁷⁶. Acquiring such data is important as it can better evaluate the system and highlight potential areas for improvement and inform future changes to better respond to the needs of victims.

Therefore, while some MS have made changes to strengthen their implementation of Article 11, the majority have not produced any relevant legislative or practical reforms. Key issues continue to exist in the lack of legislative clarity, insufficient provision of clear information to victims about case outcomes and the reasoning behind decisions, complex legal procedures, and inadequate support for victims to empower them to take a more active role in the prosecution process.

174 AT, BE, HR, CY, CZ, EE, FI, DE, GR, HU, IT, LV, LU, PT, RO, SK, ES and SE

175 Ioannidou, M. (2014). Victim Support Services in the EU: An overview and assessment of victims' rights in practice - Cyprus. FRANET contractor: First Elements Euroconsultants Ltd. Retrieved from: <http://fra.europa.eu/en/publication/2012/victim-supportservices-eu-overview-and-assessment-victims-rights-practice>

176 AT, HR, HU, SK, SI.

ARTICLE 12 - Right to safeguards in the context of restorative justice services

1. Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Such measures shall ensure that victims who choose to participate in restorative justice processes have access to safe and competent restorative justice services, subject to at least the following conditions:

(a) the restorative justice services are used only if they are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time;

(b) before agreeing to participate in the restorative justice process, the victim is provided with full and unbiased information about that process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

(c) the offender has acknowledged the basic facts of the case;

(d) any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings;

(e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

2. Member States shall facilitate the referral of cases, as appropriate to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral.

According to the European Forum for Restorative Justice (EFRJ), restorative processes improve closure and healing for victims. Studies consistently indicate that restorative processes achieve at least 85% satisfaction among victims and reduce the fear of further harm to them. Moreover, meeting with the offender has been shown to reduce post-traumatic stress symptoms in victims¹⁷⁷.

As already affirmed in 2018, most Member States had not been familiar with the notion of 'restorative justice'.¹⁷⁸ Rather, many states were familiar with the process of victim-offender mediation, which while predominant form restorative justice, still is not the only method that

177 European Forum for Restorative Justice. (2021). Evaluation of restorative justice in the VRD. https://www.euforumrj.org/sites/default/files/2021-10/European_Forum_for_Restorative_Justice-evaluation_of_RJ_in-the_VRD.pdf

178 VOCIARE Synthesis Report, p. 106

can be used. Therefore, due perhaps to this lack of familiarity with the term, and a relatively slow development of the restorative justice systems, restorative justice is not yet seen as a tool that can strengthen victims' rights and fulfil their needs¹⁷⁹. However, progress has been made across the EU regarding restorative justice processes. In some Member States, new victims' rights legislation on or specified provisions related to restorative justice has been introduced; in others, new restorative justice services have been made available to victims.

In **Italy**, the reform of criminal law introduced a comprehensive framework for restorative justice, with the aim of strengthening the protection of victims of crime.¹⁸⁰ To start the restorative process, the legislation requires a free and informed consent of the offender and the victim and positive assessment by the judicial authority regarding the potential outcomes of the process. In **Slovenia**, amendments to the Criminal Procedure Act introduced the possibility of a 'settlement procedure' that requires victims' consent. Within the framework of the amendments, the prosecutor may defer the prosecution, if the suspect is willing to accept conditions set by the prosecutor, to which the victim has consented, with the aim to reducing or removing the harm done by the offence.

In 2019, Article 12 was transposed into Romanian legislation, foreseeing that 'mediation between victim and perpetrator' can only be allowed where the offender has acknowledged the basic facts of the case before the judicial bodies or in front of the mediator¹⁸¹.

In **Lithuania**, two legal instruments have been adopted which regulate mediation in criminal cases: the Rules for Mediation in Probation and the Rules for Mediation in Places of Deprivation of Liberty^{182 183}. These instruments regulate in more detail who can initiate the procedure and under what conditions. Mediation services are free of charge and based on the same principles as secondary legal aid guaranteed by the state. However, some areas of concern persist, in particular, regarding the use of restorative justice in cases of domestic violence.

In **Estonia**, there has been an increasing interest in restorative justice services, which has been reflected in the 2022 Victim Support Act, which set a framework for the use of restorative justice processes in the country¹⁸⁴. Currently, Estonia is piloting its restorative justice approach, with

179 Ibid.

180 Legislative Decree No. 150 of 27 September 2022

181 Government Emergency Ordinance (OUG) no. 24/2019 for the amendment and completion of Law no. 211/2004 regarding some measures to ensure the protection of crime victims, as well as other normative acts

182 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2017 m. gruodžio 8 d. įsakymas Nr. V-532 dėl taikinamojo tarpininkavimo (mediacijos) probacijos tarnybose taisyklių patvirtinimo (Order of the Director of the Prison Department under the Ministry of Justice of the Republic of Lithuania No V-532 of 8 December 2017 on the Approval of the Rules on Conciliatory Mediation in Probation Services). TAR, 2017-12-08, Nr. 19809.

183 Kalėjimų departamento prie Lietuvos Respublikos teisingumo ministerijos direktoriaus 2018 m. spalio 19 d. įsakymas Nr. V-459 dėl taikinamojo tarpininkavimo (mediacijos) organizavimo ir vykdymo laisvės atėmimo vietų įstaigose tvarkos aprašo patvirtinimo (Order No V-459 of 19 October 2018 of the Director of the Prison Department under the Ministry of Justice of the Republic of Lithuania on the Approval of the Description of the Procedure for the Organisation and Conduct of Conciliation and Mediation in the Institutions of Detention). TAR, 2018-10-19, Nr. 16397.

184 Victim Support Act, 2022. <https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/503042023004/consolide>

conflict resolution, mediation, and restorative discussion groups being explored as restorative tools. It is of note, however, that restorative justice is often used in cases involving underage perpetrators.

In some Member States, prior to embracing restorative justice as a tool, research has been commissioned to assess its potential impact. For example, in **Finland**, a Ministry of Social Affairs and Health working group has been set up to examine current practices, problems and development needs of mediation in domestic violence. The 2019 report of the working group highlighted the need to create standardised tools, procedures and instructions for assessing whether a case is suitable for mediation and whether mediation is safe for victims. A guideline on police action in cases of domestic violence, intimate partner violence, and violence against women published in 2020 established that the police should not refer cases involving repeated or continuous violence to mediation.

A 2019 report, in **Ireland** pointed to the patchy nature of restorative justice service provision in the country¹⁸⁵. The report noted that many victims and offenders were still not being offered the opportunity to engage with each other in a facilitated dialogue.

In multiple Member States, restorative justice services are underdeveloped, and only minor changes have been observed. For instance, in **Croatia**, while some progress has been noted in mediation used in other areas of law, it is not often applied in criminal proceedings. The lack of funding to develop and maintain the service has been identified as the main obstacle for this shortcoming. In **Malta**, minor changes have also been noted; in 2021, a project was launched to develop a restorative justice model for children, with the aim to empower young people to favour dialogue and reconciliation over retribution. The new process will empower students to resolve conflicts by themselves or in small groups, and to train educators in the area of restorative justice.

In **Slovakia**, small advancements have been reported in advocating restorative justice processes to legal professionals. Namely, the Ministry of Justice participated in a project that aimed to raise awareness of alternative dispute resolutions, including restorative justice, in the civil and criminal field. The project targeted judges, prosecutors, court officials, but also the general public. In the **Netherlands** restorative justice services have already been available prior to 2018. While there have been no significant changes to the structure and operations of these services, in the recent years they have received more attention. Namely, restorative justice is increasingly seen as a possible solution to the lack of capacity of the judiciary to timely deal with the caseload, which can lead to a large number of cases being dropped. Nonetheless, although restorative justice practices have been well-established for many years, these services are sometimes not taken advantage of. This is at least in part due to the professionals assuming that victims would not find it desirable to engage in restoration in the early stages of criminal proceedings¹⁸⁶. In

185 Restorative Justice: Strategies for Change, <https://restorativejustice.ie/>

186 Expert interview No. 2

Spain, that several autonomous communities have implemented penal mediation programs. Navarra has been a pioneer in establishing penal mediation services as a public restorative justice mechanism. This approach encourages conflict resolution through dialogue between the victim and the offender, contributing to personalized reparation and often avoiding the need for a trial. Similarly, Andalusia has launched an Adult Penal Mediation Service (SEMPA), in collaboration with Victim Assistance Offices, integrating restorative justice as a key element in its strategy for victim support and conflict resolution. However, penal mediation is not yet legally regulated, except in juvenile proceedings, which limits the scope and expansion of restorative practices. This presents a challenge for the uniform implementation of such services across the criminal justice system and restricts their development as an alternative to traditional judicial proceedings.

The VRD does not require Member States to ensure that victims can access restorative justice services. VSE has already argued that this was, in part, not only due to different views within the restorative justice community but due to the concerns of policy makers and the support community on the value, risks and methods of restorative justice services.¹⁸⁷ However, throughout more than a decade that had passed since the adoption of the VRD, the restorative justice field has witnessed a growing consensus within the European and international community for the restorative approach to be applied to and be accessible in criminal matters and beyond. This stands particularly true when victims' safety and well-being are considered and prioritised. Much remains to be done across the EU to ensure that victims who wish to access restorative justice services can do so safely and effectively, but steady progress has been made when considering awareness of these services' existence and their importance in a holistic approach to victims' recovery.

¹⁸⁷ Victim Support Europe, *Safe justice for victims of crime*, 2023, <https://victim-support.eu/publications/safe-justice-for-victims-of-crime-discussion-paper/>



- Legislation changes
- Policy changes
- Changes in services
- Informal changes
- No changes

Article 12 – Right to safeguards in the context of restorative justice services

Out of the 26 EU Member States, 10 countries reported changes. 16 countries had no changes. It is one of the articles with the lowest number of countries reporting changes in implementation. Five countries implemented new/amended legislation. One country introduced new/expanded services. Three countries implemented new/updated policies. One country implemented informal changes.

ARTICLE 13 – Right to legal aid

Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings. The conditions or procedural rules under which victims have access to legal aid shall be determined by national law.

A lack of qualified legal assistance can impede the victim's ability to navigate complex legal processes. Case-relevant decisions are often communicated in legal jargon that is difficult for non-experts to understand, thus making it hard for victims to assess whether the investigation was carried out appropriately. Therefore, there is a pressing need for not only legal aid to ensure that victims have access to expert guidance on their rights and legal options, but also on support services that would empower victims and strengthen their ability to seek and secure legal remedies^{188 189}. This may be particularly relevant in the context of the victims' enjoyment of Article 11, but also of other provisions of the VRD.

Article 13 is clear – Member States must ensure that victims can access legal aid and any associated services. However, Article 13 remained unspecific as to what type of legal aid needs to be made available, as well as – who bears the cost of such service.

In practice, legal aid can be provided to the victim in two main forms: legal advice and legal representation. When being given **legal advice**, a person with legal training – usually, but not necessarily a qualified attorney, offers the victim their professional opinion as to their role and rights in judicial proceedings, and informs them about potential legal consequences of certain actions or omissions. Whereas, when receiving **legal representation**, victim appoints a qualified lawyer to act as their attorney, to represent them in court and to undertake legally consequential actions on their behalf.

Although previous research has shown that all Member States provide some form of legal aid, the eligibility criteria for victims to qualify for legal aid differed¹⁹⁰. In general, eligibility is based either on the characteristics of the victim or the circumstances of the crime. For the former, the socioeconomic status of the victim is commonly assessed; while for the latter, legal aid is often reserved for victims of specific crimes.

Another key difference in the availability (and accessibility) of legal aid across Member States was the extent of cost covered. Some Member States, namely, provide legal aid free of charge, while others require victims to cover a part of the fees themselves. Often, the level of victims' income informs the cost-sharing of legal aid between the victim and the state.

In practice, there is a number of barriers that stand in the way of victims accessing legal aid, boiling down to a combination of the victim's ability to cover the cost of qualified legal assistance and the availability of legal professionals who are indeed qualified to support victims of crimes.

188 See Section on Article 13

189 See Section on Article 9

190 VOIARE Synthesis Report, p. 109

Namely, the criteria determining which victims receive free legal aid are often too restrictive or are inadequate. In addition, the availability of qualified lawyers who offer support to victims free of charge is often limited. Moreover, even when a victim qualifies to be granted free legal aid, they must often wait an unnecessarily long time between their request for legal aid and the request being approved.

In the absence of efficient free legal aid systems, victims may be forced to either pre-finance legal services themselves (if they can afford to do so) or attempt to navigate legal proceedings themselves. This results in either a high out-of-pocket cost for the victim, or their attempt at arguing their own case before the authorities. This may lead to the sub-standard or inappropriate legal arguments, or unintentional compromising of their own credibility, which ultimately may, and often does, lead to an inequitable or adverse legal outcome.

The analysis of current data points towards efforts to improving the practical implementation and accessibility of the right to legal aid. As previously stated, all Member States offer some kind of legal aid, albeit through different mechanisms and conditions.

In **Bulgaria** for example, access to legal aid for victims of trafficking in human beings has been improved since 2019.¹⁹¹ Recognising that victims of human trafficking present complex support needs and often do not speak the language of legal proceedings, temporary accommodation shelters must now provide non-Bulgarian-speaking victims with free legal aid and, in line with Article 7, also linguistic support¹⁹². Additionally, a 2022 the amendment to the Legal Aid Act foresees that legal aid may be provided in and outside of court procedures¹⁹³.

In the **Netherlands**, Victim Support Netherlands has been providing support to all victims for many years. Since 2022, a proactive outreach strategy has been adopted, targeting victims of high-impact crimes (e.g., robberies, violent crimes), aiming to alleviate some of the burden on victims to seek help themselves¹⁹⁴. This can significantly increase the number of victims receiving legal aid. Changes have also been made when it comes to the criteria that victims must fulfil in order to be eligible for legal aid.

In **Lithuania**, where secondary legal aid may be granted depending on the income and assets of the victim, the census qualifying access to free legal aid has been amended in 2019 and 2022, making free legal aid more accessible.¹⁹⁵ In **Romania**, legislation has been adopted to ensure access, under certain conditions, to free legal aid for victims of a limited number of

191 Combat of Trafficking in Persons Act of 2019

192 Article 10 paras 1, 5 of the Combat of Trafficking in Persons Act.

193 Article 21, paras 1, 3 of the Legal Aid Act.

194 Netherlands Institute for the Study of Crime and Law Enforcement. (n.d.). High impact crimes. Retrieved December 10, 2024, from <https://hetccv.nl/themas/high-impact-crimes/high-impact-crimes/>

195 Lietuvos Respublikos Vyriausybės 2005 m. balandžio 27 d. nutarimas Nr. 468 dėl asmenų (šeimos) turto ir asmens pajamų lygių antrinei teisinei pagalbai gauti nustatymo (Resolution of the Government of the Republic of Lithuania No 468 of 27 April 2005 on Determination of the Levels of Persons' (Family's) Assets and Personal Income for Secondary Legal Aid). Valstybės žinios, 2005-04-28, Nr. 54-1856.

serious crimes.^{196 197} Furthermore, the legislation regarding free legal aid, specifically for victims of domestic violence was adapted in **Portugal**¹⁹⁸. Namely, there is now a presumption that these victims qualify for free legal aid, and it must be granted with urgency. As a result, waiting times for legal aid applications are expected to be shortened.

Slovakia, through a 2021 amendment extended the right to legal aid, by making it available in both criminal and civil proceedings¹⁹⁹. Also, since the beginning of 2020, qualified free legal representation is offered to child victims in cases where they are not represented by their legal guardians²⁰⁰. Similarly, **Austria** has broadened its free legal aid eligibility to include more victim groups (e.g., victims of terrorism)²⁰¹.

Developments enhancing accessibility of the right to legal aid in **France** have been ongoing since 2018. Since December 2019, victims can apply for legal aid using the online Legal Aid Information System²⁰² (SIAJ). SIAJ simplifies the application process by allowing persons to determine their eligibility to legal aid through an online simulator, submit an application, and benefit from 24/7 support during its submission. As a result, the application process has become more efficient, and more victims have been able to benefit from free legal aid. In 2020, the eligibility criteria for free legal aid have been determined to be taxable income, moveable heritage and property²⁰³. In parallel, the Guaranteed Legal Aid Mechanism was introduced by the 2021 Finance Law. The newly introduced mechanism guarantees that lawyers, who are appointed or designated by the court and who have effectively performed their tasks, will be compensated regardless of their client's resources, or if the clients do not pay their fees.

Smaller changes have also taken place since 2018 in **Czechia** and **Italy**. In **Czechia**, conditions for access to free legal aid for certain groups of victims have been clarified²⁰⁴. However, from expert

196 OUG no. 24/2019 modified art. 14 from Law no. 211/2004

197 a) persons who were victims of the following crimes: attempted murder or attempted aggravated murder (article 188 and 189 of the Criminal Code), bodily harm (article 194 of the Criminal Code), rape, sexual assault, sexual act with a minor, sexual corruption of minors (provided for articles 218-221 of the Criminal Code) or intentional crimes which resulted in the bodily harm of the victim. b) the spouse, children and dependants of deceased victims by committing the crimes of murder, qualified murder (provided in articles 188 and 189 of the Criminal Code), as well as the intentional crimes which resulted in the death of the person. The free of charge legal aid is granted to the victims of the crimes which were committed on Romanian territory or, if the crime was committed outside Romanian territory, to the victim who is a Romanian citizen or a foreign citizen who legally lives in Romania.

198 8.º C on Law no. 34/2004

199 Art. 7(2) of the Victims Act

200 as per Article 48(2) of the CCP

201 Strafrechtsänderungsgesetz 2018

202 Ministère de la Justice. (n.d.). Aide juridictionnelle [Legal aid]. Retrieved from <https://www.aidejuridictionnelle.justice.fr/>

203 Décret n° 2020-1717 du 28 décembre 2020 portant application de la loi n° 91-647 du 10 juillet 1991 relative à l'aide juridique et relatif à l'aide juridictionnelle et à l'aide à l'intervention de l'avocat dans les procédures non juridictionnelles, Journal officiel de la République française. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042748211>

204 To obtain free legal aid, the victim must fall under one of the following categories, the victim is a particularly vulnerable victim under the Law on Victims, the victim is under the age of 18, the victim suffered serious bodily injury, the victim is the survivor of the victim who died because of the crime. The definition of a particularly vulnerable victim comprises serious crimes such as sexual offences, violent offences, offences committed on the grounds of racial, ethnic, religious, or other similar hatred etc.

interviews it appears that there is a persistent problem: the Ministry of Justice is responsible for creating a list of lawyers specialising in legal aid which is given to victims; however, the list has not been updated and contains inaccurate information.

Likewise, while no legislative changes occurred in **Italy**, the Constitutional Court reaffirmed the legitimacy of free legal aid for victims of sexual violence, particularly if they are minors. It is important to point out that many specialist services provide free legal representation for victims they support, while other services, such as those of Rete Dafne Italia, guarantee only the provision of legal information and guidance, without possibility to represent victims in criminal proceedings.

Germany and **Sweden** have made changes that negatively impacted the provision of legal aid to victims instead of improving it. In **Germany**, changes were introduced to streamline the representation of joint plaintiffs²⁰⁵. While potentially introducing rationalisation of resources, this rule also restricts victims from being represented by a lawyer of their choosing and further imposes complications on lawyers, such as the obligation to avoid conflicts of interest. Moreover, for lawyers who need to represent more than one victim, this may constitute a significant amount of additional work. This, combined with the relatively low financial compensation, makes it unlikely that many lawyers will make their services available for the recipients of legal aid in the future.

In **Sweden**, a 2018 reform severely limited victims' access to legal aid. Prior to the reform, victims of serious crimes were entitled to legal representation from the time of the police interview through initial court proceedings. However, the reform curtailed this right by ending representation after the district court ruling, unless the case was appealed. The government argued this change would improve efficiency by reducing victims' need to appear in the appeal courts due to the use of recorded evidence from lower courts. In practice, however, this has left many victims without legal support in the appeal courts, as representation is now only granted if a specific need is identified. This has resulted in victims feeling abandoned, as seen in a high-profile case where a rape victim, despite the case's significance in applying new rape legislation, was denied legal representation. This reform has been criticized by the Swedish Bar Association, the Swedish Prosecution Authority, and the Swedish Crime Victim Authority, who argue it leaves victims vulnerable and unsupported. Some lawyers have provided pro bono assistance, but this is not a sustainable solution. Additionally, legal representation is often appointed too late, depriving victims of essential support during critical stages of the investigation.

Limited or no changes have been made in other Member States²⁰⁶. In **Croatia**, victims must meet a set of criteria to be provided with free legal aid, which severely limits their ability to access legal aid. Namely, victims of serious crimes who suffer from severe consequences of such crime can only get legal aid in putting forward a compensation claim in criminal proceedings,

205 Allgayer (2023) KK StPO Kommentar § 397b Rn. 1-4, beck-online.

206 BE, CY, EE, ES, FI, GR, HR, HU, LU, MT and PL

and only in cases of serious crimes.²⁰⁷ In other words, access to the right is severely limited, which is of concern, considering the additional restriction establishing that the right to a legal representative is only ensured during court proceedings, not in any of the previous stages.

In **Hungary**, the assessment for determining who can receive legal aid remains unchanged and is conditioned by victims' financial status and age – free legal aid is provided to child victims.

In **Ireland**, victims of human trafficking, domestic and sexual violence, as well as victims classified as in extreme hardship, are granted free legal aid. Other victims are required to pay a minimum contribution towards the cost of such support. For victims with a disposable income of less than €11,500, this contribution is set at €130. Albeit relatively modest, this requirement may create a significant barrier for many victims who might need professional legal support.

In **Malta**, there are no means or merit tests. Once a person is identified as a victim of crime by the competent authority, they may request assistance from legal aid services, after which they are referred to the Legal Aid Malta, the state agency for legal aid, to initiate the appointment of a legal aid lawyer²⁰⁸. In addition to full coverage of legal aid costs, all expenses associated with court registry fees, legal representation and expert fees until the final judgment are also covered.

The draft legislative proposal has been introduced in 2022, suggesting a reform to the entire legal aid system. However, the legislation has not been adopted yet at the cut-off date for the present report²⁰⁹.

Considerable advancements have been achieved in enhancing access to legal aid for victims throughout Member States, but significant inconsistencies still exist in the execution of the right. Some Member States have broadened eligibility criteria and simplified procedures to better assist victims; however, obstacles such as stringent requirements, insufficient resources, and delays in obtaining legal aid continue to exist. These shortcomings hinder victims' capacity to fully assert their rights, especially during the initial phases of legal proceedings. It is of a particular concern that in some countries access to legal aid has been restricted compared to what was available in 2018. Nevertheless, ongoing legislative reforms and initiatives aimed at improving accessibility demonstrate a sustained dedication to refining the implementation of legal aid within the EU, with the goal of establishing a more just and efficient system for all victims.

207 Republic of Croatia, Ministry of Justice, Koja prava imam kao zrtva? (What rights do I have as a victim?), available at: <https://mpudt.gov.hr/o-ministarstvu/djelokrug-6366/iz-pravosudnog-sustava-6372/podrska-zrtvama-i-svjedocima/pitanja-i-odgovori-6279/koja-prava-imam-kao-zrtva/7009>

208 Ministry for Justice, Equality and Governance. (n.d.). Victim of crime. Retrieved from <https://justice.gov.mt/en/legalaidmalta/Pages/Victim-of-Crime.aspx>

209 Projet de loi portant organisation de l'assistance judiciaire et portant Abrogation de l'article 37-1 de la loi modifiée du 10 août 1991 sur la profession d'avocat, 7 July 2022, <https://gouvernement.lu/dam-assets/documents/actualites/2022/02-fevrier/07-tanson-assistance-judiciaire-partielle/PL-7959-Assistance-judiciaire.pdf>

ARTICLE 14 - Right to reimbursement of expenses

Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system. The conditions or procedural rules under which victims may be reimbursed shall be determined by national law.

Ideally, victims, regardless of their financial standing, should feel empowered to play an active role in criminal proceedings, should they choose to do so. However, it must be acknowledged that such participation often entails various personal financial costs – ranging from travel and accommodation expenses to the potential loss of earnings. In recognition of this, Article 14 of the VRD requires from the Member States to ensure that victims receive reimbursement for expenses incurred as a result of their active involvement in the criminal justice process.

The exact implementation of Article 14 differs across Member States. Each country sets its own eligibility criteria for reimbursement and defines the procedural framework enabling victims to claim these expenses. As already reported by VSE, discrepancies exist in the extent of compensation of costs that is made available to victims, depending on type and amount of cost²¹⁰. While the reimbursement of travel costs appears to be a common measure adopted by Member States, the scope of what is covered and the ease of access to such reimbursements differ considerably. In some countries, coverage may apply to only specific categories of victims or to a limited range of expenses, leaving other costs unaddressed.

Often, victims are expected to advance the cost related to their participation, and are then expected to wait for reimbursement, which can sometimes be significantly delayed. Such delays can be burdensome for victims, and can cause secondary victimisation, in particular if victims need to wait for long time, or repeatedly seek reimbursement of cost. Strikingly, in certain Member States, victims' expenses are to be covered by the offender, but only if they are convicted, which can be seen both as a deterrent for victims to participate in criminal justice and a large source of secondary victimisation if they do decide to take an active part in the proceedings.

As a contrast to such unfavourable practices, certain Member States have introduced more victim-centric approaches, including **the provision of advanced payments for cost of participation**. Such proactive measures allow victims to receive funds upfront, ensuring they are not disadvantaged or discouraged from participating in the proceedings. Advanced payment programmes foster higher levels of victim engagement and participation, ensuring that financial barriers do not hinder their access to justice. Such practices exemplify how states can balance the need for participation with the practical realities of victims' financial situations, ultimately ameliorating the overall experience for victims. This is the case, for example, in **France**.

210 VOCIARE Synthesis Report, p. 113

Since 2018, a limited number of changes have been identified across Member States concerning both the legislative and practical implementation of Article 14 of the VRD.

One of the most notable improvements has been reported in **Malta**. In 2018, the Victims' Act did not include any mention on the right of victims to receive reimbursement of their expenses following their participation in criminal proceedings. However, recent legislative amendments have enabled victims to claim reimbursement of expenses, including international travel for cross-border victims. Victims can apply by using an online form that is available on the Justice Department's website, and applications for cost reimbursement must be processed within 15 days. This legislative change is important as it minimises victims' financial burden and encourages their participation in proceedings, regardless of their economic status. However, no data or statistics are available regarding the number or outcome of the requests received, and it was not possible to verify the correct implementation of the time 15-day time limit set for processing, making it difficult to assess the practical effectiveness of the system.

In 2020, in **France**, the cost reimbursement system was expanded to ensure coverage of costs for victims of terrorism, crimes against humanity, public health offences and mass victimisation who participate in trials abroad. Despite this positive development, the process for reimbursement still requires victims to make formal requests, which, unless they receive legal aid and/or support from victim support organisations, they may not be able to navigate themselves with ease.

In **Germany**, there have been regular inflation-based adjustments for specific costs incurred by witnesses, and therefore also for victims who testify in criminal proceedings. Thus, witnesses travelling with their own car can now receive €0.35 per kilometre, a €0.10 increase compared to the previous rate for travel-related costs (Reisekostenersatz). Also, several other costs are now reimbursed at higher rates, including, compensation for lost earnings. This compensation, while still being determined by the person's regular gross income, including social security contributions payable by the employer, is now limited to €25 per hour instead of €21.

For the majority of MS, however, no relevant legislative or practical changes have been observed since 2018. In some cases, this stagnation raises concerns, particularly when they mean the failure to improve shortcomings that had been identified in 2018²¹¹. For instance, in **Ireland**, the system in place has not been significantly changed since its inception. The reimbursement process continues to be coordinated by the Garda and the requests are processed by the local Superintendent, when the case is prosecuted. Experts have expressed concerns over the lack of accessible online information and the burden placed on victims to initiate the reimbursement process, which may in fact deter them from seeking financial support as the system can be difficult to navigate.

211 VOCIARE Synthesis Report, p. 113

The partial transposition of the Directive into **Luxembourgish** law still has not been solved. As highlighted in the VOCIARE report, Luxemburg's system follows a "loser pays" principle, meaning that victims may still be liable for court costs if they initiated the proceedings and the accused is acquitted²¹². In other words, the burden is shifted from the State to the losing party. The criteria for the *partie civile* to be exonerated from paying expenses in cases of acquittal of the accused remain unclear. Furthermore, the system does not cover loss of earnings, contrary to the Directive's intent to protect victims from financial discouragement in participating in the proceedings.

A broader issue across many Member States is the lack of data regarding the practical implementation of Article 14. For example, in both **Cyprus** and **Slovakia**, while the transposition appears satisfactory on paper, there is limited data on how these provisions function in practice. Information on key indicators such as the number of claims processed can make it easier to assess the real-world effectiveness of these systems. Theoretical compliance does not guarantee that victims are adequately supported in practice; empirical data is essential for evaluating whether victims' rights are being upheld and for identifying areas where further improvements are needed.

The implementation of Article 14 of the VRD has seen some improvements, yet there remain areas that require further development. Positive developments include the introduction of advanced payments and an expansion of the reimbursable expenses categories. Nevertheless, challenges continue to exist, such as inconsistent coverage, complicated claims procedures, and reimbursement delays, which are frequently linked to the results of legal proceedings. To address these issues, it is essential to establish more standardised reimbursement criteria, improve data collection regarding the effectiveness of existing systems, and simplify the claims process to guarantee that all victims can engage fully without facing financial obstacles.

All these persisting challenges underscore the critical role of victim support services in ensuring that victims understand and are understood in their interactions with the Member State authorities (Article 3), that they are informed about their rights (Articles 4 and 6), but also that they are provided with access to services that can help them with navigating often complex administrative procedures (Articles 8 and 9).

212 Ibid.

ARTICLE 15 – Right to the return of property

Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings. The conditions or procedural rules under which such property is returned to the victims shall be determined by national law.

During criminal procedures, authorities often seize victims' property as it may be crucial to the investigation or trial. However, as stipulated in Article 15 of the Victims' Rights Directive, once the property is no longer required for the proceedings, it must be returned to the victims without any delays. This provision emphasises the importance of returning seized property, knowing that it sometimes may be valuable items, but often concerns items of emotional or symbolic value to victims or their loved ones.

While it is not directly mentioned in the Directive, the implementation of Article 15 is most effectively and successfully implemented where two important practices are followed. Firstly, authorities should return any seized property in a respectful manner. Secondly, the return should be free of charge and made at the initiative of the competent authorities.

This is relevant as much for the items that are taken into evidence, as is the basic initial involvement of the authorities – such as cleaning up the crime scene. Returning property is not just a logistical process; it should be carried out with sensitivity to the victim's experiences and their individual needs. In certain cases, the return of specific items may unintentionally cause further distress and secondary victimisation, especially when the property is in a state that can cause additional trauma. For example, items may still bear traces of the crime, such as blood. In such instances, the return should be handled with caution, ensuring that any sensitive items are returned with utmost care, and in view of victims' wishes and preferences.

Moreover, the return of property should be carried out at no cost to the victim. This aligns with the Directive's objective to prevent the victim from facing further financial burden as a result of the criminal proceedings. As such, Article 15 needs to be read in conjunction with Article 14. Finally, the return of property should be initiated by the authorities, applying a proactive victim-centred approach, rather than placing the onus on the victim to request their belongings. This shift in responsibility recognises the victim's suffering and aims to reduce the burden on them during an already challenging time.

The 2018 analysis already indicated significant variations in the practical implementation of Article 15. While the Directive mandates the return of property as soon as it is no longer needed, in many Member States, the return is contingent upon the conclusion of criminal proceedings, which can lead to long delays even when the property is no longer needed, or if its quality and value are deteriorating with the passage of time. In some cases, victims may wait years for the

return of their possessions, although keeping it in the State's possession has not been essential to the investigation or trial.

Victims also often face difficulties in proving ownership, particularly when there are competing claims or when items are not correctly registered or documented. These challenges can result in prolonged legal disputes, additional costs, and further delays in the return of items. Additionally, in most countries, there has been a lack of relevant data on the return of victims' property which points to a significant gap in the monitoring and evaluation of the process.

In 2018, one point has been indicated as a particular point of concern. Namely, in some Member States there were specific time limits for claiming seized property. Where such time limits are put in place, the victims' failure to claim and collect their property results in forfeiture of this right. For example, in **Croatia**, victims must request property within one year after the criminal proceedings have ended. While reasonable in most cases, these limits can be restrictive, especially for victims who may be unable to collect items within the time limit, due to a range of reasons, such as hospitalisation or relocation.

Moreover, the 2018 analysis revealed that there are often no clear protocols in place to ensure that seized property is returned in a sensitive manner. In the absence of a systemic approach, the responsibility of returning property lies with individual professionals, enhancing the likelihood of secondary victimisation. Some countries, such as **Belgium**, have attempted to address this by involving trained victim support workers in the returns process, ensuring sensitivity and, where necessary, cleaning the items before they are returned. However, very few Member States have clear guidance on how to return property – including how to clean the crime scene.

Since 2018, limited changes to the implementation of Article 15 have been reported. The most significant improvements to the way seized property is being returned to victims have been implemented in **France** and **Luxembourg**.

Since 2022, in **France**, a significant step was taken in reinforcing the consideration of victims' interests during criminal proceedings. According to the new legislation, it is possible for the public prosecutor and the investigating judge to have the crime scene cleaned at the expense of the court instead of the family²¹³.

The coverage of these costs is restricted to crimes that took place in private residences and applies only to the families of victims in cases of intentional homicide, acts of torture and barbarity, deliberate violence causing death without intent, or resulting in permanent mutilation or disability. However, this provision remains relatively unknown and must be implemented more effectively.

Moreover, the 2022 interministerial circular on the announcement of death and the respectful treatment of the deceased and their relatives, reminds the officials who are tasked with

213 D15-3-3 and D32-2-4 of the CPC

announcing the death of a loved one to the victim of the right to the return of personal effects and the support to be organised for the relatives of the deceased at the time of return²¹⁴.

In practice, however, French victims are often inadequately informed about the opportunity to reclaim personal belongings and seized property. Experts note that the process remains complicated, with victims not being consistently notified about the return of their items or the payment of judicial bails. Additionally, the right to property return is not automatically enforced by authorities, requiring victims to initiate the request themselves. This highlights the need for greater transparency and improved communication regarding victims' rights to recover their property.

We need to make progress in the law on this point. This is painfully experienced by the victims. The handing over of personal belongings is too random, as is the cleaning of crime scenes.

Victim support professional

In **Luxembourg**, the Office for Asset Management (Bureau de Gestion des Avoirs – BGA) has been introduced in 2022²¹⁵. This new agency is responsible for handling property seized or confiscated by the relevant authorities. Currently, no data is available regarding the timeframe for property returns. Additionally, legislation adopted in December 2022 aligned the Luxembourgish system with EU regulations on confiscation and freezing orders, thereby enhancing the ability of victims of transnational crimes to reclaim their property.

In **Germany**, some cosmetic changes were introduced, due to the change in the definition of 'injured person' ²¹⁶. Yet, it does not bring any changes to the practical implementation of Article 15. As a matter of fact, some experts reported that the return of personal belongings frequently faces delays, and that the judiciary often neglects to inform victims about their entitlement to reclaim their items.

No relevant or significant changes took place in any other MS. This is particularly concerning considering the findings of the VOCIARE report, that indicated many shortcomings in the implementation of Article 15 across the EU²¹⁷. For instance, in **the Netherlands**, no changes have been introduced or are foreseen in the near future. Yet, already in 2018 victims were frequently reporting negative experiences related to the return of their seized property. These

214 Circulaire interministérielle relative à l'annonce du décès et au traitement respectueux du défunt et de ses proches, available at: <https://www.legifrance.gouv.fr/download/pdf/circ?id=45383>

215 Stradalex. (2022, June 22). *Loi du 22 juin 2022 portant modification de la loi modifiée du 22 mars 2013 relative à la gouvernance et à la gestion des établissements publics* [Legislation]. Stradalex. https://www.stradalex.lu/fr/slu_src_publ_leg_mema/toc/leg_lu_mema_202207_343/doc/mema_etat-leg-loi-2022-06-22-a343-jo

216 Notwithstanding subsection (1), the item shall be handed over to the injured party from whom it has been seized by the offence, if the latter is known." it now reads "Notwithstanding subsection (1), the item shall be handed over to the person from whom it was directly seized as a result of the offence, if this person is known."

217 VOCIARE Synthesis Report, p. 116

included lack of information, long waiting periods, improper preservation of property, or, in some cases, the destruction of items seized²¹⁸.

In **Bulgaria**, no changes have been made, which is particularly concerning given the VOciare report's findings that no provisions existed under national legislation to ensure that property was returned in a sensitive manner. There are also no clear protocols in place to guarantee this right for victims. Similarly, in **Slovenia**, since 2018 no specific measures have been introduced to ensure that property is returned in a sensitive manner. The returns process largely depends on the sensitivity and discretion of the court staff involved. This lack of oversight or mandatory guidelines leaves room for inconsistency in how victims are treated, increasing the risk of secondary victimisation.

The lack of change in most MS is troubling given the persistent issues identified in the VOciare report²¹⁹. Delays in the return of property, insufficient communication with victims, and the failure to adequately protect seized items continue to undermine victims' rights. The failure to address these shortcomings suggests a gap between the legal framework established by the Directive and its practical implementation. Without further action to improve these processes, victims will continue to face unnecessary burdens, which may result in financial loss, prolonged distress and secondary victimisation. It is essential that MS prioritise reforms to ensure timely and respectful returns of property, alongside better communication and support for victims.

Article 15 is a continuation of Article 14, in many ways. This also extends to the realisation that this right, like most others that are guaranteed by the Directive, is intrinsically conditioned by appropriate implementation of Articles 3, 4 and 6 to ensure good communication and provision of information to victims, as well as Articles 8, 9 and 13, to ensure that victims have access to legal aid. Finally, Article 22 and the individual needs assessment that is necessary to protect victims from, *inter alia*, secondary victimisation, proves itself time and again as systemic provisions that conditions victims' full enjoyment of their rights.

218 Nationale Ombudsman. (2022, March 1). Het OM geeft auto te laat terug. <https://www.nationaleombudsman.nl/nieuws/columns/2022/gewoon-omdat-het-hoort>; Het Onderzoeksbureau. (2022, May 27). #33 - Strafrechtadvocaten: beslagprocedure slecht geregeld. <https://www.nporadio1.nl/podcasts/het-onderzoeksbureau/70478/33-strafrechtadvocaten-beslagprocedure-slecht-geregeld>

219 VOciare Synthesis Report, p. 116

ARTICLE 16 - Right to decision on compensation from the offender in 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.

Article 16, like the rest of the Victims' Rights Directive, only sets a minimum standard. In the context of the present provision, that standard is set to mean that compensation from the offender is expected. With this, Member States need to ensure that victims, who had suffered harm due to crime, are faced with as few obstacles as possible in ensuring that they can be vindicated for their suffering.

Against this background, Article 16 has been identified as a priority article in the BeneVict research due to systematic, EU-wide difficulties with its practical implementation. Albeit this provision has a limited ambition, its lack of implementation has an overwhelming impact on victims' experiences of criminal justice. When the criminal courts fail to adjudicate victims' request for offender compensation, victims are regularly instructed to take their claim to civil courts. The Directive only applies in criminal proceedings; therefore, any protections it provides are no longer available to victims when they depart from criminal justice system with their compensation claim. This means that victims are not availed any of the protections that might have been granted in criminal trial, such as testifying via video link, ability to testify under a pseudonym, to be examined by a person of the same gender, or simply not having to sit in the same waiting room as the perpetrator. This is in and of itself a source of secondary victimisation, and many victims, faced with the difficult choice of either exposing themselves to further suffering or foregoing compensation, decide to protect the little dignity they have left after criminal trial.

Despite the importance of full implementation of Article 16, as well as a relative simplicity with which it might be implemented, the current research indicates that in many Member States, there have been no major legislative or practical changes since 2018. However, multiple smaller-scale improvements have resulted in better access to the essence of the right in multiple countries. All the while, difficulties associated with navigating between criminal and civil proceedings as well as with complicated application processes remain.

In **Czechia**, in 2021, the Constitutional Court clarified under which circumstances the sum awarded to a victim in the criminal proceedings may be reduced. In **Hungary**, since 2018, victims can claim compensation for non-pecuniary damages in criminal proceedings. However, this compensation claim may only be awarded in criminal proceedings if the accused expressly

agrees. This means not only that the compensation may be obstructed by the offender but is also opening victims to secondary victimisation and is discouraging them from seeking compensation in criminal proceedings.

In a few countries with the state compensation system, developments are linked with improved payments. In the **Netherlands**, since 1 January 2019, relatives of a deceased victim or of a victim who has sustained a severe or permanent injury can receive compensation from the person responsible. The compensation sum is set between €12.500 and €20.000. On 1 July 2022, **Sweden** introduced new legislation regarding compensation for victims of crime, significantly increasing the amounts of compensation for which victims can apply²²⁰. In **Poland**, there has been an increase in the upper compensation limit; this has resulted in a significant increase to the average amount of compensation granted to victims since 2017.

In **Belgium**, no major changes were observed to either the legislation or in the practical implementation of the right to compensation from the offender. However, some improvements have taken place regarding state compensation in the fields of terrorism and gender-based violence. The National action plan to combat gender-based violence aims to facilitate victims' access to state compensation by strengthening access to the Commission for financial assistance to victims of intentional acts of violence.²²¹ This is being achieved through the introduction of a fully digitalised application procedure; and with the option of using videoconferencing for the administrative hearing before the Commission.

In **Austria**, no structural or systemic changes have been made either to the right to compensation from the offender during criminal proceedings or to the application process for such compensation. However, in 2021, a special state compensation fund was set up for victims of the 2 November 2020, terrorist attack²²².

No changes have been reported in **Bulgaria, Croatia** (where the compensation application form remains excessively complicated), **Germany** (where the right is not usually exercised due to difficulties with moving between civil and criminal proceedings), **Latvia, Malta, Luxembourg, Portugal** (where year-long delays on decisions remain a problem), **Slovenia, Spain, Cyprus**, and **Greece**.

Yet, in a few Member States some promising reforms have been reported. Before 2021 in **Ireland**, there was no state compensation scheme for victims' pain and suffering. However, under the 2021 reforms, in cases involving victim fatalities, dependents can now be awarded compensation for mental distress.

In **Estonia**, at least since 2004, all victims of violence had the right to claim state compensation

220 (Prop. 2021/22:198)

221 AN (2021-2025). *Plan d'action national de lutte contre les violences basées sur le genre 2021-2025. Axes stratégiques et mesures clés*. <https://sarahschlitz.be/wp-content/uploads/sites/300/2021/11/20211125-PAN-2021-2025-clean-FR.pdf>

222 WEISSER RING. *Terroropferfonds*, <https://www.weisser-ring.at/terroropferfonds/>

for their suffering. However, very few victims availed themselves of this right, probably due to the lack of information and understanding that this scheme was available. In 2022, new Victim Support Act was adopted, with an improved referral of victims to support services and a new commitment of the authorities and victim support providers to improve information provided to victims about their rights, including compensation. There has been little evidence provided for the present report that there have been any significant changes in victims' access to state compensation in the country, however the Estonian authorities remain committed to ensure that as many victims as possible start resorting to the compensation scheme.

In **Romania**, new legislation has introduced a national mechanism for the prevention of crimes, which includes facilitating access by victims to equitable and adequate compensation. This mechanism foresees that victims can request state compensation, when the offender is missing or is bankrupt. However, it has not been indicated, through research, if any practical steps have been taken to facilitate implementation of this new and very welcome rule.

In 2018, **Italy** has established a Revolving Fund for solidarity, that is aimed to provide compensation to the victims of mafia-style crimes, extortion requests, usury and intentional violent crimes, and to orphans of domestic crimes²²³. The Revolving Fund has been seen as a crucial resource for providing economic support to victims.

There is no doubt in the wording of Article 16 that Member States are not expected to take the place of offenders in their duty to pay compensation to victims²²⁴. However, the golden standard, long recommended by Victim Support Europe, has been to introduce state as an intermediary between the victim and the offender and introduce state compensation schemes. Such schemes, made available at least for those victims of crimes who would either have difficulties to access compensation otherwise, or those who would be subject to serious harm if they needed to pursue compensation from the offender themselves can be the only means to ensure that victims receive at least some symbolic restoration for the suffering caused to them by the crime²²⁵.

A minority of Member States have indeed been providing state compensation to certain groups of victims of crimes – with the French compensation system being seen as one of the most generous ones, as it provides compensation to all victims of serious crimes that take place in France, but also to all French victims of crimes abroad. A number of other Member States have also given access to state compensation for victims of certain types of serious crimes, such as Germany, Sweden or the Netherlands. A few Member States, such as Spain, Belgium or Croatia, have limited state victim compensation funds, that are made available to victims of terrorism or victims of some forms of gender-based violence.

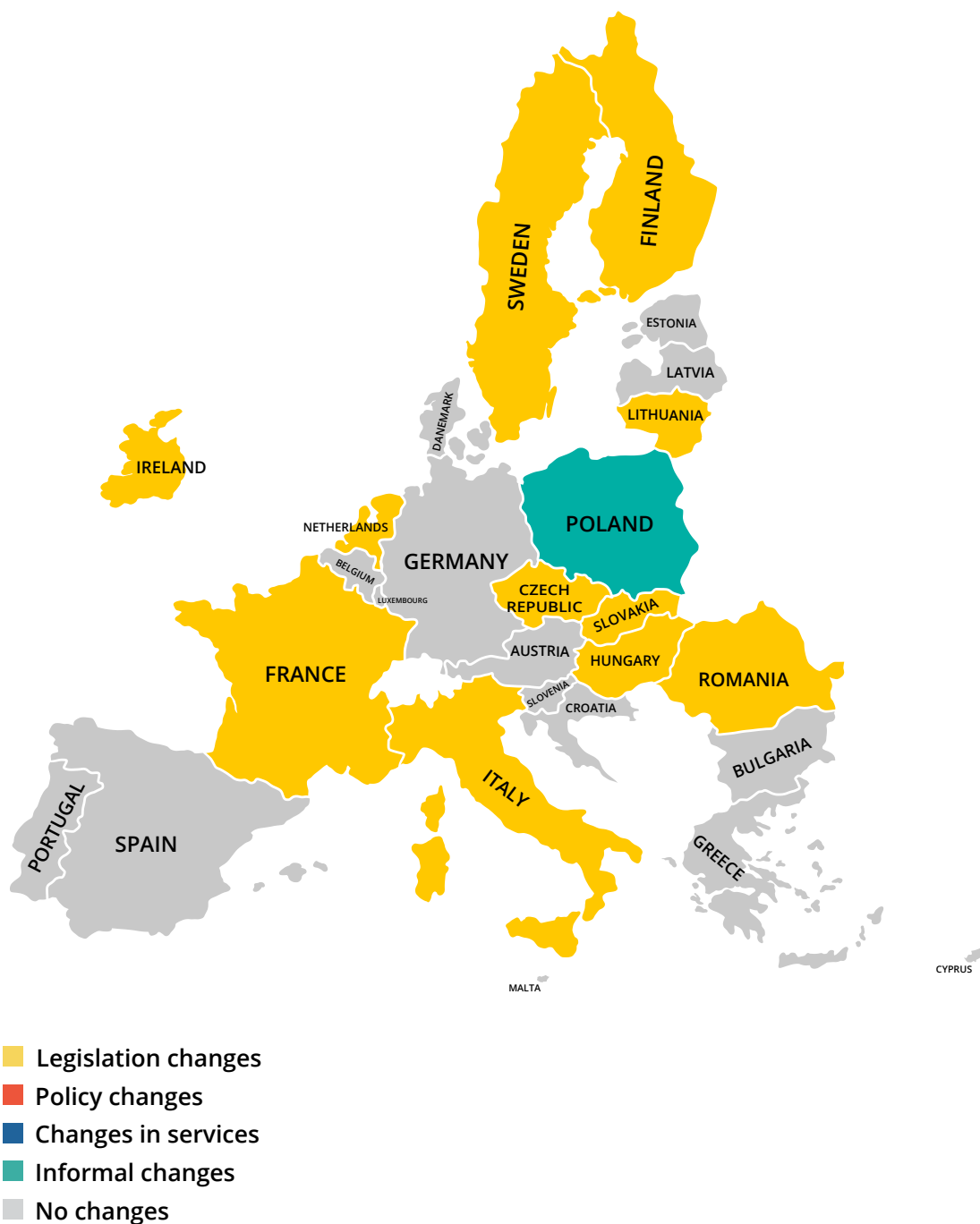
In many systems, the State steps in to pursue compensation from the offender in the victims' stead, thereby relieving victims from the potential trauma and risks related to seeking compensation from the offender themselves.

223 Law 4/2018 <https://www.gazzettaufficiale.it/eli/gu/2018/02/01/26/sg/pdf>

224 VOciare Synthesis Report, p. 119

225 Victim Support Europe. (2019). A journey from crime to compensation. https://victim-support.eu/wp-content/files_mf/1574261567A_Journey_From_Crime_To_Compensation_2019.pdf

At least Italy and France see state compensation schemes as embodiment of social solidarity – indeed embracing the understanding that victimisation affects, in different ways, the entire society – not only its direct victims and that therefore the entire society should come together to make sure victims are recognised and compensated for their suffering.



Article 16 – Right to decision on compensation from the offender in the course of criminal proceedings

Out of the 26 EU Member States, 12 countries reported changes. 14 countries had no changes. 11 countries implemented new/amended legislation. One country implemented informal changes.

ARTICLE 17 – Rights of victims’ resident in another member state

Member States shall ensure that their competent authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the criminal offence was committed shall, in particular, be in a position:

(a) to take a statement from the victim immediately after the complaint with regard to the criminal offence is made to the competent authority;

(b) to have recourse to the extent possible to the provisions on video conferencing and telephone conference calls laid down in the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union of 29 May 2000 (17) for the purpose of hearing victims who are resident abroad.

Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

Article 17 of the Directive highlights the distinct challenges faced by cross-border victims; namely, persons residing in a Member State different from the one where the crime occurred or from where the criminal proceedings are taking place. Due to the EU’s principle of free movement, a significant number of individuals travel, study, or work outside their country of origin. This increased mobility, coupled with the rising trends in international crime and victimisation, as well as in view of the exercise of universal jurisdiction for certain types of crimes, has contributed to a notable rise in the number of cross-border victims²²⁶.

As cross-border victims navigate through unfamiliar legal landscapes, they often encounter language barriers and a lack of local support systems, as well as challenges of exposure to unfamiliar culture. The intricate nature of cross-border victimisation necessitates tailored responses from Member States to ensure that these victims receive the appropriate assistance and protection. By recognising and addressing the specific needs of cross-border victims, the

226 For a more detailed discussion on the issues that cross-border victims encounter, see Victim Support Europe, Cross-Border Victimisation, 2017, available at: https://victim-support.eu/wp-content/files_mf/1637576718VSE2017CrossborderVictimisation.pdf

Directive and Article 17 in particular, aim to foster a more inclusive and effective justice system for all victims – regardless of their place of residence.

There are several factors that should be taken into consideration when determining the specific needs of cross-border victims. First and foremost, victims often face significant language barriers which may impede their capacity to communicate effectively with law enforcement officers, legal professionals and support organisation staff. Nonetheless, this challenge is addressed and should be responded to through scrupulous implementation of Articles 3 and 7.

In addition, the pathways to reporting the crime, comprehending the criminal procedures and obtaining necessary support that are increasingly cumbersome in the best of circumstances and tend to become much more complex when victims need to overcome the barrier of an entire legal system that is foreign to them. Namely, another country's legal systems that may be markedly different from those in their home countries. Disparities can range from variations in criminal law, evidence standards, victims' rights, as well as differences in the structure and delivery of victim support services. Failure to address this may result in victims experiencing a sense of disempowerment or being discouraged from pursuing justice.

Cross-border victims often lack immediate access to their support networks, such as family or friends. This, coupled with possible logistical challenges, such as the loss or theft of essential travel documents like passports, can exacerbate the emotional and psychological distress victims experience in the aftermath of the crime. This is particularly acute for victims of more serious crimes, such as trafficking or violent crime, where the need for immediate emotional and practical support is urgent.

Finally, as criminal proceedings advance, cross-border victims often face the challenge of having to return to their home countries before the resolution of their cases. This substantially complicates their ability to participate in the legal proceedings, as they may be required to testify, provide evidence or attend hearings, all of which can be difficult or in some cases even impossible from abroad.

The central principle of Article 17 is to safeguard the rights of EU citizens, focusing on ensuring that the exercise of freedom of movement does not result in disadvantages for victims of crime in a Member State other than their own. Although this principle is vital in terms of legislative intent, its effective implementation remains challenging in practice. The VOCIARE report highlighted the unique barriers encountered by victims of cross-border crimes, in contrast to those encountered by national victims²²⁷.

One concern identified in the report was also the disparity in legal frameworks across Member States. While certain actions are recognised as criminal in one country, they may not be recognised as such in another, leading to inconsistencies and complicating the legal process.

227 VOCIARE Synthesis Report, p. 126

Surveys and interviews with victim support professionals also revealed some alarming trends with approximately half of the respondents noting that relevant authorities are not adequately funded and lack the necessary resources to effectively process cases of cross-border victimisation. The scarcity of qualified interpreters, translators and lack of accessible information intensify the difficulties faced by these victims.

While some MS have taken steps to address these challenges—such as enabling immediate testimony after a criminal complaint is lodged or using video and telephone conferencing for victim participation—these practices are far from universal. Their application is inconsistent, often hindered by a lack of resources, outdated infrastructure, or a reluctance to embrace new technologies that could facilitate victim engagement.

The report further emphasised ineffective collaboration among Member States, with collaborative platforms often being poorly established or underutilised, and a general lack of knowledge among authorities about existing protocols. The fragmented nature of these efforts means that many victims fall through the cracks or fail to receive the comprehensive support they need.

Overall, the findings of the 2018 report called for enhanced cooperation, improved legislation and the practical implementation of protocols to guarantee that cross-border victims receive the protection and justice they deserve²²⁸.

Across MS, numerous changes have been observed, improving the transposition and practical implementation of Article 17, and in the process, strengthening the rights of cross-border victims.

Legislative Changes

Several MS have enacted new legislation to improve the rights of and support for cross-border victims. National legislation in **Malta** has recently been amended to enhance protocols for reporting cross-border crimes²²⁹. Specifically, when a victim residing in another Member State experiences crime in Malta, the police are now required to take the victim's statement immediately following the filing of the complaint. This change aims to expedite the process and provide quicker assistance to victims, who might otherwise face delays due to their cross-border status.

Sweden has introduced new laws designed to assist victims who reside abroad who are summoned to testify in courts and who have been granted a protected identity by a foreign authority. Previously, these victims were mandated to reveal their identities, along with other personal information such as age or home address. This important change ensures that victims are protected from retaliation, intimidation, repeat and secondary victimisation, but

228 Ibid.

229 Victims of Crime Act 2021

the measure is made available also to all witnesses, as well as potentially undercover police officers, as part of a broader effort to combat cross-border crime.

Since 2021 in **Slovakia**, when cross-border victims report crime via their national authorities the communication related to the proceedings is now required to be in writing²³⁰. Notably, the communication is no longer held exclusively in Slovak, enhancing the efficiency of the process. Nevertheless, it is important to note that no public data or statistics are available about the execution of the rights of victims who are residing in another MS, raising concerns about the effectiveness of these measures in practice.

In **Romania**, since 2019, national law has established that all provisions related to the assessment and referral of victims apply uniformly to all persons affected by crimes committed on the national territory, regardless of their place of residence. Besides this, competent authorities are further obliged to inform victims who reside in other Member States about their right to file a complaint or request financial compensations from the state, as well as the possibility to testify without being physically present in the country. This requirement drives towards more specific implementation of Articles 4 and 6, as well as the rights from Article 23, for cross-border victims.

Regarding practical implementation of the rights of cross-border victims, Romanian experts have noted a positive shift and an increase in quality of engagement of the officials with cross-border victims. One expert indicated that this improvement is attributable to increased commitment of the competent bodies to adhere to the European standards. This commitment encompasses efforts to facilitate victim participation through videoconferencing, to deliver summons electronically, and to offer translation services.

In **Finland**, the government initiated an evaluation of the legislation related to Article 17 following an infringement procedure brought by the European Commission. A 2022 Ministry of Justice working group report highlighted that, while current provisions meet the requirements outlined in paragraph 3 of Article 17, there is a need for further clarification. Specifically, the report found that the law does not explicitly require complaints to be forwarded to the relevant authority in another Member State without unnecessary delay. As a result, the working group has recommended amending Finland's Criminal Investigation Act to ensure more efficient handling of cross-border complaints and facilitate timely communication between authorities across borders²³¹.

The aforementioned legislative reforms reflect a commitment to strengthen legal frameworks for cross-border victims. By simplifying and expediting the reporting procedures and improving communication, these changes aim to ensure that victims can more efficiently access justice, no matter where the crime occurred.

230 Art. 20(2) of the Victims Act

231 Ministry of Justice. (2022, March 18). *Rikosprosessin tehostaminen: Työryhmän mietintö* [Improving the efficiency of the criminal procedure: Report of the working group]. Publications of the Ministry of Justice, Reports and Statements 2022:14. <http://urn.fi/URN:ISBN:978-952-259-976-6>

Digital Tools

The increased use of digital tools has been another trend towards improvement since 2018, facilitating increased victim involvement of cross-border victims in judicial proceedings.

In **Spain**, the Ministry of Justice launched the Virtual Desk for Digital Immediacy (EVID) in 2021, which streamlines the process for the provision of victims' statements and participation in interviews via videoconferencing with legal guarantees. EVID is available to all victims, but it is particularly relevant for cross-border victims, as it facilitates their involvement from any device with an internet connection, ensuring legal security through encrypted communications.

While digital mechanisms have improved victim participation, one expert noted that there remains a need for better communication with victims located in other countries.

"[Cross-border victims] are not given information".

Victim support professional

Similarly, in **Malta**, cross-border victims are to be given access, whenever feasible to video and telephone conferencing. Since 2021 video conferencing equipment has been available in all courts in Malta, further complementing this measure. However, throughout the desk research, it remained unclear whether cross-border victims would face increased delays in case they requested to participate in criminal proceedings via video conference. Given the typically protracted nature of court proceedings, even for residents, it is anticipated that such delays indeed occur for cross-border victims as well.

Although no significant legislative changes occurred in **Lithuania** and **Hungary**, both countries have made advancements in the use of technology to improve criminal proceedings and victim participation.

In **Lithuania**, a new article was introduced to the Code of Criminal Procedure in 2021, which regulates data processing in criminal proceedings and the submission of procedural documents through electronic communication technologies. This allows the majority of procedural acts during both the pre-trial and trial phases to be carried out via videoconferencing when conventional methods are impractical. One important concern however arises from the fact that the Code does not outline the criteria for determining when the use of videoconferencing is not feasible, resulting in uncertainty about how and when this technology can be applied appropriately.

Meanwhile in **Hungary**, the introduction of a new tool has been of great assistance to victims who are residents in other Member States. Namely, by implementing the European Investigation

Order (EIO) competent authorities are enabled to conduct witness hearings through means of telecommunication, thereby improving the effectiveness of victim participation²³².

In **Finland**, the EIO has similarly proven to be a valuable tool, enhancing the ability of foreign victims to engage in judicial proceedings. One expert observed that these tools have “*eased the situation from the point of view of participation in the trial*,” improving the ability of foreign victims to engage in the judicial process despite geographical barriers.

In **France** however, while the use of videoconferencing and teleconferencing is permitted for foreign victims unable to attend trials, the actual implementation of these technologies is contingent upon whether the jurisdiction has the necessary equipment and infrastructure to support it. As one expert mentioned, “*The possibility of hearings by videoconferencing, as it develops, is favourable to these victims, but the implementation of their rights remains very complicated.*”

Additional Support Services and Assistance for Cross-Border Victims

Ireland remains unique in having a national service offering dedicated, specialist assistance to international visitors (Tourist Assistance Service – ITAS). Through their specialist focus, ITAS has identified specific areas for improvement for the Garda in their handling of victimised visitors, including the prompt collection of victim statements, the provision of written acknowledgment of complaints (e.g., documentation required by the embassy), immediate referrals to ITAS and the availability of interpreters²³³. These observations stand true for most other Member States, when it comes to dealing with cross-border victims.

Since 2018, **Italy** has made an administrative change regarding the competence of the prosecutor responsible for supporting victims residing in Italy who have been violently victimised in another Member State. Namely, to assist residents who are facing authorities of other states, the prosecutor’s office is responsible for offering support, including provision of information on the compensation system of the state where the crime occurred and the necessary forms for claiming compensation. The change introduced changed prosecutor’s jurisdiction from the office at the court of appeal, to the office of the first-instance court. All the while, the implications of this change remain unclear. In **Belgium**, the Federal Public Prosecutor’s Office has set up a website for Belgian victims of terrorist attacks abroad and a draft vade mecum detailing the operation of a central desk in a practical manner has been in preparation.²³⁴

232 Criminal Cooperation with the EU Member States Act no. CLXXX of 2012 § 64

233 Irish Tourist Assistance Service. (n.d.). Submission to the Commission on the Future of Policing. <http://policereform.ie/en/POLREF/Irish%20Tourist%20Assistance%20Service.pdf/Files/Irish%20Tourist%20Assistance%20Service.pdf>

234 Attentats étrangers. (n.d.). Title of the webpage or section. Retrieved from <https://www.attentatsetranger.be/>

Responding to Needs of Cross-border Victims Beyond Article 17

Through the research, measures were also identified that go beyond the provisions of Article 17, addressing broader needs such as victim compensation.

In **Germany**, since September 2018 foreign nationals have been granted the same rights as German citizens, regarding compensation²³⁵. This framework mandates that applications for compensation cannot be denied solely on the basis of the applicant's nationality. Unfortunately, as with many other initiatives, there are no statistics available to assess the implementation of this policy neither for domestic nor for foreign victims and to understand whether there is any difference in treatment based on their place of residence.

Conversely, since 2020 in the **Netherlands**, national victims who have endured severe violence while abroad are eligible to apply for financial assistance from the Emergency Support Fund²³⁶. Moreover, victims from other Member States who have been subject to crime in the Netherlands can have their reports translated into English, German and French, with the costs of such translations being reimbursed.

Finally, in **France**, access to compensation to both national and cross-border victims was noted, as already also indicated in the discussion of Article 16. Nonetheless, since 2020, the protection of foreign victims of domestic violence and of violence within the family has been reinforced. Even so, there is still room for improvement in dealing with cross-border victimisation, for example through ameliorating the cooperation between French and foreign authorities, that is said to be inconsistent, often causing delays in the processing of cases.

Challenges and Areas for Improvement

Despite the progress, several challenges remain. One obvious obstacle that persists is the language barrier, which continues to hinder enjoyment of rights for cross-border. Although translation services are available in various Member States, there is a pressing need to broaden these services to encompass additional languages, especially less commonly spoken European languages and those spoken by third-country nationals. More detailed discussion regarding access to translation and interpretation is provided earlier, under Article 7 of the Directive.

Furthermore, the lack of consistently effective cooperation among nations and authorities remains concerning. Finnish experts for instance indicated that the effectiveness of Article 17 implementation varies based on the member state with which they are collaborating. One expert remarked that while countries like Estonia and Sweden are doing well in terms of cross-border cooperation and victim support, Spain "*seems hopeless.*" This suggests that the level

235 Amendment to section 1, subsection 4 of the Victims Compensation Act

236 Fonds Slachtofferhulp. (2021). Noodhulp voor nabestaanden van Nederlandse geweldsslachtoffers in het buitenland. Retrieved from <https://fondsslachtofferhulp.nl/nieuws/noodhulp-nabestaanden-geweldsslachtoffers-buitenland/>

of implementation of victims' rights can vary significantly across the EU – depending on the development of the national victim support framework as a whole, or on the ability of a national framework to engage with cross-border victims. For the rights of cross-border victims to be genuinely upheld, authorities across the EU must work together more efficiently, with clear protocols and streamlined processes to ensure swift and uniform treatment for all victims, irrespective of where they reside.

As virtually with all other provisions of the Directive, there is an absence of data that would measure and indicate the successes or failures of Member States authorities to implement a certain right from the VRD. This absence of reliable data makes it difficult to assess the effectiveness of legislative and practical changes. This lack of transparency also makes it harder to identify best practices that could be replicated across Member States. Notably, however, it may be presumed, even in the absence of data, that implementation of Article 17 is lagging behind the rest of the rights from the Directive, just based on the fact that cross-border victims have to overcome many more challenges than victims who are in the proximity of the legal system they are navigating through.

EU action to support cross-border victims

Eurojust, the EU agency created to foster cross-border collaboration to combat cross-border crime has recently increased their commitment to ensure not only that perpetrators are successfully apprehended and brought to justice, but also that the cross-border investigations bring justice to its victims. A Working Group on Victims' Rights is active within Eurojust and the agency increasingly collaborates with victim support professionals to ensure that victims' rights figure prominently in their work²³⁷.

Since 2020, the European Commission has been running the **EU Centre of Expertise for Victims of Terrorism (EUCVT)**, which has been focusing on gathering and cataloguing the EU expertise that is relevant for response to the needs of victims of terrorism. EUCVT has also been working on increasing the capacity of professionals across the EU to understand the rights and the needs of victims of terrorism, with the aim to improve the response of the Member States to terrorist victimisation.

Victim Support Europe (VSE) is the European network of victim support providers and professionals, bringing together more than 80 victim support organisations from more than 30 countries. With their members, VSE can:

(a) ensure cross-border referral to victims of crimes via info@victimsupporteurope.eu or via VSE's intranet; (b) provide support to justice practitioners with training and capacity building; and (c) work with professionals to develop new services for victims – inside the justice system or complementary to it.

237 See e.g. Eurojust, Eurojust focuses on more attention for victims' rights in cross-border judicial cooperation, press release, 2024, available at: <https://www.eurojust.europa.eu/news/eurojust-focuses-more-attention-victims-rights-cross-border-judicial-cooperation>

As discussed earlier under relevant other provisions, the implementation of Article 17 does not stand alone, but rather it is intertwined with the successful application of all other provisions of the VRD, but in particular Articles 3, 4, 6 and 7. For instance, Article 3 requires authorities to ensure victims understand and are being understood from the very first contact, with Article 4 complementing this by stipulating that victims receive vital information regarding their rights and available assistance, without unnecessary delays. This becomes particularly relevant for cross-border victims, who may not be familiar with the language or legal processes of the country where the crime occurred. Effective communication in these cases is crucial, as failure to do so could leave victims feeling excluded or unable to engage.

In sum, a holistic and comprehensive approach is required for the implementation of Article 17, where the application of different VRD Articles work in tandem to protect the interests of cross-border victims.

ARTICLE 18 - Right to protection

*Without prejudice to the rights of the defence, **Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.***

Article 18 of the VRD encompasses a broad range of protective measures addressing the needs of victims and their family members. While more detailed measures are outlined in ensuing Articles, Article 18 emphasises the responsibility of the relevant authorities to safeguard persons **from secondary and repeat victimisation, intimidation and retaliation**. These protective measures should not only be limited to the victims but should also be extended to their family members, recognising that victimisation can affect the wider social and emotional network of the victim.

To ensure appropriate protection, a proactive and holistic approach is crucial. Ideally, this would involve the implementation of a diverse set of measures, which may include administrative actions, criminal justice interventions and other mechanisms. Some examples include, but are not limited to, regulating contact between the protected person(s) and the offender, prohibiting the offender from visiting certain places frequented by the protected persons and, when such prohibitions are violated, immediate and harsher punishment.

Protection from secondary victimisation

Since the 1970s, a wealth of studies has documented the widespread prevalence of negative experiences of victims of crime, following their victimisation, at the hands of society and societal institutions, in particular those involved in law enforcement and the criminal justice process. This auxiliary, but not less painful, exposure to unfair treatment and trauma is known as secondary victimisation.

In line with Article 18 the Member States authorities – law enforcement agencies, judiciary, prison and probation services as well as other professionals encountering victims through criminal proceedings, need to make sure that victims are protected from these very actors exposing them to secondary victimisation.

Article 22 gives structure to the content of Article 18 by requiring all victims to undergo individual assessments that identify their specific protection needs. By considering factors

such as the victim's personal characteristics, the nature of the crime, and its circumstances, a tailored response can be applied throughout the criminal proceedings; thus, guaranteeing the victim's – and their family members' – physical and emotional well-being at every stage of the proceedings.

Yet, while Article 22 limits somewhat the availability of measures for protection – Article 18 is not restrictive. It 'only' requires Member States to protect victims by any means necessary.

In 2018 VSE revealed numerous shortcomings in the application of the Member States obligation to make sure victims are protected²³⁸. While most national legislations did include specific provisions for victim protection, their scope and effectiveness varied widely, resulting in victims receiving unequal levels of protection and support across the EU.

Inconsistencies were apparent across different dimensions of Article 18, such as the requirement to safeguard victims' family members. Some Member States allowed for the extension of measures to victims' family members; however, this often required the family members to be officially recognised as victims themselves, either through direct harm or threat of harm. Yet, waiting until the occurrence of harm before extending protection is seen as a reactive, rather than protective, approach, one that does not adequately prevent further trauma. In other words, variability in how victims are defined across Member States contributes to disparities in the application of protection measures.

Another factor noted was the timing of the implementation of protective measures. While some Member States allowed for the necessary safeguards to be implemented immediately after the filing of a complaint, others were found to limit these protections exclusively to the trial phase of the proceedings. Failures to determine protection measures as soon as victims need them but restricting them to certain procedural steps is increasing the risk of intimidation, retaliation, repeat and secondary victimisation, which could affect victims' participation in criminal justice proceedings and further complicate the pursuit of justice. Therefore, it is in the self-interest of the authorities to protect the victims, to make the criminal justice more successful and efficient.

In general, in 2018, the research revealed that the implementation of Article 18 was not consistently effective in preventing secondary and repeated victimisation, intimidation, or retaliation. Victim support professionals largely agreed that victims did not regularly receive sufficient protection. The inconsistent and reactive approach showcased by the data pointed to clear areas for improvement, highlighting the need for a more proactive and unified strategy of victim protection.

Data collected for the present report is encouraging, insofar as it indicated that the majority of Member States have instituted changes since 2018, to improve the protection of victims and align national legislations with the standards set by the Directive.

238 VOCIARE *Synthesis* Report, p. 134

Enhanced Safeguards & Expanded Protection

Hungary has made major changes to its established frameworks for victim protection, since 2018. While in the previous version of the Criminal Procedure Code, only victims were entitled to special protection measures, the framework has now been expanded to include witnesses, guaranteeing that victims' family members are also protected. Furthermore, when individual assessments determine that either a victim or a witness require special measures, such measures put into place²³⁹. Competent authorities are, in that regard, required to proceed with due care and implement protection measures. A number of different protection measures are available, preventative restraining orders, which can be mandated by the police for the first 72 hours and then extended by the Court up to a maximum of 60 days²⁴⁰.

One Hungarian professional noted an increased use of protective measures by public prosecutors and the courts, as well as progress responding to the needs of victims for protection, based on the results of the individual needs assessments. Another expert further credited victim support centres for providing direct support to victims in submitting their requests for restraining orders.

Bulgaria has strengthened its protection efforts through 2018 and 2021 amendments to the Criminal Procedure Code, specifically for victims who testify in criminal proceedings. These amendments allow the public prosecutor or the court to take immediate protective measures, based on the request by or with the consent of the victim, when there are sufficient grounds to believe that their testimony poses a significant danger to their life or health. The protection is extended not only to the victim, but also to their family members in the broader sense²⁴¹. Some concerns have been raised by professionals, including that technical resources are often underused, and measures remain at the whim of the investigative body.

In **Lithuania**, legislative amendments introduced in 2020 expanded the definition of family member to include (adoptive) parents, (step)children, siblings, grandparents, grandchildren, spouses, cohabitants and dependants for the purposes of receiving protection measures in criminal proceedings²⁴².

Since 2018, **Austria** has integrated technological tools aimed at improving emergency responses. The Austrian police authorities have developed a "silent emergency call" system via a smartphone app called DEC112 (Digital Emergency Call 112). The app is enabling victims to discreetly send a silent emergency signal without speaking. The alert dispatches a patrol to the

239 Criminal Procedure Act no. XC of 2017 § 81

240 Act LXXII of 2009

241 Defined in the law as their ascendants, descendants, siblings, spouses or any person with whom they have a close relationship.

242 Law on Protection from Criminal Influence of Participants in Criminal Proceedings and Criminal Intelligence and of Judicial and Law Enforcement Officials

victims' GPS location²⁴³. A 2020 amendment further expanded the scope of exclusion orders to not only prohibit the offender from being present at certain locations or contacting the victim, but also to include a general approach ban within a defined distance²⁴⁴.

Victim Vulnerability & Procedural Flexibility

In **Slovakia**, research indicated an extension of the understanding of family members for the purposes of their protection and the increased the period of time for which the perpetrator may be ordered to leave the common residence^{245 246}. Moreover, since 2023 the Victims' Rights Act and the Criminal Procedure code now mandate the presence of a psychologist during the questioning of victims and witnesses if there is a risk of exposure to secondary victimisation²⁴⁷.

Ensuring that victims have access to support and can benefit from it during criminal proceedings is an important safeguard in protecting victim from secondary victimisation.

In **Slovenia**, victims can also be accompanied by a person of trust during interviews²⁴⁸. These interviews are said to be conducted in victim-friendly premises, further enhancing victims' sense of safety and comfort. Other novel safeguards include the recording of statements of young victims – those under the age of 15 to prevent repetition, enhance the protection of witnesses' personal data, and increase the use of means such as protective walls or videoconferencing for questioning. The use of these different measures are determined by an individual victim's needs assessment that is conducted in line with Article 22.

Healthcare practitioners in **Cyprus** can now be directly involved in protecting victims. Following amendments in 2022, specialised doctors can certify the victim's inability to follow and engage in criminal proceedings, allowing for proceedings to be put on hold until the victim is deemed fit to participate. This gives victims the opportunity to focus on their recovery without the added pressure of engagement in judicial proceedings while still in a vulnerable state.

Sweden has also taken measures since 2018 to alleviate the strain on victims and witnesses, facilitating the use of pre-recorded evidence, and increasing sentences for anyone trying to coerce or threaten a victim or witness to prevent them from reporting a crime or participating in proceedings.

243 Stiller Notruf. (n.d.). *Stiller Notruf – Hilfe für Frauen*. Dec112.at. Retrieved December 12, 2024, from <https://www.dec112.at/stiller-notruf/>

244 Violence Protection Act (Gewaltschutzgesetz)

245 Victims Act

246 Art. 27a of the Act on the Police Corps

247 Art. 8(3) of the Victims Act

248 Amendments to Criminal Procedure Act, 2019

Protection measures for victims of gender-based violence and domestic violence

An important theme has been reported throughout many Member States and across a range of rights from the Directive – changes have been particularly relevant for victims of gender-based and domestic violence. This trend was particularly noticeable in relation to protection measures.

A few Member States introduced the use of **technological tools** to increase protection for victims of gender-based violence (GBV).

French authorities have established a ‘danger telephone’ for victims to use when in imminent danger. Moreover, the anti-approach bracelets enable that both the perpetrator and victim to be geo-located are now made available: when an offender gets too close to a victim, an alert system is triggered, and police units are notified. A pilot project in **Belgium** tested a mobile anti-stalking alarm which allows victims to trigger an alert via a smartphone button if they feel threatened, typically by an ex-partner. The project’s expansion to the national level will be considered following an evaluation of its results.

In some Member States, already known and effective **measure of removing the offender from the mutual residence** has either been introduced or expanded. In both **Slovakia** and **Belgium**, the duration of the measure has been extended from 10 to 14 days^{249 250}. In **Ireland**, emergency barring order was introduced to the Domestic Violence Act in 2018, adding to the list of protective court orders. The order places victims’ safety over property rights, particularly for those without an equal or greater interest in the property. In **Lithuania**, as of July 2023, the police are required to conduct a risk assessment within 12 hours of receiving the report, and when warranted, may order the perpetrator of domestic violence to vacate the shared home for 15 days if they are living with the person at risk, regardless of home ownership²⁵¹.

Yet, there are obstacles in the full implementation of these orders. In Belgium, the application of this measure varies across judicial districts and hence, ongoing efforts aim to standardise its use nationwide, to integrate the issuance of restraining orders within regular police and judicial practices, and to thus offer better victim protection at the national level. In Ireland, the administrative process for issuing an emergency barring order could still be further streamlined. It has been noted that “the amount of work involved in preparing the paperwork including getting the proofs together to get the order, is disproportionate to the amount of time achievable and so makes it unrealistic”²⁵².

249 Art. 27a of the Act on the Police Corps

250 COL 18/2012

251 Lietuvos Respublikos apsaugos nuo smurto artimoje aplinkoje įstatymas (Law of the Republic of Lithuania on Protection against Domestic Violence). Valstybės žinios, 2011-06-14, Nr. 72-3475. Art. 8

252 Cooney, P. (2021). Domestic Violence Act 2018: Two years on. In C. Ryan (Ed.), Legal ease (pp. 9-16). Legal Aid Board.

Procedural improvements have also been noted in a number of Member States. In Belgium, an emergency procedure has been introduced to enable quicker response times of the authorities when needing to intervene in a case of GBV or DV. In Portugal, the General Prosecutor's Office has also published instructions for uniform actions to be taken in domestic violence case²⁵³.

Portugal has introduced new urgent protection measures which include the prohibition of approaching the crime scene, contacting the victim and/or their family; and restricting parental responsibilities or guardianship of joint children²⁵⁴.

Amendments in **Spain**, designate domestic violence protective measures to be adopted when there are sufficient indications of domestic violence²⁵⁵. The scope of precautionary measures now extends to cases with reasonable indications of violence within family units or intergenerational contexts, such as abuse of dependent elderly people by caregivers. This legislation strengthens protection in vulnerable family settings, particularly for children and adolescents, who are the primary focus of the law. Moreover, in cases of sexual violence, a temporary suspension of professional practice may be ordered as a precautionary measure when the charges relate to the offender's professional activities²⁵⁶.

Authorities in **Finland** have also taken measures to develop and expand the use of the Multi-Agency Risk Assessment Conference (MARAC) model, requiring authorities to conduct risk assessments of severe violence and to manage such risks through coordinated efforts. A reform adopted by the Parliament in December 2022, enables the application of temporary restraining orders as an emergency measure.²⁵⁷ The efficacy of restraining orders was improved by an amendment that requires officials authorised to make arrests to issue a temporary restraining order *ex officio* when the apparent need for the person's protection necessitates immediate action. As a result, the issuance of a temporary restraining order no longer depends on the person at risk being unable to request it themselves.

Finally, in **Italy**, while no changes have been identified since 2018, a bill will soon be passed that would allow the public prosecutor or judicial police to request an offender's detention when serious indications of danger to the victim's safety exist. Precautionary measures are also being strengthened, including mandatory arrests for restraining orders violations, issued by either criminal or civil courts, and the use of electronic bracelets to monitor offenders' compliance with restraining orders.

253 Diretiva n.º 5/2019, Procuradoria Geral da República. Available at: https://www.ministeriopublico.pt/sites/default/files/documentos/pdf/diretiva_num_5_2019.pdf

254 2021 amendment to Law no. 112/2009

255 Organic Law 8/2021

256 Last paragraph of article 544(2), as modified by Organic Law 10/2022

257 Government bill HE 143/2022 on enhancing the effectiveness of restraining order. (2022, September 19). https://www.eduskunta.fi/FI/vaski/KasittelytiedotValtiopaivaasia/Sivut/HE_143+2022.aspx

Gaps & Challenges

In some MS, despite the enactment of legislative reforms and updates, there remains a troubling disparity between the theoretical framework for victim protection and its practical implementation. In **Malta**, a new article was introduced into the legislation, to ensure that the Ministry of Justice takes appropriate measures to protect the privacy of victims during proceedings, and that minors are granted specific protection against secondary victimisation and intimidation²⁵⁸. The implementation of risk assessments began in 2019, along with the obligation to issue a temporary protection order, as necessary, which can remain in force either up to maximum 30 days or until the first sitting against the offender²⁵⁹.

Despite these improvements, one expert noted that lack of resources in law enforcement and the judiciary prevent victim protection from being prioritised. Furthermore, as evidenced by the data, there have been instances where protection orders were denied in high-risk cases. Moreover, and disturbingly, even when granted, such orders often prevented perpetrators from harming victims²⁶⁰. One possible reason for this is the lack of police monitoring.

Likewise, in **the Netherlands**, while individual assessments for victim protection were implemented in 2018, a 2021 evaluation revealed that the implementation of such assessments lacked the necessary systematic and structural attention to address potential vulnerabilities and victims' specific protection needs²⁶¹.

Victims are often victimised by the judicial bodies, which makes them feeling guilty for taking steps to hold the perpetrator to account.

Attorney in Romania

While no significant changes were found in some MS concerning the implementation of Article 18, in some, such as **Romania**, a majority of experts agreed that victim protection has become a little better since 2018; some noted the increasing number of protection orders now being issued, while some others warned about the persisting shortcomings. Overall, there have been notable improvements across MS toward establishing a more effective protection system for victims of crime and their families. Extending the number of persons who may seek protection, the development of immediate actions and the integration of technological tools to enhance support mechanisms were observed. However, some Member States have primarily focused

258 Victims of Crimes Act

259 Act. No. XXIV

260 Cilia, R. (2020, February 16). Magistrates 'deny' temporary protection order in some high-risk cases of domestic violence. The Independent. <https://www.independent.com.mt/articles/2020-02-16/local-news/Magistrates-deny-temporary-protection-order-in-some-high-risk-cases-of-domestic-violence-6736219659>

261 Ministerie van Justitie en Veiligheid. (2021). *Een kwetsbaar recht - Een onderzoek naar de toepassing van de Individuele Beoordeling van slachtoffers door de politie*. <https://www.inspectie-jenv.nl/binaries/inspectie-venj/documenten/rapporten/2021/09/27/rapport-een-kwetsbaar-recht/Rapport+Een+kwetsbaar+recht.pdf>

their efforts on addressing gender-based violence, often neglecting the needs of victims of other types of crimes.

Such differential treatment falls short of the requirements of the VRD, which demands protection for victims of all crimes. Moreover, as discussed elsewhere in the present report, it can also lead to the creation or the perception of creation of a two-tier system for victims. This despite the recognition of issues such higher prevalence of GBV, particular protection of victims of domestic violence – due to the proximity and interdependence of the victim and the perpetrator and other elements that justify action for victims of certain groups of crime. One thing remains common for all victims: they have individual needs and they are all owed respect and recognition of their rights, regardless of the type of crime they experienced.

The persistent inconsistency between the theoretical frameworks for victim protection and their practical implementation remains a concern, as evidenced by gaps in effectiveness and accessibility. This incongruence is often aggravated by a lack of resources, which limits the capacity of the relevant bodies to translate policies into effective action. Without adequate funding, the implementation of protection measures can fall short, leaving many victims without the support they need. Beyond funding, it would be beneficial to invest in the education and training of authorities to cultivate a victim-centred mind-set and improve their understanding of the diverse needs of victims. Such investments are essential to ensure that protection measures are effectively tailored and implemented in practice.

ARTICLE 19 - Right to avoid contact between victim and offender

- (1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.*
- (2) Member States shall ensure that new court premises have separate waiting areas for victims.*

Article 19 of the Directive serves as an important extension of Article 18, specifically focusing on protecting victims from encountering their offender. The Article establishes that relevant authorities must take appropriate measures to prevent close contact between victims and offenders during investigative and court proceedings, unless such contact is deemed necessary. By minimising the risk of repeat and secondary victimisation, intimidation, or retaliation, Article 19 not only protects victims but also contributes to the integrity of the judicial process and the delivery of justice. Ensuring that victims are not placed in situations where they might encounter their offender allows them to testify and share critical details with greater composure.

The implementation of the right to avoid contact can be understood in terms of both infrastructure and procedures, as well as the behaviour of individuals involved in the judicial process. It therefore includes the design of spaces frequented by victims and their families, ensuring they foster a sense of security and comfort. Incorporating, for example, features such as separate entrances or waiting rooms can be a systematic approach to protecting victims' privacy and well-being. Furthermore, the actions of law enforcement officials and legal professionals play a crucial role in reinforcing this right.

However, ensuring that victims can avoid contact with their offenders requires a comprehensive approach extending beyond infrastructural measures. When summoning victims and offenders, the authorities should employ additional strategies, including arranging hearings at different times or on separate days – whenever possible. This approach is vital, especially where facilities may not be fully equipped to prevent encounters with the offender. This combination of infrastructural and procedural measures is critical to safeguarding victims' emotional and psychological well-being throughout the criminal proceedings.

The integration of digital tools can further enhance any victim safeguarding. By facilitating remote testimonies or virtual hearings, professionals can further reduce the likelihood of victims encountering their offenders, making them in turn more comfortable and secure.

However, there may be instances where both the victim and the offender are required to be present simultaneously at the same location – or those where the victim finds it important for their own well-being and growth to face the offender, even if protection measures are

available and put at their disposal. In any such situation, it is essential that the victims' rights to protection are not dismissed or disregarded. Putting in place necessary protection measure needs to remain a priority, and any measures need to be adjusted as necessary. Making the victim sit near the offender can, for example, induce anxiety, stress and fear, which may compromise the quality of the victim's testimony and ultimately²⁶² the outcome of the trial. Therefore, it is of utmost importance to establish a secure environment, where victims do not feel threatened by the perpetrator, or any persons that are connected to the perpetrator or that can act on their behalf.

Authorities must remain alert to not only physical protection but also the prevention of secondary victimisation when protection measures are used. This may require the implementation of additional safeguards: e.g. allowing victims to leave before the offender does, enforcing restrictions on any form of contact, and/or ensuring the physical proximity between offender and victim is kept to a specified distance. Victims should have access to support throughout the trial, such as to be accompanied by a person of their choice throughout the proceedings, and not just at first contact with the authorities or to receive support by specialised court-based support services²⁶³.

By offering these protections and support, authorities can prevent secondary victimisation and help the victim participate fully and meaningfully in the justice process. This holistic approach to protection reflects the interaction between various provisions of the VRD, thereby creating a more integrated framework for safeguarding victims.

Past research identified gaps in the effective implementation of Article 19 across Member States. The VOCIARE report²⁶⁴ found that most premises lacked the necessary facilities, with some exceptions in newly designed or renovated courts. Practices such as separately scheduled visits were not a universal practice and encounters between victims and offenders often occurred in shared spaces, for example.

Overall, the victim support professionals expressed their concern about the limited measures in place, the absence of adequate facilities and the lack of awareness-raising efforts informing victims about available protection measures.

Since 2018, changes have taken place across several Member States, both in infrastructure and procedural elements, with the aim of improving overall victim protection and, specifically, minimising contact between victim and offender.

In particular, there has been an increased adoption of online alternatives in criminal proceedings across the EU. While these changes can largely be attributed to the challenges posed by the

262 Victim Support Europe. (2024). *COVIS: Handbook of best practice for court-based support* (Final version). Victim Support Europe. https://victim-support.eu/wp-content/uploads/2024/10/COVIS-Handbook-of-Best-Practice-for-Court-based-Support_FINAL.pdf

263 Ibid., p. 17

264 VOCIARE Synthesis Report

COVID-19 crisis, they have also had a significant impact on victim and witness protection. The pandemic, with its social distancing requirements and restrictions on physical attendance, prompted many countries to expand their use of video links and other digital tools.

Issues persist regarding victims' **access to protection measures** that Article 19 imposes on Member States. In **Czechia**, an extension to the procedural framework has been put in place to prevent contact between victims and the persons they identify as perpetrators. Specifically, the right was extended to persons who are close to the victim²⁶⁵. However, a major limitation remains: victims can only make such a request if they are actively participating in the proceedings, potentially leaving those who do not testify or otherwise assume an active role without access to such protections. Another issue is that the legal provisions for excluding the accused from the courtroom do not address the psychological harm and secondary victimisation that a victim may experience by being in close proximity to the offender. The law instead focuses on the risk that the witness may not testify truthfully in the presence of the accused, or the risk of physical harm²⁶⁶.

In many Member States, the **physical environment** in many police stations, prosecutor's offices, and other premises often presents challenges in ensuring the physical separation of victims and offenders, especially in older facilities. In **Estonia**, for example, a new courthouse housing the Harju County Court and the Northern District Prosecutor's office features separate waiting areas for victims, further reducing the risk of contact with offenders. In **Croatia**, when victims' physical presence is necessary, designated rooms have been adapted in courts to allow victims and defendants to be questioned separately. While many Member States are introducing efforts to avoid contact and make structural changes to the layouts of different buildings, these challenges are sometimes difficult to overcome due to the layout of the premises. In **France**, to mitigate structural challenges, authorities and staff in police stations and courts adopt specific measures, such as directing victims to wait in designated victim support offices or arranging separate interview rooms for victims and offenders. These measures, though common, are not always universally implemented and can vary, depending on the available resources and capacity of each department. This is particularly relevant in older court facilities, where structural limitations often hinder full separation.

In **Slovakia**, initially the law²⁶⁷ mandated the use of specially adapted rooms to prevent contact between victims and offenders. A subsequent amendment extended this protection to victims' family members. Moreover, it had been clarified that if such rooms are unavailable, law enforcement agencies and courts must take alternative preventative measures to minimise contact – including the use of video conferencing.

265 Amendment no. 56/2017

266 Kristková, V., & Langhansová, H. (2008). Legislativní možnosti ochrany před sekundární viktimizací. *Trestněprávní revue*, 7(3), 65.

267 Victims Act provided in Art. 8(2)

A trend towards **digitalisation** and boosting video interviewing capacities has been on the increase. In **Croatia**, the installation of specialised equipment in courts has facilitates the examination of victims via videoconferencing, helping to protect them from direct contact with their offenders. **Estonia** has adopted the use of video links, which have become a more prevalent aspect of criminal proceedings since 2018.

Since 2020 in **Slovakia**, the court staff have been required to interview family members as witnesses in a way that prevents visual contact with the offender; ideally by using audio-visual devices. However, data on the enforcement of these provisions remains insufficient, highlighting the need for more comprehensive data collection to evaluate their effectiveness.

In **Cyprus**, a new court regulation²⁶⁸ proposes several measures to modernise judicial processes, including provisions to minimise contact between victims and offenders. While the regulation's main aim is broader, focusing on the digitalisation of court procedures, it also provides mechanisms to ensure victim-offender contact is minimised, such as the use of electronic communication for certain procedural actions.

In **Portugal**, the practice of ensuring that the victim and offender are kept physically separated during hearings has become standard protocol. However, the use of videoconferencing to further minimize direct contact remains less common. According to a public prosecutor interviewed, judges have shown some reluctance towards the widespread use of videoconferencing in these cases.

In **Germany**, special witness protection rooms, or at least separate rooms, have been effectively used to ensure that victims and accused individuals do not meet during interrogations. These rooms were primarily introduced for victims of violent offences. In 2019, the law expanded these protections by allowing video-recorded interviews to be used as evidence in the main hearing if the victim is over 18 and has been a victim of a sexual offence²⁶⁹. However, the law requires authorities to consider the victim's need for protection when determining whether video-recorded interviews can be used.

This conditioning is inconsistent with the requirements of the Directive, which emphasises that contact should be avoided unless the proceedings absolutely require it – therefore the starting position of the Directive that there will be no contact, unless contact is explicitly justified. Leaving the decision to the court's discretion based on the protection needs does not fully meet this requirement.

268 Enacted under the title 'The Electronic Justice (Electronic Communication) Procedural Regulation 2021' Supreme Court of Cyprus. (2021, September 17). 4137 17 9 2021 PARARTIMA 2o MEROS I. [http://www.supremecourt.gov.cy/judicial/sc.nsf/All/2AF4BC3788347815C2258753002E6CB1/\\$file/4137%2017%209%202021%20PARARTIMA%202o%20MEROS%20I.pdf](http://www.supremecourt.gov.cy/judicial/sc.nsf/All/2AF4BC3788347815C2258753002E6CB1/$file/4137%2017%209%202021%20PARARTIMA%202o%20MEROS%20I.pdf)

269 Section 255a, *Strafprozessordnung* (StPO), available at https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html

In **Austria**, while newer court buildings tend to offer better facilities, such as more space to maintain safe distances between parties, most court buildings are older and may lack these features. This has led to a reliance on partial measures, such as the progressive summons system, where victims are summoned to appear after the start of proceedings, to reduce contact with the accused. However, there is no clear long-term strategy or policy in place to systematically address the issue of separate waiting areas for victims and suspects in courts. This lack of a coordinated approach highlights the need for MS to develop long-term strategies for establishing such areas, which should be considered for inclusion in potential amendments to the victims' directive.

In **Romania**, despite a legislative amendment in May 2018 requiring the creation of dedicated and separate waiting areas for victims, no significant progress has been made in implementing this mandate. While the law obligates the provision of such facilities, logistical challenges have prevented their establishment in existing courts. Furthermore, no new court buildings have been constructed in recent years to accommodate these requirements.

Similar infrastructural deficits exist in **Ireland** and **Sweden**. In **Ireland**, although the Courtroom Design Guide has emphasised the inclusion of vulnerable witness and victim support rooms in new courthouses since the 2000s, significant variability persists in the availability and quality of such accommodations²⁷⁰. In the direst circumstances, the lack of safe space for victims means that they may have to sit near the offender, increasing the risks for victim. In **Sweden**, it is common for entrances, waiting areas, and restrooms to be shared, which compromises victims' sense of safety—particularly for those who have not seen the accused since the crime—and enables opportunities for threats aimed at influencing victim or witness testimony. These problems are also reflected in the BeneVict survey, with several respondents stating that their local courts use a shared waiting area for all court visitors and participants.

A notable example of a good practice can be seen at the Court of Milan in **Italy**, where efforts have been made to ensure a non-traumatic testimony experience through the training and employment of court-based support professionals. The court has established a reception room designed to prevent victims from encountering the accused or their family members before testimony. To ensure confidentiality, no nameplates are used, and court support officers provide victims with information about the proceedings and the potential need for protection measures, such as screens or closed doors. The public prosecutor is responsible for informing victims about the reception room when they are summoned. While this initiative marks significant progress, it remains dependent on the modernisation of court facilities. Furthermore, the decision to avoid victim-offender encounters still largely relies on the discretion of the judge, and despite the efforts of judicial police to prevent such contact, architectural limitations continue to pose challenges.

270 Department of Justice. (2020c). Review of protections for vulnerable witnesses in the investigation and prosecution of sexual offences (O'Malley Report). Stationery Office. <https://assets.gov.ie/204256/960587c2-2168-4a47-aba2-22705bda75c9.pdf>

In **Hungary**, the implementation of the right to avoid contact between victim and offender has not changed. Based on interviews with professionals, while some buildings are structurally inadequate, minimising contact between victims and offenders is often achieved through procedural actions like differential scheduling.

No changes have been made since 2018 regarding the rights to avoid contact between victims and offenders in **Latvia**. However, in an effort to implement this legal framework, an audit of police stations, prosecutors' offices, and court premises was conducted, which recommended some organisational changes and the allocation of necessary funding. While the audit recommendations are fully implemented, challenges remain in ensuring complete separation in certain situations, such as in small towns or public spaces. Additionally, victims can ask for their evidence to be given via videoconferencing, ensuring they do not need to be in the same room as the accused. Remote communication is used in practice for various procedural actions and temporary legal protection can be granted to victims without a formal application, as shared by professionals through surveys.

In **Bulgaria**, limitations extend beyond infrastructure issues. The inconsistent transposition of Article 19 in the Criminal Procedure Code restricts the requirement to avoid victim-offender contact to cases involving minors and victims who have been assessed for specific protection measures. No such protections are afforded to adults without special protection measures, and confrontations between victims or witnesses and the accused remain a valid evidentiary tool under the national procedural rules. Namely, when there is a substantial contradiction between the statements of the accused and the witness, confrontations are arranged as a means of resolving such contradictions, even when this involves victims being face-to-face with the accused²⁷¹. This practice stands in direct contrast to the aim of Article 19 of the VRD which explicitly requires that such contact is avoided to ensure the protection of victims' rights.

In **the Netherlands**, professionals have shared mixed experiences with the practical implementation of Article 19.

One respondent, a team leader, explained that in their region, while separate waiting rooms for victims do exist, they are often occupied by professionals using them as offices. As a result, victims are frequently left to wait in the entrance hall, where they risk direct encounters with offenders. In high-risk cases, victims must use the staff entrance to enter and exit the building. The team leader also noted that victims do not have a designated place to sit in the courtroom.

In contrast, a lawyer described the implementation of this right as generally satisfactory in their experience. The lawyer emphasised that they always coordinate with the court to ensure arrangements are in place as to when and where the victim will enter the building. Upon arrival, the court clerk escorts the victim to a separate waiting room. However, the lawyer added that the degree to which Article 19's provisions are upheld often depends on whether the victim has

271 Article 139 of CCP

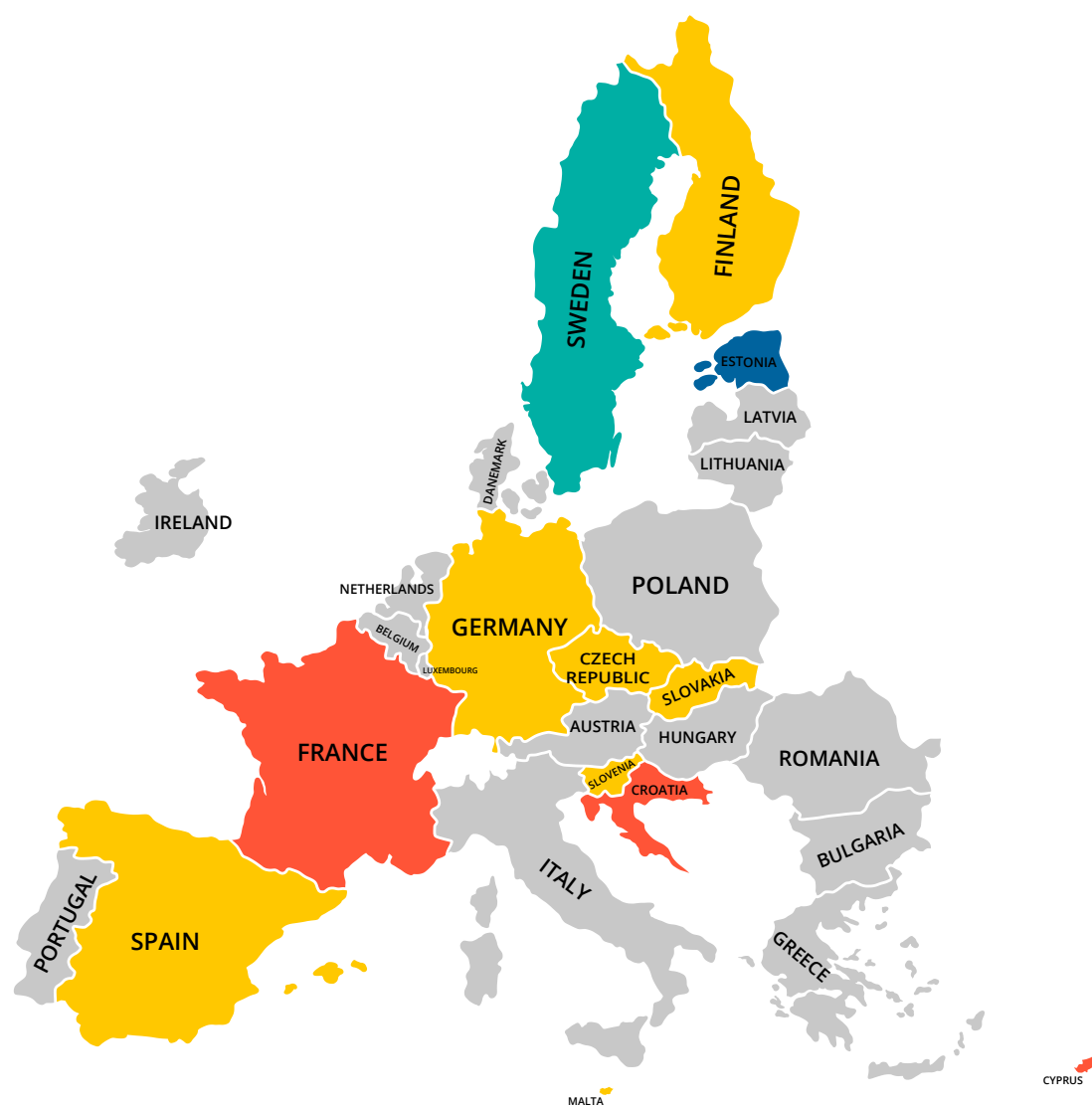
legal assistance. The different opinions show that the level of practical implementation of the right depends on regional practices and the level of support available to victims.

No changes were identified in other Member States²⁷² with some lacking consistent transposition and implementation of Article 19 into national legislation and practice. However, it is important to note that even in countries where changes have been made, few have focused on significant infrastructure modifications. Instead, most of the improvements to avoid contact between victims and offenders have centred around procedural measures, such as the use of video links or the adaptation of court practices to minimise direct interaction. This is of concern, as the most common limitation identified during data collection was the inadequate infrastructure of relevant buildings, particularly older facilities, which can continue to pose challenges despite these procedural changes. However, with the increase in the acceptance of digital evidence, and the increase in the usage of online tools to facilitate judicial proceedings, the issues related to infrastructure might become less relevant. Nonetheless, currently, physical environment is still very much a big part of the criminal justice proceedings and a further effort to ensure that its infrastructure and configuration ensures protection of all victims remains for a full implementation of Article 19 of the VRD.

Stemming from above, efforts to ensure that contact between victims and offenders is avoided have been observed in various Member States; however, these initiatives predominantly focus on procedural adjustments. Examples include permitting victims to provide testimony through video conferencing or modifying the scheduling of victim and offender appearances in court. Nevertheless, the reliability and effectiveness of these measures are often ambiguous. The implementation of such protection measures frequently depends on individual needs assessments, victims' personal circumstances, or localised initiatives, rather than being consistently enforced through established legal frameworks, guidelines, or policies. This inconsistency raises the risk that numerous victims may not receive the protections that are guaranteed to them by virtue of Article 19, resulting in significant gaps in the realisation of their rights, but also in intimidation, retaliation, repeat and secondary victimisation.

Furthermore, there has been little progress in terms of altering physical spaces to provide separate waiting areas or entrances, which remain a key challenge in victim protection. The absence of long-term strategies to address these infrastructural deficits further exacerbates the situation. Without significant investment in both procedural safeguards and physical infrastructure, many victims continue to face the risk of encountering their offenders during judicial proceedings, undermining their safety and emotional well-being.

272 AT, BE, BG, GR, HU, IE, LV, LT, LU, NL, PL, PT, RO and SE



- Legislation changes
- Policy changes
- Changes in services
- Informal changes
- No changes

Article 19 – Right to avoid contact between victim and offender

Out of the 26 EU Member States, 12 countries reported changes. 14 countries had no changes. 7 countries implemented new/amended legislation. One country introduced new/expanded services. Three countries implemented new/updated policies. One country implemented informal changes.

ARTICLE 20 - Right to protection of victims during criminal investigations

Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

Understanding that forensic examinations (interviews and medical tests) are usually needed when a victims' bodily and/or emotional autonomy has been infringed upon by the crime – exposing them to further infringement of their personal autonomy by (repeated) examinations is a great potential source of secondary victimisation. Therefore, requesting any such interventions should always be carefully considered from the aspect of benefit for the entirety of the case against its impact on the victim. Whenever possible, victims should be consulted before a medical examination is ordered and should be able to understand the reasons why they may be required to surrender their bodily and/or emotional autonomy again for the sake of a criminal investigation. Interviews should, whenever possible, be announced in advance, and victims' preferences and well-being at scheduling such interviews should be carefully considered beforehand.

While there is a strong focus on limiting the number of interviews, this can sometimes be counterproductive, particularly if early questioning is impacted by the victim's psychological state.

Public prosecutor in Finland

Article 20 of the Victims' Directive sets out further measures aimed at protecting victims during criminal investigations and preventing, in particular, secondary victimisation. This is achieved by expediting and simplifying the investigation process, while ensuring that its quality and integrity is maintained. As specified in the Directive, Member States are required to ensure that victim interviews occur without unjustified delay, that they are kept to a minimum, and conducted only when absolutely required. Medical examinations should also be limited to what is strictly necessary for the investigation.

This provision is, also, a continuation of Article 3. Namely, while Article 3 ensures that victims can be accompanied by a person of their choice at the first contact with the authorities, Article 20 extends this type of support throughout the criminal proceedings. However, the text of this provision goes further in asserting that victims can also be accompanied by a trusted person,

but also a legal representative of their choice. The type of support victim will be receiving is up to the support needs assessment and victims' personal choices and preferences. Having in mind those needs, however, it is important to note that the presence of one type of support, does not exclude the presence of the other; both the role of a person of trust as well as that of a legal representative are complementary in supporting the victim.

The Directive allows for some restrictions to the accompaniment by a person of the victim's choice. However, this should only be done based on a strong justification. A reasoned decision should be provided in case of imposition of any restrictions regarding the enjoyment of this right. For example, authorities may prevent victims from being accompanied by a person if it is deemed to be contrary to the victim's best interest (e.g. presence of the alleged perpetrator in cases of child abuse or domestic violence). It may also happen that victims wish to be accompanied by a person who might also be required to testify in the proceedings – which may trigger temporary prohibition for the person of choice to be present in the proceedings (until both parties have testified). Any restrictions must be applied with fairness, to ensure that the victim's rights are not unduly compromised.

The VOCIARE report²⁷³ identified discrepancies in how Member States implemented protection measures safeguarding the victim during the investigation phase. While in some countries, there was a legal obligation to conduct victim interviews without a delay once a complaint is filed, this was not specifically mandated by national legislation in others. Due to shortages of resources or poor coordination between relevant authorities the 2018 report indicated delays occurring in more than 40% of cases.

As noted above, criminal investigations are the foundation of a criminal case. If the investigation is not conducted with care, the evidence base may prove to be insufficient or inadequate to establish the truth and result in responsibility of the offender. Yet, it can also be, and very often is, a source of distress and secondary victimisation for the victim. If interviews are delayed or too frequently repeated, victims may feel that they are not being taken seriously or may become re-traumatised, having to repeatedly relive painful events. If medical examinations are ordered without clear justification, victims can feel powerless and can be additionally victimised.

Denying victims the right to be accompanied by a trusted person or a legal representative in investigative procedures can exacerbate feelings of isolation and powerlessness. Any lack of support and protection increases the likelihood of secondary victimisation and may thus compromise the quality of the investigation itself.

Nonetheless, the 2018 analysis led to conclude that the mandate to minimise the number of interviews and medical examinations was not universal across Member States, while in countries where such guarantees were established, they were not always implemented in practice.

For example, while the right to be accompanied by a person of choice was outlined in most MS, its implementation varied - in some countries, the right was restricted to the victim's legal

273 VOCIARE Synthesis Report, p. 142-144

representative or was only available for certain types of crimes, such as domestic violence or violent crimes. Furthermore, bureaucratic procedures and restrictions around the nature of the victim's relationship with the accompanying person further limited their access to this right. Since 2018, numerous changes have been introduced across the EU, to bolster the implementation of Article 20 of the VRD. Some States have focused on reducing delays and improving timelines in criminal investigations. In **Cyprus**, following the establishment of the Provincial Units for Investigating Cases of Domestic Violence and the Women's House in 2020, there has been a noticeable reduction in interview waiting times in gender-based and domestic violence cases. In practice, the police now aim to take the victim's statement immediately or as soon as possible after the complaint is made; delays now are usually the result of low staff levels or when circumstances merit the delay. Professionals have reported that both interviews and medical examinations are kept to a minimum to avoid repetition and secondary victimisation also in cases of child victims and victims of trafficking in human beings.

The insufficient allocation of resources to critical areas within the criminal justice system, such as law enforcement, prosecution, and the judiciary, combined with an increased workload and the repercussions of the COVID-19 pandemic, have intensified already existing delays in criminal proceedings in **Finland**²⁷⁴.

To tackle these delays measures such as expediting cases involving crimes against children, centralising pre-trial investigations for vulnerable victims with specialised investigators, and enhancing cooperation between police and prosecutors have been proposed.

Despite these reforms, professionals raised concerns about the article's practical implementation, related to lack of resources and the sheer volume of backlog. Therefore, there still is concern that, despite efforts to optimise procedures, victims may still face delays and obstacles in practice.

In **Spain**, legislative amendments²⁷⁵ aimed at improving victim protection during interviews through a range of measures, such as requiring that statements made during the investigative phase must now be recorded via audiovisual means, allowing them to be replayed later in the proceedings. A number of other changes were introduced, relevant for other provisions of the Directive – notably regarding measures from Articles 23 and 25, as will be discussed in relevant sections. Indeed, the research indicated general improvement of the implementation of Article 20 in Spain.

274 Amnesty International. (2019, March 6). Oikeuksien arpapel – Naisiin kohdistuvat raiskausrikokset ja uhrin oikeuksien toteutuminen Suomessa. https://www.amnesty.fi/uploads/2021/03/oikeuksien-arpapel_final.pdf; Chancellor of Justice. (2022, April 21). Deputy Chancellor of Justice Mikko Puumalainen: The police have difficulties identifying human trafficking offences. Press release. <https://oikeuskansleri.fi/en/-/deputy-chancellor-of-justice-mikko-puumalainen-the-police-have-difficulties-identifying-human-trafficking-offences>; Chancellor of Justice. (2021, December 28). Police and prosecutor conduct and investigation of human trafficking, OKV/1233/70/2021; Parliamentary Ombudsman. (2023). Eduskunnan oikeusasiamiehen kertomus vuodelta 2022 (K 11/2023), p. 116. <https://www.oikeusasiamies.fi/documents/20184/42383/kertomus2022+web.pdf/72ba00e6-74ec-9c9c-82ca-239977afb8c7?t=1686828507646>

275 Changes in article 25 of Law 4/2015, introduced by the modification of section 1.b) and d) by final provision 12.6 of Organic Law 10/2022, of 6 September.

According to one survey respondent, recent amendments to Articles 449(2) and 449(3) of the Spanish Code of Criminal Procedure (LECRIM)²⁷⁶, have also strengthened the practice of pre-constituted evidence for vulnerable victims, such as minors and individuals with disabilities. This change aims to limit the number of court appearances required from victims, thereby preventing repeated exposure to trauma. It was further noted that the practice of pre-constituted evidence is now widely implemented, often with the assistance of medical or victim support professionals during trials.

However, procedural laws remain somewhat repetitive and cumbersome, and logistical issues, such as malfunctioning videoconferencing equipment, can occasionally force victims to return to court. Nevertheless, respectful treatment by the judiciary is now more widely observed, with an emphasis on preventing non-institutional re-victimisation, a key concern for many victims and professionals.

In a number of Member States there has been a trend of introducing the use of pre-constituted evidence – namely, evidence, in particular victim statements, that had been taken during earlier stages of proceedings as sufficient to present to the court at trial – avoiding exposure of victims to repeated questioning and cross-examination.

Finland, for example, has adopted legislative changes in 2021, scheduled for implementation as of 2025, permitting the use of video recordings of oral evidence presented as primary evidence in the first instance trial, as admissible evidence before courts of appeal. Similar to this is the legislative change in **Croatia**, where before 2022, jurisprudential tradition was such that it was not infrequent that a case, once adjudicated, would be quashed on appeal and returned to a fresh trial more than once – often times leading to the statute of limitations and dropping of all charges. This practice was put to an end by legislative amendments in 2022, allowing the appeals court to quash the adjudicated case not more than once. This means that, if after a retrial a second appeal would be deemed founded and would warrant a reopening of the case – it is the appeals court that needs to adjudicate on the guilt of the offender. When adjudicating, the appeals court need to decide based on the evidence that had been presented in the first instance trial. With these changes, victims are no longer required to testify repeatedly and contributing to shorter procedural timelines, reduced costs, but also less stress, trauma and secondary victimisation for the victim.

A similar, yet more narrow, legislative change in **Spain**²⁷⁷ allows evidence provided by child victims and victims with disabilities during the investigation phase to retain full evidentiary value for later stages of proceedings, ensuring that they do not need to appear at the court hearing, unless exceptionally required by the court. In **Slovenia** legislative amendments are providing even narrower protection measures in this regard - by ensuring that interviews of

²⁷⁶ Introduced by LO8/21

²⁷⁷ Article 777.3 of the Criminal Procedure Act, brought about by Organic Law 8/2021 with regard to pre-constituted evidence

children victims under the age of 15 will be recorded and used as evidence at later stages of the proceedings.

In **Germany**, since 2019²⁷⁸, interviews must be recorded, with judicial questioning being obligatory in cases involving victims of sexual offenses where their interests can be better protected through such measures. The increased use of video recordings reflects this positive shift; recordings were used during 1,223 police interviews only in Schleswig-Holstein in 2020. There has also been a rise in video questioning across the judicial sector, with 90 conducted in 2020 and 2021. The revision of the relevant guidelines²⁷⁹ in 2020 has facilitated the broader implementation of these practices, enhancing victim protection and minimising repeated exposure to trauma.

In **Slovakia**²⁸⁰, since 2023, intrusive questions about intimate matters are forbidden unless essential for the case. Medical examinations must be limited to what is necessary for criminal proceedings. Vulnerable victims can request an interviewer and interpreter of the sex of their choice, provided there are no serious reasons against it. These reforms in both countries ensure that sensitive aspects of the victim's experience are addressed with care, reducing the risk of re-traumatisation.

In **Ireland**, Garda Divisional Protective Service Units (DPSUs), tasked with focusing on crimes like sexual abuse and human trafficking have started operating in September 2020.²⁸¹ However, early on concerns about their capacity and their training have been raised as it has been reported that some cases involving rape and domestic abuse have been redirected to detective units due to lack of capacity.²⁸² Moreover, the physical environment of Garda stations, where victims are required to make statements, remains a significant concern. One victim of sexual assault described the station where she gave her statement as being cold and unwelcoming. In some instances, victims have had to give statements in inappropriate settings, further undermining their sense of safety and support during the process²⁸³.

In other Member States, there have been no significant changes in interview and examination practices. For example, in **Bulgaria**, restrictions on the number of interviews apply only to children and individuals with special protection needs; therefore, victims outside these categories may

278 Section 255a StPO

279 Schleswig-Holstein Ministry of Justice. (n.d.). Leitfaden zur richterlichen Zeugenvernehmung [Guide to judicial witness questioning]. Retrieved from <https://www.schleswig-holstein.de/DE/landesregierung/ministerien-behoerden/II/Service/Broschueren/Justiz/leitfadenRichterlicheZeugenvernehmung>

280 Amendment to the Act on Victims, in accordance with Art. 134(6)

281 Department of Justice. (2020b, November 25). Minister McEntee welcomes completion of rollout of Garda Divisional Protective Services Units. <https://www.gov.ie/en/press-release/009f2-minister-mcentee-welcomes-completion-of-rollout-of-garda-divisional-protective-services-units/>

282 O'Connor, N. (2022a, April 13). Garda Inspector: Specialist garda units struggling to carry out domestic violence cases due to workload. TheJournal.ie. <https://www.thejournal.ie/domestic-violence-investigation-failings-garda-5737105-Apr2022/>

283 Gould, The Victim Experience, *The Victim Experience in Focus*. Retrieved from <https://online.fliphtml5.com/vnbiy/kqxc/#p=5>, p. 27; Brown, J., McKenna, D., & O'Kennedy, E. (2019). *Only a witness: The experience of clients of One in Four in the criminal justice system*. One in Four, p. 8.

still face multiple interviews. Similarly, in the **Netherlands**, research has shown that, in practice, the number of interviews for minors may sometimes exceed what is necessary²⁸⁴.

With reference to the right of victims to be accompanied by a legal representative and/or a person of trust, both improvements and concerns were identified. In **Estonia**, a new law²⁸⁵ establishes that victims have the right to be accompanied by one person of their choice during any procedural acts unless this is denied for good reason by the relevant authorities. However, practical implementation of this right, as well as the entirety of the new victim legislation in Estonia remains to be seen, as the new legislation entered into force shortly before the cut-off date for contributions for the present report.

Professionals have noted resistance from competent authorities when it comes to allowing accompaniment by a trusted person. For instance, a professional in **Portugal** highlighted that authorities' reluctance to permit a trusted individual, such as a victim support worker, to be present has been "notorious." Similarly, an expert from **France** pointed out that the presence of a chosen support person is often restricted, stating that "accompaniment by a person of one's choice is often limited because it is not tolerated until the end of the procedural step." However, a law of 22 December 2021 related to the confidence in the judiciary, added to this right of victims to be accompanied by providing that this right for victims to ask to be accompanied by an adult of their choice at all stages of the investigation or proceedings includes accompaniment by a lawyer. Moreover, with the introduction of paediatric reception units for children at risk (see also under Article 8), the quality of interviews and medical examinations for vulnerable victims has improved. Moreover, the new possibility to file complaints directly within hospital premises provides victims with a more immediate and supportive environment, therefore reducing the number of interviews required.

Progress has been made across the EU in enhancing the protection of victims during criminal investigations. Legislative reforms have resulted in the reduction of delays in victim interviews, the minimisation of medical examinations, and the establishment of systems ensuring victims can be accompanied by trusted individuals. These changes, together with training initiatives have contributed to a more victim-sensitive approach. However, challenges persist, with delays in investigations, resource shortages, bureaucratic hurdles and restrictive conditions obstructing the full realisation of Article 20.

284 Sondorp and Hoogeveen, 2020

285 §38(5)(3) of the Code of Criminal Procedure

ARTICLE 21 - Right to protection of privacy

Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy of the victim. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.

Article 21 of the Victims' Rights Directive stipulates that Member States shall take necessary and appropriate measures to protect privacy of the victim. This basic concept should be understood to mean that victims' private life should not be a matter for discussion during criminal proceedings, unless it is relevant for the circumstances of the case or for assessing victims' individual needs. However, when intrusions into victim's privacy are made by the authorities, all safeguards from the Directive should apply, including the obligation to protect victims from secondary victimisation. This requires exercising of a fine balance between what needs to be asked and recorded, but also – once elements of victims' private life have been disclosed to the authorities and support professionals – it requires that private data remains protected and not shared neither with the defence or with any third parties, unless absolutely necessary and required by law. As Article 21 indeed requires from the Member States to prevent the public dissemination of information that could reveal victims' personal and sensitive information – particularly those collected in the individual needs assessment that is required by Article 22.

When it comes to the protection of victims' data, the instinct might be to indicate that this is to be ensured in line with the requirements of the General Data Protection Regulation (GDPR)²⁸⁶. However, as already noted in the discussion on referral under Article 8 in the present report, while this legislation may be the primary rules for data protection, arguments have been validly put forward to suggest that the VRD is a *lex specialis* to GDPR, and that thus, victims' rights may take precedence to some impositions of GDPR.

The legal framework aside, protection of victims' privacy needs to be ensured on several levels. First, on a micro level, any disclosure of personal data to another person, state agent or institution can be considered as an intrusion into victims' privacy. This intrusion of privacy, however, can be justified by the need to conduct the individual needs assessment, provide referral, collect and present evidence etc. In these circumstances, it is usually only the victim, their support person and one or two professionals who participate in the privacy disturbance.

Secondly, data collected in the previous form, may be presented or shared with law enforcement or the judiciary for the purpose of pursuing criminal proceedings – or to different professionals,

²⁸⁶ European Union. (2016). *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)*. Official Journal of the European Union. <https://eur-lex.europa.eu/eli/reg/2016/679/oj/eng>

with view of providing support or expert advice to victim. It can, importantly, include an obligation to share some of the sensitive victims' data with the offender or their defence.

Finally, many forms of victimisation attract attention of the public and the media. Knowing that principles of access to justice require most trials to be open to public – victims' privacy can be particularly exposed in this stage of proceedings, especially if the case attracts the attention of the media.

The media plays a key role in balancing freedom of expression and the right to information with the need to protect victims' privacy. Media interactions with victims may have several benefits; such as serving to inform the public, highlighting victims' narratives or contributing to larger societal conversations. With that being said, the presence of the media and their interactions with victims can often feel intrusive, exacerbating the feeling of powerlessness and potentially leading to scrutiny, harassment and secondary victimisation for victims and their families.

To mitigate these risks, media self-regulation is an important guardrail. Regulatory instruments such as councils or ombudspersons can be established to ensure that media professionals adhere to quality standards and ethical guidelines when it comes to the way they interact with victims and communicate their stories. Advocates of self-regulation argue that it offers several advantages over governmental oversight including enhanced efficiency due to industry expertise, flexibility and a greater incentive to comply with the rules.

When deciding which case information and victim details may be publicly disclosed, applying a proportionality test can help ensure an informed and balanced decision. While sharing general information about the case typically poses no risk and may serve the public interest, the disclosure of specific details about the victims and the crime could be detrimental to the victim and therefore should be avoided. Sensitive information may encompass the victims' names, contact information, date of birth and details that may be used to identify them: their workplace or their parents' names. In cases wherein sensitive information is to be shared with the public, consent from victims is paramount, particularly for vulnerable victims with specific protection needs, such as children. The release of emotionally charged case details, such as those involving rape, had traumatic repercussions for the victims, either as secondary victimisation or by negatively influencing public opinion and resulting in unjust outcomes²⁸⁷.

Proactive measures to protect victim's privacy should also be implemented during criminal proceedings. Often, a crime will attract the attention of the public very early. This is particularly true to mass victimisations (e.g. terrorism or other types of mass violence), but also cases that involve children, or particularly gruesome cases. In such situations, the interest of the media and the general public in victims and their lives can be increased, and consequently so can the demands for privacy.

287 Vassallo, S., (2023, January 14). "Do we really need to publish all the details of rape cases? Two Maltese lawyers weigh in." Lovin Malta. <https://lovinmalta.com/news/do-we-really-need-to-publish-all-the-details-of-rape-cases-two-maltese-lawyers-weigh-in/>

The principle of public trials is rooted in the notion of transparency within the judicial system, ensuring public access and strengthening accountability and public confidence. Even so, holding public trials raises several privacy concerns, specifically as to the disclosure of information that can compromise the well-being of victims and witnesses. These concerns call for measures safeguarding victims' identities, which may include limiting public access to an entire trial or its parts where victims provide their testimonies. Screens can be used to shield the victim's faces, or their faces can be blurred in media broadcasts, pseudonyms can be used, or pre-recorded evidence may excuse the victim from being present during the trial.

According to the results of the VOciare report in 2018²⁸⁸, victim privacy protections and media self-regulations across Member States was a mixed landscape. Some countries, like **Czechia and Malta**, did not actively encourage media self-regulation, while others, such as **Greece or Finland**, were criticised for their ineffective measures to protect victims' privacy.

Restrictions on the requirement for holding public trials were observed in most Member States, especially in cases involving child victims. Despite that, the enforcement of such restrictions was inconsistent. Victim support professionals expressed their concerns about the implementation of Article 21, with more than 80% professionals considered privacy protection measures inadequate. Some key challenges that were identified in 2018 were the attitudes of media personnel, lack of protections for specific victim groups, and subpar infrastructure.

Efforts across several Member States to enhance the implementation of the victims' right to protection of their privacy during the criminal proceedings have been reported.

Privacy and Data Protection Enhancements

Main developments since 2018 are noticed in relation to the adoption of enhanced data protection measures across Member States legislative frameworks. **Italy** received favourable feedback from the European Data Protection Supervisor on its legislative reform aiming to improve processing of personal data, ranging from preparation, filing and communication of documents, to matters of audio-visual recordings and remote participation²⁸⁹. This progress corresponds with views of most of the experts surveyed, noting improvements in guaranteeing victims' right to privacy protection have been made.

In **Latvia**, a new law was adopted²⁹⁰ in 2019, transposing the Law Enforcement Directive²⁹¹ into the Latvian legal system ensuring appropriate safeguards are upheld when the law enforcement is processing victims' data.

288 VOciare Synthesis Report, p. 148-150

289 Legislative Decree 149/2022

290 "On Processing of Personal Data in the Criminal Proceedings and Administrative Offence Proceedings"

291 Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, <https://eur-lex.europa.eu/eli/dir/2016/680/oj/eng>

In 2022, **Sweden** started applying new measures, regarding personal contact information, such as addresses or phone numbers of victims, witnesses, their family members and others²⁹².

In **Austria**, a new criminal offence of “upskirting”²⁹³, was introduced, ensuring that such exposure of victims’ privacy is properly recognised in legislation as criminal behaviour.

Despite these improvements, there is disagreement among experts regarding the overall state of victim protection. Some acknowledged ongoing concerns, noting that while court hearings are largely attended by the public, the media, in particular tabloids, often report details with little regard for the victims’ privacy, censoring only their names. One expert noted that the motion to exclude the public from sensitive hearings is frequently rejected, allowing a media presence during the reading of the victim’s questioning, without redacting any personal data. Other experts highlighted improvements, including the availability of legal support for victims in media proceedings since 1 January 2021, and a heightened sensitivity in media reporting.

Ireland has made specific improvements for cases of child-victims. Following a Court of Appeal ruling in October 2020, it imposed a total ban on the publication of names of children involved in court cases. This measure was criticised by victim support organisations as it prevents parents from publicly talking about their children without risking legal repercussions.²⁹⁴ In response, the Children (Amendment) Act 2021 was introduced, allowing child victims to be named, only enforcing naming restrictions whenever such information could lead to identification of living children involved in the case.

In **Czechia**²⁹⁵, questioning victims about their intimate personal history is largely restricted, only allowing such questions when clarifying relevant facts. The questions must be asked sensitively, considering the victim’s age, psychological state, and personal experience, and must aim to reduce secondary victimisation, though the practical effects are still to be fully assessed.

In **Slovenia**, as a result from Article 22 risk assessment, defence access to the victim’s personal information, such as their address can be restricted – if a specific risk is indicated in relation to this information. Moreover, victims need to request this type of protection, it is not granted to them automatically.

292 Prop 2021/22:186, p. 78

293 Strafgesetzbuch [StGB], § 120a (2021). Prohibiting the unauthorized capture of images of another person’s genitals, female breast, or undergarments without consent. Jusline Österreich. <https://www.jusline.at/gesetz/stgb/paragraf/120a>

294 Gallagher, C. (2021, May 7). Ban on naming child victims of homicide lifted from today. The Irish Times. <https://www.irishtimes.com/news/crime-and-law/ban-on-naming-child-victims-of-homicide-lifted-from-today-1.4557575>

295 Amendment no. 130/2022

Media Regulation and Reporting Standards

Several changes have been associated with the self-regulation of media and the establishment of standards for sensitive reporting, especially of victims of violence.

In **Spain**, legislation introduced in 2022,²⁹⁶ underscores the importance of self-regulation by encouraging media outlets, both in the public and private sector, to reinforce this measure to uphold the privacy and dignity of victims of crime. This amendment promotes the adoption of ethical guidelines to safeguard victims against re-victimisation; deemed necessary by survey respondents who highlighted ongoing issues in the media landscape. One expert stated that the press often forgets the sensitivity of the information published, thus preventing sexist language and harmful assessments from hitting the headlines. Another expert described the publication of private details as 'intolerable', underscoring the urgent need for ethical guidelines.

In **Ireland**, as part of the Online Safety and Media Regulation Act, a novel regulatory body, the Media Commission, was established to oversee broadcasting and on-demand media providers. The Commission can impose requirements and conduct investigations and can impose sanctions in cases of non-compliance²⁹⁷. An Online Safety Commissioner has also been appointed under the same legislation and is responsible for the development of Safety Codes to address some of the most serious forms of harmful content online²⁹⁸.

In Austria, the Media Act²⁹⁹ expanded the identity protection victims. In cases of privacy violations, compensation from €100 to €40,000 can be imposed, with potential increases to €100,000 for severe breaches involving intent or gross negligence by media owners. Also, time limit for victims to request the deletion of harmful content from websites were abolished, empowering them to act against violations of their privacy. Whenever a media owner cannot be identified or is located outside the country, the host is required to either remove the content or to publish the court's decision.

According to an expert from **France**, "the press is too often a vector of confidential information that can identify the victim"; thus, the progress in media regulation following the creation of the Council of Journalistic Ethics and Mediation in 2019, is worth reporting. This council is a self-regulatory body aiming to bring professionals together to uphold ethical reporting standards. However, it has no power to impose sanctions, as it is limited to the publication of opinions and recommendations. The Audiovisual High Council (Conseil Supérieur de l'Audiovisuel, CSA) also lacks jurisdiction over online publications, leaving room for the continuation of the dissemination of sensitive information and images about victims on social media.

296 Organic Law 10/2022

297 Online Safety and Media Regulation Act 2022, No. 41.

298 Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media. (2022). *President Higgins signs crucial Online Safety and Media legislation into law*. <https://www.gov.ie/en/press-release/120ff-president-higgins-signs-crucial-online-safety-and-media-legislation-into-law/>

299 Mediengesetz (1981). Rechtsinformationssystem des Bundes. <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10000719>

In order to tackle the expected increased interest of the media in following trials for terrorist attacks that had taken place in Paris and Saint Denis in 2015, and in Nice in 2016 as well as for the attacks that took place in Brussels 2016, specific protocols for interaction with the media were developed and implemented.

A simple solution was found to limit the approaches of the media only towards the victims who were open to be interviewed, approached or have their image taken and publicly shared in the reporting on the trials. Namely, all victims, who chose to personally follow the trials were given special badges for access to the courtroom. Depending on the victims' wishes – the badges were issued either with a green or a red lanyard. The red lanyard meant that the victim did not want to be approached by the journalists or to have their image taken and publicly shared. Victims wearing a green lanyard were available for approaches by the media.

Strict sanctions were announced against the media that would disrespect the colour coding, but no infringements of victims' privacy in relation to the breach privacy in this regard have been reported during in Paris or Brussels.

Croatia has also made improvements since 2018 with the adoption of the Media Code, which provides guidelines for responsible reporting on violence against women and femicide. However, in practice challenges related to the protection of personal data remain a concern; victims' private data is often published on courthouse e-bulletin boards and by the media. This points to the need for the stricter enforcement of protection measures and greater accountability by the media.

Similar concerns were observed in **Malta**. Since 2018, no regulatory measures have been developed for the media or for social media, suggesting a lack of media oversight. However, one significant amendment was enacted in 2021, which in theory guarantees the implementation of appropriate measures to protect the privacy of all victims, including their personal characteristics and any images of the victim or their family members. In practice however, these measures are often not implemented properly.

Remaining Gaps

There has been little effort to improve the implementation of Article 21 in other Member States³⁰⁰; indeed, in some cases, the situation has worsened compared to 2018.

In **Bulgaria**, the absence of legal regulations holding the media accountable, coupled with the lack of sanctions for violations and several negative real-life examples, underscore the state's failure to protect victims' privacy. Moreover, experts agree that current media self-regulation is

300 BE, BG, CY, CZ, EE, FI, DE, GR, HU, LT, LU, PL, PT, RO, SK and SI

inadequate and with a majority of experts agreeing that there has been no improvement in the implementation of Article 21 since 2018.

Hungary's implementation of Article 21 has remained generally the same, victims' privacy is usually protected as they can ask that their personal information is made private and can also request the public be excluded from the trial³⁰¹. However, as in Bulgaria, these protections are often ineffective and are inconsistently applied. Special protection measures may only be ordered in specific cases³⁰². When those measures are not put in place, the offender may still be able to access victims' personal information which could compromise the victims' participation in proceedings, as well as their physical and emotional well-being.

In **Finland**, while the legal framework for privacy protection has long been considered robust, expert commentary reveals some ongoing issues. Even if identity protection is generally maintained in sexual assault cases, detailed media reports of the hearings can force victims to confront their trauma in public, leading to further distress. Likewise, in **Greece**, experts have noted that victims' personal details are often leaked to the public due to inadequate safeguards, especially in social media platforms. There is agreement that greater media regulation is needed as it is not uncommon that detailed information, such as a victim's age or residence, is published; thus, contributing to secondary victimisation. Alarmingly, many victims have been subjected to public shame through the publication of illegally obtained case file documents.

In **the Netherlands**, while various challenges have been recognised, the government has taken steps to address them. However, the victims' personal information, including that of minors, is frequently included in case files, thereby jeopardising their privacy³⁰³. Research has indicated that improvements to the dissemination of information to journalists are necessary to better safeguard the privacy of all parties³⁰⁴. Victim Support Netherlands published a report outlining recommendations aimed at enhancing victims' privacy and safety³⁰⁵ and the Dutch government is in discussion with the media sector concerning responsible reporting practices related to victims. Initiatives from organisations like Victim Support Netherlands and the Victim Support Fund, focus on raising awareness among journalists and journalism students about the importance of protecting victims' privacy, which includes the development of tools to support ethical reporting practices³⁰⁶.

In recent years, significant progress has been made in strengthening the protection of victims' privacy during criminal proceedings across several Member States. Legislative reforms and the establishment of regulatory bodies have contributed to enhancing data protection protocols

301 Criminal Procedure Act no. XC of 2017 Chapter XIV, Special treatment in the criminal procedure

302 Criminal Procedure Act no. XC of 2017 Chapter XIV, Special treatment in the criminal procedure

303 Augusteijn et al., 2022; Elbers et al., 2020; Ministerie van Justitie en Veiligheid, 2022b; NSCR, 2022; Slachtofferhulp Nederland, 2020; Sondorp & Hoogeveen, 2020

304 Noyon, 2021; 2022).

305 Slachtofferhulp Nederland, 2020

306 Ministerie van Justitie en Veiligheid, 2022b

and self-regulation within the media, particularly regarding sensitive reporting on victims of violence. Nonetheless, challenges remain, especially in jurisdictions where the enforcement of privacy protections is inconsistent or underdeveloped. In some countries, the media still disclose victims' personal details, causing secondary victimisation, while others struggle with the inadequate implementation of existing regulations.

While progress is evident, further work is needed to ensure comprehensive protection across all MS. There is a continued need for stricter media regulations and more robust enforcement of privacy laws, especially in countries where gaps in legislation or enforcement leave victims vulnerable. Moreover, greater emphasis should be placed on the consistency and efficacy of measures designed to safeguard victims' personal data, particularly in large-scale trials and online environments. Enhanced collaboration between governments, media outlets, and victim support organisations is essential to bridge existing gaps and ensure that privacy protections are universally implemented and upheld.

ARTICLE 22 - Individual assessment of victims to identify specific protection needs

1. *Member States shall ensure that victims receive a timely and individual assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.*
2. *The individual assessment shall, in particular, take into account:*
 - (a) *the personal characteristics of the victim;*
 - (b) *the type or nature of the crime; and*
 - (c) *the circumstances of the crime (...)*

Full implementation of Article 22 is fundamental for the recognition of victims and their protection from certain risks in criminal proceedings across the EU. In particular, the protection is required from four main risks: **secondary and repeat victimisation, intimidation and retaliation.**

Article 22 requires the Member States to conduct the first individual needs assessment for all victims of all crimes, in a timely manner, and then they are required to repeated it as necessary throughout the criminal proceedings. In practice, the first assessment should be conducted by the police, usually when the crime is being reported – unless it is impracticable (e.g. someone else is reporting the crime, not the victim themselves or if the victim is unknown) or seen as premature (e.g. perpetrator has absconded and no criminal proceedings will immediately take place). Once the initial assessment has been complete, as the criminal proceedings evolve, it should be implemented by other relevant actors – notably the prosecutor and the court, to account for any changes to victims' protection needs as the proceedings advance.

It is important to emphasise that **Article 22 requires individual needs assessment for all victims.**

This does not mean that a complex procedure, led by a lengthy and complex questionnaire, needs to be completed for every person that might complain about a crime. The most efficient approaches to identification of risks have proved to be those that are conducted as a two-step process. First, some simple inquiries can identify vulnerabilities and risks (e.g. victim and offender are next door neighbours, which may indicate repeat victimisation or intimidation; victim is an undocumented migrant, which may indicate intimidation and retaliation or also secondary victimisation; victim has a disability or a learning difficulty (e.g. dyslexia), which may cause secondary victimisation etc.). Most victims will, through this initial assessment, not be seen as at risk, and then the assessment may be discontinued. However, when some vulnerabilities or potential risks are identified – a more in-depth assessment can be conducted, and this can be confided to either specialised police officers or departments or externalised to other agencies or victim support professionals.

Many difficulties associated with the practical implementation of individual needs assessment have been identified. Previous research highlighted that the main obstacles to the successful implementation of this article were: the Directive's vague wording, lack of clear procedures, failure to clearly set responsibilities on relevant entities, lack of tools that would facilitate assessment, as well as insufficiency of training of professionals.³⁰⁷ Recent research shows, for example, that in some Member States, individual needs assessment indeed takes place, but only in relation to limited groups of victims, such as, for example, victims of domestic violence³⁰⁸.

The main finding in 2018, however, was that despite some efforts and reforms, very few Member States ensured that individual needs assessment to protect victims from repeat and secondary victimisation, retaliation and intimidation was indeed conducted timely for all victims – as is required by the Directive. Some of those Member States are France, the Netherlands, Sweden, Estonia and Croatia.

However, since 2018 in **France**, the practice continues to be inconsistent regarding the implementation of the assessment for victims other than victims of domestic violence. In **Croatia**, the continued shortcoming in the implementation of the assessment is that – while the assessment is usually well implemented by the police, once the case advances to the next stages, prosecutors and courts do not always ensure that it is repeated. This is particularly the case in those jurisdictions where court-based support has not been implemented yet. **Luxembourg** also still faces some challenges in fully implementing individual needs assessment. While the Victims' Assistance Service addresses the need for special treatment to prevent secondary victimisation, there is a lack of clarity about which specific vulnerabilities may require an assessment.

In **Austria**, the central police database allows officers to evaluate risk and assess whether protection measures, such as restraining orders, are necessary. This approach is designed to ensure that victims receive the relevant information and support based on the unique circumstances of their case.

In 2019 **Slovenia** adopted amendments to the Criminal Procedure Act, requiring the competent authority to assess the degree of the victim's exposure to secondary and repeated victimisation, intimidation and retaliation and to determine the existence of special needs for protection at the first contact with the victim. However, despite a seemingly full transposition of Article 22, the practitioners regard the questionnaire which guides the process as lacking accuracy and in need of further improvement. Moreover, it has been noted that the initial assessment often goes unseen during the following stages of the case. Similarly, in **Hungary**, new legislation requires the need for individual assessment to be completed, but not much has changed in practice.

307 VOCIARE Synthesis Report, p. 156-157

308 MARAC: A Multi-Agency Risk Assessment Conference, or a MARAC in short, is a tool to assess the risk of recurrent intimate partner violence, <https://rikoksentorjunta.fi/en/marac>

In **Romania**, in 2019, new legislation transposed Article 22 into Romanian legal environment. New legislation outlines specific criteria which should be included in the assessment, and it is accompanied by a protocol for that should facilitate practical implementation of the legal requirement. How it is conceived, each victim is subject to the individual needs assessment, and a report is to be produced – regardless of whether vulnerabilities were identified or measures determined. Judicial authorities can request a new assessment if the initial report is no longer relevant to the current situation. It is, however, still to be seen how the assessment will be implemented in practice.

In **Czechia**, in 2021, the Police Presidium introduced a comprehensive methodology for identifying particularly vulnerable victims.

In **Malta**, the 2021 Amendment to the Victims of Crime Act introduced a presumption of vulnerability for victims of particular types of crime, including serious crimes and those committed with a bias or discriminatory motive which could be related to the victim's particular characteristics. In practice, the victim is closely involved in the process of assessment, and their wishes regarding whether to introduce specific protection measures, must be considered.

In **Spain**, in 2022 a change was introduced to ensure that the assessment not only considers the personal characteristics of the victim, (e.g. their race, gender or sexuality etc.) but also their personal circumstances (e.g. if they have children, who they live with and where etc.). In **Estonia**, while individual needs assessment has previously been required, it had not been scrupulously implemented for all victims across the country. To address this, a pilot project was implemented between 2021 and 2023 by VSE in collaboration with the Estonian Ministry of Justice and a range of national stakeholders, to develop a pilot project to test a systematic approach to individual needs assessment, which implemented training for stakeholders and developed a checklist to facilitate the process of the assessment of victims' protection needs.³⁰⁹

In a few other Member States, there have been some changes in the implementation of Article 22, albeit in relation to only specific groups of victims of crimes. Most of these targeted interventions were aimed at assessing the protection needs of victims of gender-based or domestic violence.

309 Advancing Rights of Estonian Victims (AREV). (n.d.). Advancing rights of Estonian victims (AREV). JustDigi. <https://www.justdigi.ee/en/crime-and-prevention-crime/advancing-rights-estonian-victims-arev>

Article 22 requires individual needs assessment to be conducted for all victims, verifying risks in accordance with three main criteria: **the type of crime, the circumstances of the crime, and the victim's personal circumstances**. Nonetheless, the wording of this provision is also already recognising that some specific factors that can lead to victim's vulnerabilities and expose them to risk. Those criteria, including: severity of the crime, crime motivation and the relationship between the victim and the perpetrator therefore, need to be subject to particular attention by Member States. In this regard, the Directive identifies **victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities** for due consideration.

However, specifying these groups does not mean that other victims do not merit their protection needs to be assessed. It only means that the Directive made an effort to emphasise some obvious examples where protection measures may be highly likely to be needed.

In a few Member States, there have been some changes in the implementation of Article 22, albeit in relation to only specific groups of victims of crimes. Most of these targeted interventions were aimed at assessing the protection needs of victims of gender-based or domestic violence.

In 2020 in **France** a decree introduced some innovation regarding individual needs assessment of victims of domestic violence, in particular relative for coercive control as a specific manifestation of this type of crime. The decree, in particular, addressed medical professionals and their capacity to assess the risks for the victim and ensure reporting of domestic violence to the police.³¹⁰

In **Italy**, the police forces and providers of specialist services for victims of intimate partner violence are reported to use the spousal assault risk assessment (SARA) questionnaire to assess the risks for the victim³¹¹.

Similarly, in **Poland and Portugal**, individual needs assessment for protection is only carried out systematically in cases of domestic violence. However, in Portugal there has been an amendment to the legislation setting specific requirements regarding when to conduct repeated risk assessments³¹². The guidelines for law enforcement authorities and public prosecutors now

310 Décret n° 2020-1640 du 21 décembre 2020 renforçant l'efficacité des procédures pénales et les droits des victimes, Journal officiel de la République française. <https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000042722470>

311 For more detailed overview of the SARA methodology, see e.g. <https://www.carepatron.com/templates/spousal-assault-risk-assessment>

312 Lei n.º 57/2021, de 16 de agosto, que alarga a proteção das vítimas de violência doméstica, alterando a Lei n.º 112/2009, de 16 de setembro, o Código Penal e o Código de Processo Penal. *Diário da República*. Available at: https://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=3422&tabela=leis&ficha=1. The amendment sets specific requirements for repeated risk assessments following initial evaluations within 72 hours of a formal complaint. Re-evaluations are required at different intervals based on the assessed risk: up to 7 days for high risk, 30 days for medium risk, and 60 days for low risk.

explicitly require that the risk assessment be repeated based on the degree of risk identified in the first evaluation³¹³.

In **Cyprus**, in 2022, the Women's House, a crisis centre that offers domestic violence victims a complete range of support services, 24/7 was open in Nicosia³¹⁴. The centre ensures individual assessment for victims of domestic and gender-based violence who access their services. Efforts are being made to expand the application of the Article to other victims of crime.

In **Belgium**, victims of intimate partner violence benefit from specific assessment of their protection needs³¹⁵. In **Finland**, Multi-Agency Risk Assessment Conference (MARAC) methodology has been implemented nationally. A handbook published in March 2022³¹⁶, requires all police officers participating in the criminal investigation to be familiar with the principles and procedures of the MARAC approach. Notably, however, the tools fail to address the Article 22 requirement to ensure that individual needs assessments are conducted for all victims, and it is unclear how the police assessment is followed up throughout the proceedings. In **Ireland**, as of December 2022, a risk assessment tool for frontline officers responding to domestic abuse incidents has been operational in three of the four Garda regions.

Overall, there has been some progress regarding transposition of Article 22 through specifically requiring the relevant authorities to conduct individual needs assessment for protection from repeat and secondary victimisation, intimidation and retaliation in Several Member States. However, several main challenges remain, the first and principal one being to ensure that **all victims of all crimes in all Member States are subject to timely individual needs assessment** to identify any risks and to ensure that when needed, all victims who need it, benefit from protection measures. While victims of certain types of crimes, in particular domestic violence, might merit particular emphasis, and the use of specific tools, there is no justification for leaving behind all other victims who might be at risk and in need for protection.

Another challenge is in ensuring that the individual needs assessment does not only look at external risks of repeat victimisation, retaliation and intimidation, but to also focus on the risk that is internal to the Member States' authorities – that that they themselves are the primary

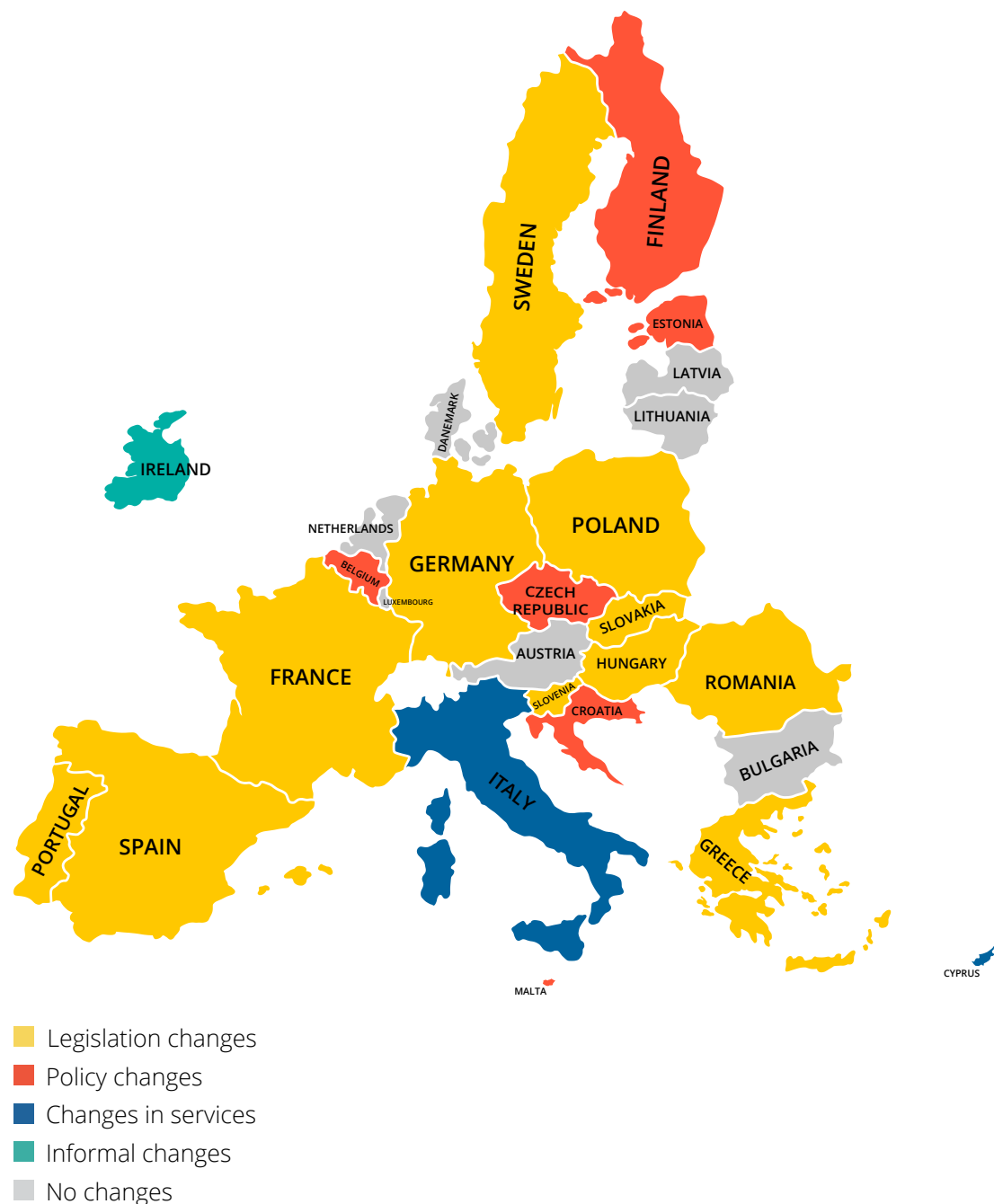
313 Law No. 57/2021, of the 16th of September, mandates risk re-evaluations for victims of domestic violence in Portugal. The first evaluation must be completed within 72 hours of the formal complaint. If the risk is assessed as *high*, re-evaluations occur up to 7 days after the first, or 14 days after the second. If the risk is *medium*, re-evaluations occur 30 days after the first, or 60 days after the second. If the risk is *low*, re-evaluations occur up to 60 days after the first, or 120 days after the second.

314 Council of Europe. (2022, November 23). Violence against women in Cyprus: Despite positive developments, rape victims need more support, says new report. Council of Europe. <https://www.coe.int/en/web/portal/-/violence-against-women-in-cyprus-despite-positive-developments-rape-victims-need-more-support-says-new-report>

315 Lemonne, A., Mahieu, V. (2017). Introduction d'un outil d'évaluation des risques en matière de violence entre partenaires : enjeux et impacts . *Champ pénal*, Vol. XIV <https://doi.org/10.4000/champpenal.9558>.

316 Toiminnallinen käsikirja lähisuhdeväkivaltaan puuttumiseksi ja ennalta estämiseksi, <https://poliisi.fi/documents/25235045/33939256/Toiminnallinen-k%C3%A4sikirja-l%C3%A4hisuhdev%C3%A4kivaltaan-puuttumiseksi-ja+ennalta-est%C3%A4miseksi-v8.pdf/37a14bb7-e4fc-df1b-35ce-c3df75063e8b/Toiminnallinen-k%C3%A4sikirja-l%C3%A4hisuhdev%C3%A4kivaltaan-puuttumiseksi-ja+ennalta-est%C3%A4miseksi-v8.pdf?t=1648047132809>

culprits for exposing victims to secondary victimisation – through insensitive attitudes, repeated questioning, or continued failure to keep the victims informed, for example. This protection is required by Article 20 or Article 22 provides specific procedural guarantees on how to implement it. Yet, there is limited information from researchers across the 26 EU Member States regarding any attempts to identify and prevent secondary victimisation that may be perpetrated by the authorities themselves.



Article 22 – Individual assessment of victims to identify specific protection needs

Out of the 26 EU Member States, 19 countries reported changes. Seven countries had no changes. It is one of the articles with the highest number of countries reporting changes in implementation. 11 countries implemented new/amended legislation. Two countries introduced new/expanded services. Six countries implemented new/updated policies. One country implemented informal changes.

ARTICLE 23 - Right to protection of victims with specific protection needs during criminal

(1) Member States shall ensure that victims with specific protection needs must benefit from the measures A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.

(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.

The effective implementation of Article 23 is contingent, at least in part, upon the execution of comprehensive individual assessments to identify victims with specific protection needs, as mandated by Article 22. This personalised approach highlights the commitment to recognising and addressing the unique circumstances of each victim. Meanwhile, scrupulous implementation of Article 23 is intrinsically related to the implementation of Articles 20 and 21 and the measures contained within are just some examples of the measures that can effectively ensure that victims can enjoy their full right to protection from repeat and secondary victimisation, retaliation and intimidation.

It is important to mention that the Directive introduces a crucial stipulation: certain measures may be limited or not applied if there are practical or operational constraints, potential risks of further harm to the victim or others, or threats to the integrity and efficacy of the proceedings. Thus, Member States are responsible for ensuring that the measures provided are not only necessary but also adequate and proportionate. In all situations, the primary emphasis must be on the welfare and safety of the victims.

Sections 2 and 3 of Article 23 delineate the specific protection measures to be enacted during criminal investigations. These include provisions such as conducting interviews in specially

designed premises and ensuring that victims of sensitive crimes, such as sexual or gender-based violence, are interviewed by trained professionals of the same gender if they wish so.

Section 4, on the other hand, pertains specifically to measures applicable during court proceedings, aiming to add a distinction between the risks pertinent to the trial phase of criminal proceedings, to those that victims are exposed to throughout other phases. In this respect, when needed, the relevant authorities make sure that visual contact between victims and offenders is avoided and offer victims the option to provide their testimony without being physically present in the courtroom through, for example, the use of pre-constituted evidence or by videoconferencing (as discussed also under Article 20). The Directive also seeks to limit unnecessary inquiries into the victim's private life that do not pertain to the case by, *inter alia*, closing the trial to the public or prohibiting certain types of questions, thereby safeguarding their dignity and privacy (as discussed also under Article 21).

The VOCIARE report³¹⁷ presented a mixed assessment of the implementation of Article 23, revealing both progress and ongoing challenges. Numerous Member States increasingly employed trained professionals to interview victims with special protection needs. However, the availability of this measure was found to be inconsistent. Furthermore, the absence or lack of sufficiently adapted environments for victim interviews Member States, significantly undermined the protections intended by the Directive.

Significant concerns were also raised regarding the overall provision of protection measures. Alarmingly, only a small percentage of victims received the necessary protections. This disparity is indicative of deeper systematic issues, such as the inadequate provision of individual assessments, which prevents authorities from identifying victims who need protection measures, hurdles in legal transposition, inadequate infrastructure, and a general lack of awareness among professionals regarding the critical nature of these protections.

Since the release of the VOCIARE report³¹⁸, various modifications have been observed in the treatment of victims with specific protection needs throughout criminal investigations and judicial proceedings.

Criminal Investigations

Substantial changes have been made in the Criminal Procedure Code of **Hungary**³¹⁹, broadening the scope of protection measures for victims and witnesses, with an emphasis on those with specific protection needs. The new provisions extend protection not only to the direct victim but also to witnesses, offering enhanced safeguards where the investigating authority, prosecutor, or court determines that special treatment is warranted. Protection measures are classified

317 VOCIARE Synthesis Report, p. 159 - 162

318 Ibid.

319 Criminal Procedure Act no. XC of 2017

under one general and three specific regimes: measures aimed at minors under the age of 18, children under the age of 14, and victims of sexual offenses. The reforms include provisions for audiovisual recordings of procedural actions, the use of telecommunications to protect the identity and safety of victims, and restrictions on the exposure of the victim to contact with the accused.

Importantly, the measures were not just introduced in theory, but apparently also in practice – with a majority of experts consulted agreeing that the amendments brought to a significant improvement of the situation for victims. The establishment of special hearing rooms has emerged as a noteworthy aspect of this reform. Numerous experts have indicated that vulnerable victims are now regularly heard in these designated spaces, particularly in sensitive cases involving abuse or sexual offences, etc. The growing focus on the requirement that victims of abuse or sexual offences are questioned by a person of the same gender was also highlighted by professionals, indicating that investigating authorities are now more attentive towards the interview process. In instances where this measure is not feasible, such as when a female victim cannot be interviewed by a female investigator for logistical reasons, the victim is offered the choice to accept an investigator of the opposite sex; records show there have been no refusals in these instances. This flexibility is crucial to fostering a sense of comfort and safety for victims throughout the investigative process.

In **Malta**, a broader measure was introduced³²⁰ to ensure that victims with specific protection needs may now benefit from interviews conducted in specially designed or adapted premises by trained professionals, with the added safeguard that all interviews are carried out by the same individual. These requirements may be foregone only if their implementation would be contrary to the good administration of justice, such as when a different professional is needed due to the victim's preferences or the need for specific expertise. Furthermore, for victims of sexual or gender-based violence, interviews are to be conducted by a professional of the same gender as the victim, should the victim request this arrangement.

The amendment also acknowledges that, in certain circumstances, special measures may be waived if operational or practical constraints render their implementation unfeasible, or if there is an urgent need to interview the victim, where failure to do so could result in harming the victim or another individual or jeopardise the integrity of the legal proceedings. In practice however, concerns have been raised about whether the application of this provision aligns with the requirements set forth in the Directive, specifically regarding the timeliness and sufficiency of its execution.

In a similar fashion, in an attempt to avoid the investigation or trial from becoming a new source of harm for victims with specific protection needs, **Spain** amended its national legislation³²¹, stipulating that all statements taken during the investigation phase shall be recorded by

320 Victims of Crime (Amendment) Act, 2021

321 Organic Law 10/2022

audiovisual means in order to allow for their reproduction at the later stages of the proceedings. Feedback from experts suggests that around 55 per cent have observed enhancements in the implementation of Article 23, specifically emphasising the use of specialised environments and measures, such as designated rooms for minors, support from professionals affiliated with the Victim Protection Office, and the engagement of same-sex professionals in sensitive cases. One expert also mentioned a pilot initiative that is currently being tested as part of efforts to further victim support – working with justice facility dogs to minimise secondary victimisation (in relation to this type of support, see relevant parts of the discussion under Article 8).

In **Slovenia**, since 2019 in addition to the recording of witnesses and victim testimonies, the amendments introduced the possibility to involve experts (such as psychologists) in interviewing vulnerable victims in adapted premises designed to reduce distress. Protection of victims' and witnesses' privacy and safety has also been enhanced through the use of technical means during questioning; these include the use of protective barriers or videoconferencing, to prevent the direct interaction between the victim and the perpetrator.

In **Italy**, although no formal legal changes have been made, several good practices have been implemented across the country. Notably, as of 2018³²² it has been recommended to video record statements taken during the investigative phase. Additionally, the Criminal Procedure Code³²³ requires that the victim should be protected from being repeatedly summoned to provide the same information. This is an important protection against secondary victimisation by the authorities.

Law reforms have been also proposed in **Finland** to improve the processing of criminal cases, with a particular focus on vulnerable victims. In 2022, a working group convened by the Ministry of Justice recommended amendments to the Criminal Investigation Act, suggesting that cases involving victims identified as requiring special protection be assigned to investigators with specialised training, thereby aiming to reduce further trauma and enhance the sensitivity and effectiveness of the investigative process³²⁴.

Slovakia has introduced a series of legal amendments aimed at improving the safeguarding of vulnerable victims within criminal investigations. However, the implementation of these reforms has encountered difficulties, particularly due to technical and resource-related limitations. Key changes include the establishment of a more comprehensive approach to the questioning of vulnerable witnesses, such as children. A major amendment in 2019³²⁵ requires law enforcement authorities to involve psychologists or forensic experts when questioning

322 Superior Council of Magistracy on 9 July 2018, titled "Guidelines on the Subject of Organization and Good Practices for Dealing with Proceedings Relating to Crimes of Gender-based Violence and Domestic Violence"

323 Articles 351 I (3) and 362 I (2) CCP

324 Ministry of Justice. (2022, March 18). Rikosprosessin tehostaminen: Työryhmän mietintö [Improving the Efficiency of the Criminal Procedure: Report of the working group]. Publications of the Ministry of Justice, Reports and Statements 2022:14, 75-82, 121-122. <http://urn.fi/URN:ISBN:978-952-259-976-6>

325 Act No. 321/2018 Coll.

vulnerable witnesses, especially those whose testimony may adversely affect their physical or mental integrity. This provision is of particular importance in cases involving sexual violence or child abuse. Moreover, the law mandates that experts must be consulted prior to any interview, to ensure that suitable techniques are employed, preventing secondary victimisation.

While approximately 66 per cent of Slovak professionals acknowledge some progress in ensuring the protection of victims with specific needs, survey responses indicate practical constraints. According to some experts, there have been “only gradual and slight improvements” in the establishment of specialised facilities where vulnerable victims often undergo questioning. Additionally, the ongoing shortage of qualified psychologists who specialise in working with vulnerable victims poses a significant obstacle. As a result, it is often the case that experts who are called to provide expert opinions during trial are also called to offer psychological support to victims when they are being interviewed, raising concerns about their ability to maintain their impartiality, but also ensure professionalism and confidentiality in their work with victims. Although case conference reports indicate that mental health support is consistently provided to victims in cases of rape, sexual violence, or child abuse, there are no official statistics available to verify the consistency of this practice.

In 2023, additional amendments to the Victims Act further refined protections for vulnerable victims. These include limiting the scope of medical examinations to only what is necessary for criminal proceedings, allowing victims to be questioned by persons of the same gender if desired, and prohibiting intrusive questions into victims’ private life, unless essential for the case. Adult victims of crimes, such as domestic abuse and trafficking, are also now exempt from confrontation with their offender in most cases, especially if it would cause secondary victimisation.

Court Proceedings

Data collected suggest a rising trend in the use of videoconferencing, audio-visual recordings and of pre-constituted evidence in courtroom proceedings. **Sweden, Ireland, Slovakia, Finland** and **Bulgaria** have all made it easier for courts to use technological means for the victim’s benefits.

In **Ireland**, the use of video link facilities has been significantly expanded; 65 court locations were equipped with video technology by 2020, and an additional 48 courtrooms were added in 2021. These facilities have been invaluable for vulnerable witnesses, allowing them to testify remotely, thus reducing the stress associated with court appearance. The COVID-19 pandemic accelerated the use of remote hearings, and the Courts Service also introduced practical measures to reduce victim anxiety³²⁶. In collaboration with the Department of Justice, Victim

326 Joint Committee on Justice. (2021). Contribution by Dymphna Kenny, Manager of Victim Support at Court, to the Joint Committee on Justice, 28 September 2021. https://www.oireachtas.ie/en/debates/debate/joint_committee_on_justice/2021-09-28/2/

Support at Court developed a video guide designed to assist vulnerable victims in navigating the court process more effectively.

Moreover, Sexual Offences Unit was created by the Director of Public Prosecutions in 2020. This initiative³²⁷ aims to ensure a more consistent approach to the prosecution of sexual offences across the country. In addition, the introduction of intermediaries to support vulnerable victims during trial is ongoing³²⁸ and is planned to be implemented in 2025³²⁹.

Responses from Irish experts indicate that the police have made considerable strides in their treatment of victims of sexual violence. One expert noted an improvement in the police's effectiveness in providing support and appropriately addressing the needs of these victims, although some expressed concerns about the applicability of these practices to other vulnerable groups, in particular to victims with intellectual disabilities.

Slovakia has expanded the coverage of its protection measures to encompass the families of vulnerable victims as well. Nevertheless, the practical application of the protections has been somewhat limited, particularly in cases such as human trafficking, where challenges remain in utilising pre-recorded testimonies during court proceedings.

In 2019, **Bulgaria** enacted amendments to the Criminal Procedure Code that enhanced protections for victims, especially concerning pre-trial detention³³⁰. These changes ensure that victims with specific protection needs are promptly notified by prosecutors or prison officials upon the release of a convicted person³³¹. This safeguard³³² is also particularly relevant in view of the implementation of Article 6 of the Directive. Additionally, the law now permits a witness' testimony to be read in court without the need for their re-examination, unless essential for the case. Should re-examination be required, it must occur in specially designated facilities to prevent any contact between the victim and the accused.

In **Czechia**, the criminal justice system faces challenges in systematically assessing and supporting victims with disabilities, especially those with mental disabilities. Victim support is inadequate, as the focus tends to be on the victim's procedural rights during criminal proceedings, while access to support organisations is often overlooked. Additionally, the information provided throughout the process is frequently sporadic rather than continuous, leaving victims without the ongoing support they need³³³. This narrow approach to victim support persists beyond

327 Department of Justice, *Review of protections for vulnerable witnesses* (2020c), p.31

328 Ibid, p. 108.

329 As a positive development, the University of Limerick offers a Professional Diploma in Intermediary Studies, qualifying CORU-registered health and social care practitioners to work as Registered Intermediaries in the Irish Justice System. Applicants need a second class honours primary degree (2.2) and three years of relevant practice experience (University of Limerick, 2022). For more details, visit <https://www.ul.ie/gps/courses/intermediary-studies-professional-diploma>.

330 Article 67a of the Criminal Procedure Code.

331 Article 417a of the Criminal Procedure Code in force from 2019.

332 This safeguard was integrated into the Law on the Execution of Sentences and Detention in Custody

333 Sležková, A, Pastorek, Š. (2022) Victims of crime with disabilities in Czechia. VALIDITY, p. 65. <https://validity.ngo/wp-content/uploads/2022/04/National-finding-report-CZ-en-2-220422.pdf>

criminal proceedings, affecting subsequent legal matters. While special protection is in theory available during the trial, it does not extend to other legal processes that victims may face, such as civil suits for damages or compensation for non-material harm, or actions like insolvency and debt enforcement³³⁴.

Along similar lines, in **Ireland**, specific concerns regarding determination and implementation of protection measures are raised in relation to victims with intellectual disabilities. While legislation offers certain protections, obstacles remain that hinder the full effectiveness of these protections. Critics argue that the individual needs assessment is often ambiguous and inconsistent (Article 22), leaving victims with intellectual disabilities at risk of experiencing unjust treatment within the criminal justice system³³⁵. In response, calls have been made for the introduction of pre-trial cross-examination of vulnerable witnesses to mitigate secondary victimisation (Article 18), as well as the establishment of preliminary hearings to ensure appropriate questioning techniques are employed in sensitive cases, to ensure that victims understand and are understood (Article 3)³³⁶.

Similarly, **Lithuania** has failed to introduce specific requirements to ensure protection of victims with disabilities. Individual needs assessment is not routinely conducted, therefore leaving vulnerable victims without essential legal safeguards³³⁷. Importantly, Lithuanian legislation does not specifically recognise disabilities as a factor that can contribute to the exposure of victims with disabilities to risks of repeat and secondary victimisation, intimidation and retaliation. The Code of Criminal Procedure lacks explicit provisions regarding the rights of victims with disabilities during criminal proceedings³³⁸. This is a particular failing to recognise the element that has been particularly singled out as a risk factor by Article 22 of the Directive. Therefore, it is imperative for law enforcement agencies, judicial authorities, and victim support services to focus on delivering adequate assistance to victims with disabilities.

In **the Netherlands**, although there have been no legal changes, there is a growing awareness among law enforcement and the judiciary about victim-oriented approaches. However, victims are still required to actively seek protection measures, indicating that practical implementation remains inconsistent.

In both **Germany** and **Austria**, the desk research did not reveal any significant changes. However, experts from both nations have noted improvements since 2018. In **Germany**, the focus is on reducing the number of interviews and ensuring that victims are assigned the same case officer and interviewer throughout the investigation, as stipulated by the Victims' Rights Reform Act of

334 Ibid., p. 67.

335 Cusack, Addressing vulnerability, pp. 292-293.

336 Ibid, p. 297.

337 Jakštienė R. Nukentėjusių nuo smurto artimoje aplinkoje specialių apsaugos poreikių vertinimo procedūra (Procedure for assessing the special protection needs of victims of domestic violence). Jurisprudencija, 2017, 24(2), p. 359–386.

338 Balsai už teisingumą. Nusikaltimus patyrę žmonės su negalia Lietuvoje (Voices for justice. People with disabilities who have experienced crime in Lithuania). Vilnius: Psichikos sveikatos perspektyvos, 2022. p. 4

2018. This approach aims to alleviate trauma for victims by minimising repetitive questioning. **Austria** has implemented similar measures, placing a strong emphasis on addressing victims' unique vulnerabilities. Although practices may vary among individual judges, it is standard to conduct separate, non-adversarial interviews for victims of sexual assault. Furthermore, both countries are increasingly adopting video questioning, particularly in Austria, to further reduce stress and enhance victim safety during legal proceedings.

Data collection practices are another major concern. In many Member States, such as for example **Czechia** or **Ireland** there are no attempts to systematically collect data on victims in general, or with disabilities in particular, in order to track the implementation of Article 23 and the impact it has on victim. In particular, regarding victims with disabilities, there is no initiatives to track any procedural accommodations that may have been provided to such victims. Without comprehensive data, it becomes difficult to identify gaps in protection, hindering the ability to address systematic issues and improve the overall effectiveness of the article's implementation³³⁹.

Overall, while keeping in mind the aforementioned limitations, the implementation of Article 23 has seen progress across MS, with a stronger focus on recognising and meeting the unique protection needs of vulnerable victims. Notable trends include the increased use of specially designed environments, trained professionals, and technological tools such as video recordings and remote testimony to reduce trauma during investigations and court processes. Additionally, there have been advancements in customising protections to fit individual needs and broadening support systems, demonstrating a deeper commitment to victim-centred justice.

339 Ibid.

ARTICLE 24 - Right to protection of child victims during criminal proceedings

Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family, c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

The Directive recognises the necessity to address the needs of child victims with particular care. This stems not only from the fact that child participation has generated considerable discussion among legal and academic scholars but also from a consensus that if not managed appropriately, the criminal justice process often results in children being affected by secondary victimisation. Moreover, given their particular vulnerability due to their developmental and social needs, children victims are certainly a group of victims that requires particular attention and specific protection measures during criminal proceedings.

The participation of child victims in criminal proceedings is multifaceted and should be looked at from various angles. Article 24 addresses this issue through three distinct perspectives, establishing specific protections for children who are victims of crime.

The first point focuses on the questioning phase of the proceedings, emphasising that all interviews with a child victim are always recorded using audio-visual technology. This measure is designed to minimise the risk of secondary victimisation by not only preserving the child's account but also by reducing the need for repeated questioning. In other words, the child victim is shielded from unnecessarily having to re-live stressful and traumatising situations by having to give repeated statements, to multiple officials.

The second and third measures highlight the importance of access to justice and legal protection, recognising that children may struggle to defend their own interests or fully understand their rights. Ideally, parents or guardians should support the child throughout the proceedings; but, in cases where there is a conflict of interest—such as when the parents are themselves the offenders—an alternative representative becomes essential to safeguard the child's rights. Furthermore, as children are generally less able than adults to comprehend the legal implications of proceedings, it is even more important for them to have access to independent legal advice and representation to ensure their interests are adequately defended.

The above measures may not be applicable to every case of child victimisation; instead, individual needs assessment needs to inform determination of any specific measure that aims protecting child victims, not only through the measures specified by virtue of Article 24. As a matter of fact, they should be ensured through a scrupulous implementation of the entirety of the Directive in general, and its provisions relative to protection – Articles 18 to 23. When the requirement arises to implement any of the protection measures, they should be integrated with the implementation of all these provisions, for a more comprehensive protection.

Although all Member States acknowledge that children are victims with unique needs and have established specific protection measures, the VOciare report revealed that while there was a high awareness and legal support for the protection of child victims, the implementation of Article 24 was inconsistent. Still, since 2018 some progress has been reported for the present report.

Since 2021³⁴⁰, **Malta** introduced a legal presumption for minors to be victims with specific protection needs due to their vulnerability. Hence, children are provided with victim support services and protection measures during and after questioning.

In **Spain**, the legal framework mandates that authorities must refrain from taking statements from minors unless absolutely necessary³⁴¹. In such instances, investigative bodies are required to prioritise pre-constituted evidence, which in this case, refers to video-recorded statements; enabling minors to present a single account of the events before the examining court. This approach aims to mitigate the risk of secondary victimisation by minimising the need for children to relive traumatic experiences. While pre-constituted evidence has become the standard practice, oral statements given during a trial may still be allowed if the judicial authority finds it necessary and provided that the victim consents.

Expert opinions highlight the broad professional consensus on the positive impact of these legal reforms, particularly the Organic Law for the Comprehensive Protection of Children and Adolescents against Violence. Approximately 69 per cent of the experts agreed on the existence of changes regarding the guarantee of protection of minor victims during proceedings, with half of them perceiving these changes to be significant. As one professional observed, “... *legislation establishes as a rule the pre-constituted evidence of their testimonies through a professional and with a recording that allows reproduction in court without repeating it. Its practice has been extended.*”

Slovenia has also made strides in improving the interviewing process for child victims through the modification³⁴² and adoption³⁴³ of two legislative acts concerning the rights of minors in criminal proceedings. These legislative changes enable courts to permit minor victims to be

340 This presumption was introduced in the 2021 Victims of Crime Amendment Bill, where changes were made to article 14.

341 Organic Law 8/2021 of June 4

342 Criminal Procedure Act

343 Protection of Children in Criminal Procedure and their Comprehensive Treatment in Children's House Act

absent from primary hearings; transcripts from prior hearings are then relied upon. The court can also restrict public access to the trial whenever witnesses testify, thereby enhancing the protection of child victims. Furthermore, the term ‘minor’ now applies to everyone under the age of 18, rather than 14 as was previously the case.

In practice, both **France** and **Bulgaria** have strengthened the way testimonies are recorded. Specialised spaces have been established for interviewing child victims, which enable their testimonies to be formally captured and thus minimise the potential for victimisation through excessive repetition of their trauma.

Since March 2022, **French** legislation has expanded the scope of recorded hearings to include cases of psychological harassment. The systematic and extensive use of “Mélanie rooms”, especially for child victims of sexual violence, makes the communication between authorities and children even more effective. Available in numerous police stations and gendarmeries, these specially designed spaces allow for a comprehensive assessment to be made in a single location. Additionally, professionals working at Paediatric Reception Units for Children at Risk (UAPEDs – see also section on Article 9 above) – multidisciplinary facilities that enable interviews and medical examinations to take place in a secure setting – employ the National Institute of Child Health and Human Development (NICHD) protocol, which aims to reduce interviewer suggestibility and to formulate questions in line with the child’s developmental capabilities.

Experts have largely endorsed these developments, noting that the introduction of such specialised spaces and protocols has markedly improved the management of child victim testimonies. As one expert highlighted, *“Mélanie rooms’ allow for the hearing of the minor victim under better conditions and ensure the filming of the entire interview.”*

However, a significant concern arises when the age of the offender in cases involving child victims means they will be tried as an adult. Thus, the case will be adjudicated in a general court, potentially overlooking the distinct needs and circumstances of the child victims and thereby compromising their protection and support within the legal system.

According to experts, there have been advancements in the treatment of child victims in **Bulgaria**; for example, “Blue Rooms” have been created so child victims can testify in a safe environment, and videoconference examinations have been in use since 2020. Experts noted that there are now more than 30 such rooms available nationwide, usually within social service buildings, making them more accessible and easier to maintain. The rooms are equipped for audio-visual recording to minimise the need for repeated hearings. Furthermore, specialists, especially those from Zakrila Zone, have been trained in the NICHD protocol. The regulatory framework mandates that children are interviewed once in a specialised room and without contact with the perpetrator, with their testimony recorded to avoid further trauma.

In **Belgium**, a circular letter³⁴⁴ was drafted to guide the audio-visual recording of hearings for minors and vulnerable adults who are either victims or witnesses of crime. This circular recommends the use of audio-visual recording techniques whenever the victim is physically or psychologically traumatised.

While in **Czechia** there have been no legislative updates since 2018, changes are anticipated in light of the European Committee of Social Rights' conclusions adopted in October 2020³⁴⁵. In 2021, the Committee on the Rights of the Child (CRC) expressed concerns about the experiences of child victims in criminal proceedings, citing a lack of a child-friendly and multisectoral approach to addressing child sexual abuse. Among the issues noted were the necessity of conducting multiple interviews, the lack of specialised medical evaluations, and the insufficient availability and provision of appropriate trauma therapies. It remains to be seen how effectively these urgent and specific recommendations have been implemented.

Changes related to the wider issue of legal representation in **France** were also identified. The Code of Criminal Justice for Minors, which came into force in 2021, introduced a significant overhaul of criminal procedures. One key measure included the designation of *ad hoc* administrators to represent children when there is a conflict of interest with their legal representatives or when the legal representatives are unable to effectively represent the minor.

In **Finland**, attention has been given to improving the roles and responsibilities of the child victim's legal guardians. Several areas that require improvement were identified³⁴⁶ including the clarity of coordination responsibilities at both national and regional levels, quality of criteria and standards, insufficient training requirements, and ambiguity in the supervision of guardians.

In response, the Barnahus project³⁴⁷ commissioned a national development plan - published in 2022 - on guardianship in criminal and child protection matters. It revealed that practices regarding guardianship varied across Finland and raised concerns not only about delays in appointing temporary guardians but also inconsistencies in the practices surrounding guardianship requirements. The study proposed various measures, including the establishment of national quality criteria for legal guardianships and clear guidelines to ensure that guardianship practices prioritise the child's best interests. Furthermore, proposed legislative amendments seek to clarify the conditions under which a legal guardian should be appointed and to more clearly outline the guardian's duties.

344 COL 03/2021

345 *ICJ v. Czech Republic* (148/2017)

346 Laajasalo, T., Rajala, R., Julin, E., Huittinen, M., & Juusola, A. (2022). Barnahus-hanke. Hankkeessa tehty työ vuosina 2019–2021. Hankesuunnitelma 2022–2023. (Work carried out in the Barnahus project in 2019–2021 and project plan 2022–2023). Finnish institute for health and welfare, p. 17. https://thl.fi/documents/10531/2851931/Barnahus-hankesuunnitelma+2022_2023_1.pdf/7949a739-463e-09ac-73b7-ebcf32adad48?t=1641302667090

347 Heikkilä, M., Rantaeskola, S. (2022). Suunnitelma lapsen edunvalvonnan kehittämisestä valtakunnallisesti rikosasioissa ja lastensuojeluasioissa, Finnish Institute for Health and Welfare, working paper 19/2022, Helsinki. https://www.julkari.fi/bitstream/handle/10024/144883/URN_ISBN_978-952-343-862-0.pdf?sequence=1

The Ministry of Justice working group also recommended revisions to the Criminal Investigation Act to better define the process for assigning a legal guardian in criminal proceedings involving children³⁴⁸. In addition, the Action Plan for the Lanzarote Convention (2022 – 2025), published in 2022 and specifying 33 measures on preventing sexual violence against children and promoting national and international cooperation explicitly mentions that *“Each Party shall provide for the possibility for the judicial authorities to appoint a special representative for the victim when, by internal law, he or she may have the status of a party to the criminal proceedings and where the holders of parental responsibility are precluded from representing the child in such proceedings as a result of a conflict of interest between them and the victim.”*³⁴⁹

In **Slovakia**, since January 2019, a notable change has been implemented whereby, in instances when the (child) injured parties’ legal representatives cannot act for them, an attorney is appointed as their guardian, ensuring that victims receive qualified legal assistance³⁵⁰. This legislative shift has led to the discontinuation of appointing representatives from victim support organisations and no longer requires staff from the social protection authority to be present during interviews³⁵¹.

While the appointment of an attorney as a guardian ensures that children have qualified legal representation, it is important to note that a legal representative and a support worker play very different roles. A legal representative focuses on protecting the child’s legal rights and interests within the judicial process, whereas a support worker provides essential emotional support, guidance, and assistance, particularly when being interviewed and questions which can be very stressful for the child. Ideally, these roles should complement each other, ensuring that the child receives both legal protection and emotional care. The absence of victim support services and social protection authority staff during interviews could therefore raise concerns about the child’s emotional well-being during legal proceedings.

In **Luxembourg**, there have been no legislative changes to the guarantees for minors in criminal proceedings thus far. However, significant reforms are anticipated with the approval of a Draft Proposal³⁵² which addresses minors who are victims or witnesses in criminal cases. This proposal introduces a key provision ensuring that minors have the right to be assisted by specialized lawyers, either chosen by the minor themselves or appointed by the President of the Bar Association. Additionally, the presence of the lawyer during proceedings will be mandatory, reinforcing the legal protection of minors involved in the justice system.

348 Ministry of Justice. (2021, March 18). Rikosprosessin tehostaminen: Työryhmän mietintö. (Improving the Efficiency of the Criminal Procedure: Report of the working group). Publications of the Ministry of Justice, Reports and Statements 2022:14, p. 122. <http://urn.fi/URN:ISBN:978-952-259-976-6>

349 Ministry of Social Affairs and Health (2022, April 26/December 29 in English), The Lanzarote Convention: National Action Plan for 2022–2025. Publications of the Ministry of Social Affairs and Health 2022:8, Helsinki. <http://urn.fi/URN:ISBN:978-952-00-5443-4> (p. 89)

350 Art. 48(2) of the CCP as amended by the Act. No. 321/2018

351 Art. 135(1)

352 Draft Proposal No. 7992, introduced on 7 April 2022

While some countries have made changes to their legislation and practices, most Member States have not introduced changes relevant to the implementation of Article 24³⁵³. During the period under review, efforts were aimed at enhancing protocols and the practical implementation of questioning child victims; specifically, measures targeted increasing the accessibility and use of pre-constituted evidence in cases of child victims³⁵⁴.

In conclusion, there has been progress in enhancing the experiences of child victims during criminal proceedings, particularly by reducing secondary victimisation through initiatives like pre-constituted evidence and dedicated interview spaces. Numerous MS have enacted reforms to offer improved legal protection and support for children, including independent legal representation and access to trauma-informed services. Nevertheless, challenges remain, such as inconsistent implementation, insufficient specialised training, and gaps in guardianship and support services. While advancements are clear, continued efforts are essential to achieve a comprehensive, child-centered approach to justice in all jurisdictions.

353 AT, CZ, HR, EE, LU, MT, PL, PT, RO, LV, HU, IE, DE, NL, GR, and IT

354 BG, CZ, FR, SI and ES

ARTICLE 25 - Training of practitioners

Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.

Member States shall request that those responsible for the training of lawyers, judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims. Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

The significance of training professionals who interact with victims – whether police officers, judges, prosecutors, or victim support workers – cannot be overstated; it equips them with the knowledge and skills required to handle sensitive and challenging situations.

Victims often experience trauma, confusion, or distress, and practitioners lacking proper training might unintentionally exacerbate these conditions. For instance, not recognising signs of trauma can result in situations being mishandled, which may result in victims being re-traumatised or having their rights and needs overlooked. On the other hand, professionals trained in victim-sensitive practices are better equipped to respond effectively, ensuring that all victims of crime feel respected, heard, and supported.

Training initiatives can include both general instruction on victims' rights and specialised education related to the provision of targeted support. Skills that can be developed through such training include active listening, empathic communication and crisis management, each critical to making vulnerable victims feel understood and supported.

The provision of continuous or repeated training is equally important. Engagement in regular refresher courses ensures that professionals stay up to date with the latest victim support practices and legal requirements. It also reinforces key principles and allows professionals to assess and refine their skills as required.

Training programmes should always be accompanied by robust verification mechanisms. These can include, for example, assessments, evaluations and feedback from victims, to ensure that professionals are applying what they have learned in an appropriate and effective manner. Such mechanisms not only allow for the improvement of individual performances but also for the identification of topics in need of systematic change.

In line with this, Article 25 establishes a range of training obligations for Member States. A broad differentiation is made between officials operating in criminal proceedings such as police and court staff and others interacting with victims such as lawyers, prosecutors, judges and victim support workers.

With respect to the former group, Member States are obliged to ensure officials receive both generalist and specialist training, as set out in Recital 61 (covering such issues as the requirement for primary and ongoing training; specialised training for those professionals conducting individual needs assessments; specialised training for those professionals whose work focuses on victims with specific needs; and the need to complement training by guidelines, recommendations and exchanges of best practice in accordance with the Budapest roadmap).

Members of the second group, lawyers, judges and prosecutors who come into contact with victims, should also receive training that is tailored to their roles. However, the Directive does not explicitly require mandatory training for professionals who work directly with victims, nor does it oblige MS to ensure such training is carried out. Rather, Member State are only required to request that appropriate training, created by the relevant professional training institutes, is made available.

While a key element of establishing victim-centred justice systems is ensuring that these professionals receive the relevant training, the Istanbul Convention addresses this gap by requiring Member States to provide or enhance training for all professionals working with victims of gender-based violence, offering a higher standard that can serve as a benchmark for the implementation of Article 25.

Finally, with respect to the support and restorative justice services, there is only an obligation to encourage training – the argument having been made that States do not control such training.

In practice, training should be provided at three levels³⁵⁵. First, professionals directly working with victims must receive compulsory induction training, followed by ongoing opportunities for skills development. Second, professionals who may not work directly with victims but still encounter them (e.g., court ushers, finance staff handling victim reimbursements, bailiffs delivering summonses) should undergo basic sensitisation training to help them recognise and treat victims with respect and professionalism. Lastly, the Directive also requires that victim support services adhere to quality standards, ensuring they are impartial, respectful, and non-discriminatory, which is crucial when providing effective victim-centred support³⁵⁶. Achieving these standards will also require training.

The VOCIARE report identified significant variations in the training provided to professionals working with victims of crime across EU Member States. While police officers have been generally

355 VOCIARE Synthesis Report, p. 167

356 Victim Support Europe. (2013). Handbook for Implementation of Legislation and Best Practice for Victims of Crime in Europe. Brussels: Victim Support Europe.

receiving some training on victims' rights, such training was not universally mandatory, and in certain countries, structured or systemic training was absent. In addition, training in many MS focused on specific victim groups, such as those affected by domestic violence or hate crimes but lacked a holistic and consistent strategy.

Although training for judges and prosecutors was available in some jurisdictions, it was largely not compulsory and was of varying quality. In response, NGOs have stepped in to fill training gaps by offering specialised courses. The same issues were found in training provided to victim support workers; while training was often provided, its focus tended to be too narrow. The overall quality of training was inconsistent and insufficient evaluations were carried.

It is of note that most training initiatives, that have been identified across the EU are, however, only focusing on certain groups of victims. Sure, impact of crime can be specific, due to the gravity of the crime, the circumstances in which the crime has being committed, or dependant on the shared characteristics of the victim. Albeit so, many elements victimisation – such as traumatic reactions, are common for all humans and consequences of the crime are common for all victims and elements such as age, employment status, previous victimisation, may play an important role in victims' experiences. While training on specific issues can be useful for the professionals to develop knowledge and skills that are applicable to all victims, organising only specialised training courses may send the message that only certain victims, or victims of certain types of crime need empathy or recognition. It is, therefore, important to insist that there is a broad spectrum of training opportunities on issues that are of general importance for all victims. Issues such as: understanding the victim, empathy and effective communication, impact of trauma on victims and their loved ones etc. should be topics that are broadly available to all professionals who are likely to come across a victim of crime in their work.

Yet, few initiatives have been identified that address training on victimisation through such lenses, while expansions of specialised training to better meet the unique needs of specific victim groups have been identified across Member States³⁵⁷. These programmes covered a wide range of topics, including gender-based violence, hate crimes, and restorative justice.

Overall, even though the report highlighted that some progress had been made, a more comprehensive and systematic approach to training was still needed across the EU³⁵⁸.

Training for Police Officers

Since the publication of the VOCIARE report, there have been significant improvements in both the provision of structured training for police officers and the implementation of mandatory completion requirements. In 2018, **Romania**, **Italy**, and **Slovenia** were identified as lacking any structured training for police officers. However, since then, initiatives have been reported that aimed at better implementation of Article 25.

357 AT, BE, BU, CY, EL, IE, IT, LU, ET, FI, NL, LV, MT, ES, FR, SE and PT

358 VOCIARE Synthesis Report, p. 166-169

Since the inaction of the 2019 amendments in the **Slovenian** Criminal Procedure Act, numerous training programmes were organised for different institutions, including the police. Annual reports of a working group tasked with evaluating the implementation of the Directive provided positive feedback on this training³⁵⁹.

Legislative amendments were also observed in **Romania**, where, through the adoption of new legislation in 2019³⁶⁰, the Ministry of Internal Affairs and local authorities, together with the National Institute of Magistracy, are legally mandated to ensure that personnel, who have direct contact with victims in the course of their duties, receive specialised training, signifying a formal commitment to improving the quality of support and the training of professionals.

However, interviews with key stakeholders revealed a reality that does not respond to this legal requirement: mandatory training for police officers as well as any other group of professionals that might come into contact with victims, has not been systematically implemented. Instead, all training in Romania remains optional or individualised; professionals must proactively search for any training course they wish to attend. As a result, disparities in the level of victim support arise, as the quality and availability of training programmes are contingent upon individual initiative rather than institutional mandate. Interviewees noted that theoretical training often falls short, and without practical experience, it can even be counterproductive; potentially exacerbating, rather than improving, victims' situations.

Similarly, in **Slovakia**, recent legislative amendments³⁶¹ mandated general and specialised training on the rights and needs of victims for the police. Specifically, the Police Force Academy has made progress in enhancing the basic police training, with mandatory programmes targeting skills and communication with victims. However, training is only focusing on developing police officer's skills on working with child victims, as well as victims of violence against women and domestic violence.

In **Italy**, there is no legal requirement to train the police on victims' issues, and there is no systemic attempt to do so, in the absence of such a requirement. NGOs have been actively working to at least partly fill in this gap and provide law enforcement agencies with training. Training courses are often organised by local Rete Dafne networks, which regularly hold events to raise awareness and maintain community cooperation. One notable initiative took place in January 2023, when the National Crime Prevention Unit of the Italian State Police, in collaboration with Rete Dafne Mantova and Rete Dafne Italia, hosted a seminar for police officers. The seminar focused on the right to information and the work of generalist support services, underscoring the importance of equipping law enforcement agents with the knowledge to better support victims. Courses offered to law enforcement agencies are not mandatory however, and as one expert noted *"Training is not regulated at a national level. There are awareness-raising initiatives at the local level"*.

359 Supreme State Prosecutor Office yearly report, <https://www.dt-rs.si/files/documents/Letno%20poroc%CC%8Cilo%20DT%20za%20leto%202021.pdf>, pages 106 – 109

360 OUG no. 24/2019 modifying Law no. 211/2004

361 Art 32(2) of the Victims Act

In 2019, the **Maltese** Police partnered with several national stakeholders to form a specialised unit to deal with hate crimes. In 2020, VSE provided training to all the members of the unit on issues of victimisation.

In some Member States where police training already had compulsory components relative to victims³⁶², have also made effort to further improve the training that is offered. For instance, in **Belgium** the draft bill on femicide aims to make training for police and magistrates compulsory, during which, particular attention will be paid to their understanding of femicide and the cycle of violence that precedes it.³⁶³ **Portugal** has introduced a course for members of the Public Security Police (Polícia de Segurança Pública, PSP) that focuses on the prevention of domestic violence.

In, **Ireland**, a pilot programme was launched aimed at raising awareness of intellectual disabilities among law enforcement officers. The programme involved 22 officers, from entry-level Gardaí to Assistant Commissioners and it aimed to equip officers with the skills to recognise intellectual disabilities, understand legal and policy issues, improve communication, and support vulnerable individuals in custody. A post-training survey revealed significant improvements in officers' confidence in understanding intellectual disabilities, with 100% of respondents reporting better knowledge, up from 65.3% before the training³⁶⁴.

In addition to the compulsory and voluntary training provided by Member States, CEPOL - European Union Agency for Law Enforcement Training provides limited training opportunities for the national police forces, through their training initiatives.

CEPOL regularly includes issues of victims of crime in general but also issues of specific groups of victims – such as victims of domestic or gender-based violence, children, victims of terrorism or victims of trafficking in human beings into their training initiatives. In the provision of their courses, CEPOL regularly collaborates with victims' rights and victim support professionals, such as Victim Support Europe.

Training for the Judiciary

Advancements in training initiatives aimed at the judiciary sector were also recognised. Since 2018, **Cyprus, Slovenia, and Romania** have implemented training programmes for judges, which were not in place in 2018. Yet, not all those changes meant getting closer to the implementation of Article 25. In Cyprus, for example, while the School of Judges was inaugurated in August 2020, and judges are now required to complete at least two days of continuous training per year, there is no mandatory initial or in-service training specifically addressing victims' rights in general, or on any issues related to specific groups of victims such as violence against women or domestic violence. In addition,

362 Mandatory in BE, FI, HU, LU, MT, PT, SE and SK

363 SEECGD, 2022

364 O'Keefe, C. (2021, December 8). Programme helps gardaí in interactions with people with intellectual disabilities. Irish Examiner. <https://www.irishexaminer.com/news/courtandcrime/arid-40761243.html>

The BeneVict research indicates that in comparison with the situation in 2018, in 2023, more Member States have been providing training to judges³⁶⁵.

Belgium's National Action Plan³⁶⁶ on gender-based violence aims to enhance the knowledge and skills of judges, regarding this issue. The plan highlights the importance of enhanced training magistrates, ensuring they are better prepared to assist victims and understand the complexities of violence, including new emerging forms such as digital and psychological abuse. Furthermore, the country's draft bill on femicide proposes making training for magistrates mandatory, reflecting the increasing acknowledgment within the EU of the necessity for specialised, compulsory training for the judiciary in relation to gender-based violence.

Furthermore, some Member States already providing judicial training programmes have now expanded them, as seen in **Ireland** and **Latvia**. In **Ireland**, a recent report recommended that judges handling sexual crime cases should be aware of the trauma experienced by victims and be trained on issues such as rape myths and emotional trauma³⁶⁷. The Judicial Council Act 2019 established the Judicial Studies Committee to oversee more formalised training of judges. Since its creation in February 2020, the Committee has facilitated several courses covering different topics related to victimisation. Until July 2023, 39 Irish criminal court judges have completed this course³⁶⁸.

However, while this initiative has led to some positive steps, including the Bar of Ireland's commitment to provide training, there is no specific mention that these trainings will focus on increasing judges' awareness of victims' needs or improving their interactions with victims. This remains an area where training programmes could be further developed to align with recommendations.

Also, the Irish Courts Service introduced trauma-informed practice training as part of its learning and development strategy. The course, which covers key concepts such as recognising and responding to trauma, was completed by 45 staff members by 2021³⁶⁹. Additionally, domestic violence training has been rolled out to 211 staff members.

The **Latvian** Judicial Training Centre provided several training sessions covering topics like the use of restorative justice in criminal proceedings since 2018. Moreover, in collaboration with the Council of Europe³⁷⁰, an e-learning course on the prevention of violence against women

365 BG, DE, IE, EE, ES, FI, HU, IT, LV, LU, MT, NL, PL, PT, SE, CY, RO, SI

366 PAN (2021-2025). Plan d'action national de lutte contre les violences basées sur le genre 2021-2025. Axes stratégiques et mesures clés. <https://sarahschlitz.be/wp-content/uploads/sites/300/2021/11/20211125-PAN-2021-2025-clean-FR.pdf>

367 Department of Justice, *Review of protections for vulnerable witnesses* (2020c), p. 122.

368 Notably, topics such as judicial conduct and ethics, avoiding retraumatisation, and vulnerable witnesses were covered. Notably, the module on retraumatisation was developed with the Dutch Judicial Training Institute (SSR) and input from victims' rights organisations, aims to help judges better understand victims' experiences and minimise their trauma during trials. The Judicial Council. (2022c). Judicial Studies Committee. <https://judicialcouncil.ie/judicial-studies-committee/>

369 Courts Service, Courts Service Annual Report 2021.

370 Latvian Centre for Human Rights. (n.d.). Noslēgušas e-kursa "Vardarbības pret sievietēm un vardarbības

and domestic violence, has been completed by 28 judges. However, training for judges remains optional in Latvia, and there is no national framework for its delivery.

In **Poland**, there is a noticeable gap in judicial training, as required by Article 25. Specifically, there is insufficient focus on training judges and other legal professionals to handle victims impartially, respectfully, and professionally. Despite this, the Polish government maintains that Article 25 of the Directive does not require legislative transposition, arguing that its objectives are met through non-legislative measures, particularly through training organised by the National School of Judiciary and Public Prosecution. Yet, the Office of the Polish Ombudsman has highlighted a structural deficiency in training schemes for legal professionals dealing with survivors of domestic violence. The Ombudsman also identified significant irregularities that can negatively impact victims' rights and potentially lead to secondary victimisation, underlining the need for comprehensive and specialised training for those involved in such cases.

Based on the limited data available, it appears that the number of countries offering training for lawyers has remained consistent since 2018³⁷¹. There are still gaps in the training provided, particularly regarding victim support and protection. Both **Greece** and **Germany** share a need for enhanced training on victims' rights, particularly for lawyers.

In **Czechia**, there is a clear shortage of training for both criminal justice authorities and lawyers representing victims, especially in relation to child victims and cross-disciplinary approaches. The Czech Bar Association's training offering is also limited, with only one general and introductory session held annually, which does not adequately address the specific needs of victims.

In **Croatia**, in her report for 2021 the national Ombudsperson recommended that the Judicial Academy should introduce a compulsory training programme for judges and prosecutors, specifically in the area of individual needs assessment for victims (see more in section on Article 22)³⁷².

Other Training

Training for other practitioners, such as victim support workers, is equally crucial in ensuring that individuals who work directly with victims can provide effective and compassionate assistance. However, the provision of this training will greatly vary across Member States and will depend on the national victim support framework – its level of development and structure. Indeed, depending on the Member State's landscape, such training is provided either by NGOs or governmental institutions³⁷³.

ģimenē apkarošana" izstrāde [Completion of the e-course "Combating Violence against Women and Domestic Violence"]. Latvian Centre for Human Rights. Retrieved from <https://www.ltmc.lv/publikacijas/params/post/4218265/noslegusas-e-kursa-vardarbibas-pret-sievietem-un-vardarbibas-gimene-apkaros>

371 FR, IE, EE, ES, FI, LT, MT, NL, PL, PT, SE and SI.

372 Pučka pravobraniteljica. (2021). Izvješće pučke pravobraniteljice, analiza stanja ljudskih prava i jednakosti u Hrvatskoj [Croatian Ombudsperson's report, analysis of human rights and equality in Croatia in 2021]. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

373 CY, EE, FI, FR, GR, IE, MT, NL

Victim Support Netherlands (Slachtofferhulp Nederland) is an example of a well-established victim support network that prioritises both robust initial, as well as structured continuous training for its staff and other professionals. The organisation's training programmes are constantly updated to reflect emerging issues, with a variety of e-learning courses being offered to support workers. Additionally, other specialised organisations, such as Safe Home and Sexual Assault Centres, also provide training for professionals working in victim support services.

Similarly, in **France**, France Victimes, the national federation of 130 victim support associations, organises regular training for the professionals – both staff and volunteers, who support victims through their network, but also to external participants when required. France Victimes offers an extensive catalogue of training programmes, all related to victims and victim support³⁷⁴.

In countries with more fragmented victim support frameworks, training for victim supporters is equally fragmented.

The General Secretariat for Family and Gender Equality offers specific training programmes for counsellors in **Greece**. These programmes focus on counselling services for women victims of violence and address labour-related counselling for victims. The Secretariat works in collaboration with the National Centre for Public Administration & Local Government to deliver these programmes, with substantial participation from frontline staff at counselling centres, shelters, and helplines. In 2020, 64 counsellors participated in training initiatives aimed at enhancing their capacity to support victims effectively.

In **Spain**³⁷⁵, professionals who work with children and adolescents are mandated to receive specialised and continuous training in violence protection and the specific needs of victims requiring special protection. Moreover, it is stipulated that specialised training must become available in sectors related to sexual violence, targeting public administrations, university teaching staff, and research personnel in legal and health fields.

In **Finland**, specialised training has been predominantly directed towards assisting child victims and victims of domestic violence, intimate partner violence, and violence against women (VAW). Furthermore, training material such as guidelines and handbooks have been issued by the National Police Board, instructing the effective implementation of the Victim's Rights Directive. In addition, in relation to the legislative changes addressing the duration of criminal proceedings (addressed in more detail in section related to Article 20), nationwide training sessions have been organised to improve victim communication and to prepare authorities for the legislative changes³⁷⁶.

374 For a full catalogue of training programmes currently on offer, visit <https://france-victimes.catalogueformpro.com/>

375 Organic Law 8/2021 and Organic Law 10/2022

376 Ministry of Justice. (2022, March 18). Rikosprosessin tehostaminen: Työryhmän mietintö [Improving the efficiency of the criminal procedure: Report of the working group]. Publications of the Ministry of Justice, Reports and Statements 2022:14. <http://urn.fi/URN:ISBN:978-952-259-976-6>

While there has been a notable increase in training opportunities, challenges persist in reaching all relevant target groups.

There has been more training in recent years, but still not enough. Often, I still encounter prejudices and misconceptions in connection with training, for example. the behaviour of victims of sexual offences and the need for services.

A researcher and trainer consulted for the report

Moreover, many training sessions are not mandatory, leaving some professionals without the opportunity or incentive to participate. To address these issues, there is a call for clearer requirements for participation, particularly as online learning options expand.

Ireland, Italy, Luxembourg, and **Estonia** have developed training programmes that focus on restorative justice to better support both victims and offenders. In **Ireland**, the Restorative Justice and Victim Services Unit, established within the Probation Service in 2018, provides training to Probation Officers, emphasising the ‘victim perspective’ in court-ordered assessments and supervision. **Luxembourg**, through the Centre de Médiation ASBL³⁷⁷, organises ongoing training in mediation, which is integral to restorative justice practices. **Italy’s** Cartabia reform³⁷⁸ underscores the importance of adequately training mediators and ensuring that restorative justice services are promoted through public-sector agreements and protocols. **Estonia’s** Social Insurance Board has introduced online courses on restorative justice to further equip professionals in this area.

In **Czechia**, the Ombudsperson’s 2020 report emphasised the need for improved training on hate crime and hate speech. The report called for all police officers, not just specialists, to receive training on handling hate crimes from the initial filing to working with vulnerable victims. However, it has been noted that these crucial training programmes have not yet been implemented, indicating a significant gap in addressing this issue effectively.

In **the Netherlands**, gaps remain when it comes to child victims, with experts indicating that professionals who get in contact with them do not have sufficient skills. Recent training is reported to have been provided to the police and prosecution, but less so for judges³⁷⁹.

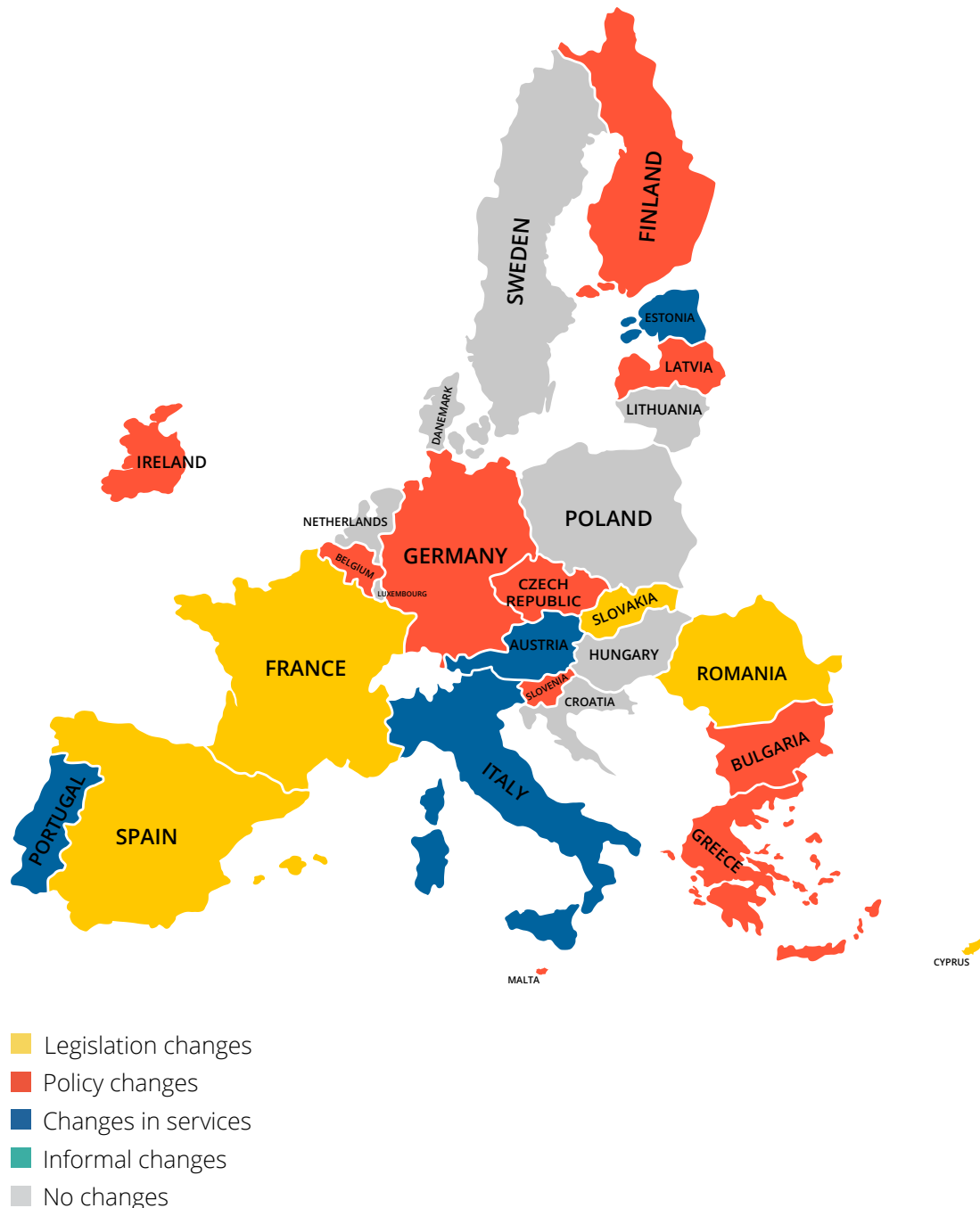
While some progress has been reported with respect to providing broad, general training on victims’ issues, with examples being **Belgium, Cyprus** and **Italy**, for the most part, improvements

377 Mediation Luxembourg. (n.d.). Stage en médiation. Mediation Luxembourg. Retrieved January 24, 2025, from <https://www.mediation.lu/stage-en-mediation/>

378 Il Mattino. (2023, June 23). The Cartabia reform: Transforming mediation in Italy. Il Mattino. https://www.ilmattino.it/en/the_cartabia_reform_transforming_mediation_in_italy-8601816.html

379 Sondorp, J. E., & Hoogeveen, C. E. (2020). *De bescherming van minderjarige slachtoffers: Implementatie van internationale voorschriften in nationale wet- en regelgeving en in de praktijk* (p. 15). WODC. Retrieved from https://repository.wodc.nl/bitstream/handle/20.500.12832/2465/3041_volledige_tekst_tcm28-452501.pdf?sequence=2&isAllowed=y

have focused on training in relation to specific groups of victims. While this is undoubtedly a positive development, compulsory and induction training that focuses on general issues of victimisation and needs of all victims of crimes remains essential to ensure actors working with any victim do so in a correct, respectful and non-harmful manner. Ultimately such training improves the treatment of all victims, including those from specific groups.



Article 25 – Training of practitioners

Out of the 26 EU Member States, 19 countries reported changes. 7 countries had no changes. Six countries implemented new/amended legislation. Five countries introduced new/expanded services. Eight countries implemented new/updated policies.

ARTICLE 26 - Cooperation and coordination of services

Member States shall take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims' rights.

Member States shall take appropriate action aimed at raising awareness of the rights set out in the directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

Article 26 of the Victims' Rights Directive underscores the importance of collaboration and coordination among Member States to facilitate victims' access to their rights. This collaboration emphasises three key areas: (1) the sharing of best practices, (2) consultation regarding individual cases, and (3) supporting European networks focused on victims' assistance.

Beyond facilitating cooperation between Member States, Article 26 also mandates the Member States to take proactive measures at enhancing awareness of the rights established under the Directive. These efforts are intended to foster a shift of social and cultural attitudes that may contribute to victimisation. Raising awareness is not only about informing the public about victims' rights but also about deepening the understanding of the far-reaching effects of crime. This includes the long-term consequences on victims, and the importance of preventing secondary and repeat victimisation, as well as reducing the risks of intimidation and retaliation. Such measures are crucial in cultivating an environment that supports victims, while actively working to prevent further harm in vulnerable populations.

Despite these provisions, substantial disparities persist across the EU, not only in the establishment of victim support services but also in the recognition of the significance of victims' rights. Yet, developing a more comprehensive and strategic framework for victim support can address the lack of coordination among various sectors within the map of victim support services³⁸⁰.

Enhanced collaboration can also improve communication between authorities and victims, as well as the flow of information between all actors. In that regard, several problems have been identified, including inconsistencies, duplication, and a lack of coordination between authorities, complicating the process of delivering adequate support to victims. A victim-centric communication system should involve the coordinated efforts of all relevant stakeholders, ensuring a unified approach to delivering consistent, high-quality and timely information to

380 As outlined in its policy paper, "National Framework for Comprehensive Victim Support."

victims. Such system should also define clear guidelines on timing, content and methods of communication, operating on multiple levels (i.e. national, regional, local, and individual).

Moreover, while there have been attempts to improve coordination at the national level, efforts to bolster cross-border cooperation have been inadequate. This is critical as more and more EU citizens become victims of crimes in countries other than their own.

The 2018 VOCIARE report³⁸¹ indicated that while most Member States have taken steps to enhance awareness on victims' rights, these initiatives tend to be limited in scope, addressing only specific crime categories and often lacking substantial government engagement. Cooperation between Member States has seen an improvement, with some initiatives facilitating collaboration between authorities and NGOs; however, these efforts are primarily project-based and have not yet evolved into fully operational cross-border referral systems. The report stressed the need for greater, sustained cooperation to ensure comprehensive support for victims, especially across jurisdictions and borders.

Since 2018, numerous changes have been observed across Member States in the implementation of Article 26. One noteworthy cooperation framework was established in October 2019 between the three Benelux countries³⁸² in an effort to combat human trafficking. The three Member States formalised their commitment by signing a declaration of intent to share best practices and insights, recognising the existing gaps in EU regulations concerning victims' protection³⁸³. This agreement not only fosters collaboration among the three countries but also lays the foundation for potentially expanding this cooperation to other states in the future, with the objective of enhancing the collective response to human trafficking throughout Europe.

In **Portugal**, state actors have actively engaged in international projects aimed at improving victims' access to their rights and facilitating the exchange of best practices, notably often in collaboration with the national victim support organisation – APAV.

Also, APAV, as a national organisation that provides support to all victims of all crimes has been active in coordinating or participating in EU-wide projects that were focusing on developing inter-sectoral collaboration and awareness raising. Hence, for example, the “With you: accompaniment of victims and witnesses in the justice system”³⁸⁴ project was implemented by APAV in collaboration with partners from **Portugal** and other Member States to enhance the knowledge of practitioners on the benefits of a good victim support system and to develop a general practice allowing victims and witnesses to be accompanied by a victim support worker. As part of this initiative, awareness-raising materials were created: websites in several languages,

381 VOCIARE Synthesis Report, p.171

382 The Benelux countries are Belgium, Netherlands, and Luxembourg.

383 Gouvernement du Grand-Duché de Luxembourg. (2019, December 10). *Le Benelux renforce la protection des victimes de violences sexuelles et de trafic de personnes*. Gouvernement.lu. https://gouvernement.lu/fr/actualites/toutes_actualites/communiqués/2019/12-decembre/10-benelux-protection.html

384 Associação Portuguesa de Apoio à Vítima (APAV). (n.d.). With you: A guide for victims of crime. Retrieved from https://apav.pt/publiproj/images/publicacoes/Guide_WithYou_EN.pdf

a digital brochure and a practical guide outlining best practices for the accompaniment of victims and witnesses. As a result, there has been a significant increase in the visibility of victims' rights, including the right to protection during criminal investigation. This has led increasingly requesting the presence of victim support workers when victims are required to participate in criminal proceedings.

In **Hungary**, partnerships between the police and civil society organisations have grown, providing more flexible support to victims. Through the creation of the Victim Support Professional Networks in districts of Budapest, coordinated by a victim support rapporteur, these partnerships have ensured smoother communication and more immediate access to a broader range of services for victims. This network includes local governments, civil guard associations, family support centres, and even general medical practitioners, reflecting a truly multidisciplinary approach to victim support. Research shows that in all 19 counties of Hungary, there is some level of cooperation between the police and these other state actors, with formalized agreements in 16 counties and informal arrangements in the remaining three.

Despite these advancements, Hungary's lack of a formal legislative framework formalising cooperation leaves the system vulnerable to changes in personnel, highlighting the need for further development to ensure long-term stability and effectiveness in victim support services.

In **Germany**, Weisser Ring, the largest German provider of support services for all victims, plays a pivotal role in promoting collaboration with other victim support organisations, facilitating the exchange of knowledge and experiences, and engaging in cross-border initiatives aimed at strengthening victims' rights. This ongoing cooperation extends to various regional networks within the federal states, where information is shared on different facets of victim protection.

Moreover, the Victims' Commissioner of Berlin actively contributes to workshops and conferences, often as a speaker, to promote the integration of victim support across borders, including through participation in transnational projects.³⁸⁵ Furthermore, regional cooperation frameworks, such as the intervention concept against domestic violence (KIK) in Schleswig-Holstein, demonstrate how different institutions and authorities coordinate their efforts to provide comprehensive and effective protection for victims of domestic violence. Through such collaborative efforts, **Germany** continues to enhance victim support at both national and regional levels.

Finland has launched several projects, guidelines, and action plans aimed at promoting multi-professional collaboration and inter-agency coordination, particularly in protecting victims of intimate partner violence, domestic violence, human trafficking, and child abuse. Notably, the Finnish Institute for Health and Welfare issued guidelines in 2022 to help municipalities

385 For example, the Commissioner participated in the EU-Action-Grants project, "Enhancing the Efficiency of Public Prosecutor's Offices in Bulgaria and Romania", where he led workshops to improve victim handling and foster collaboration between local and international support organisations

and *wellbeing service counties* structure coordination efforts for preventing intimate partner violence³⁸⁶.

In **France**, the President appoints an Inter-Ministerial Delegate for Victim Support (DIAV), who is responsible for coordinating the action of the various ministries, on the one hand in terms of monitoring, support and compensation for victims of acts of terrorism, mass accidents, natural disasters, serial disasters and criminal offences, and, on the other hand, in their relations with victims' associations and victim support. The Delegate ensures the effectiveness and improvement of victim support systems and prepares the meetings of the interministerial committee for victim support.³⁸⁷ Moreover, frequent awareness-raising campaigns are organised, targeting specific victim groups.

Despite progress, some countries still encounter obstacles in establishing fully coordinated victim support systems. In **Belgium**, the cooperation and coordination of victim support services have faced considerable difficulties, exacerbated by the dissolution of the National Forum for Victim Policy. As a result, victims often find themselves navigating a fragmented system, with limited centralisation of services. Despite some attempts to establish intermediary bodies—such as the expertise cell at the College of General Prosecutors and district coordination for specific victim categories—victims still struggle to access integrated, coordinated care – especially when they need to face linguistic and cross-community challenges that are specific for Belgium. Progress has been noted in the areas of terrorism and gender-based violence, with initiatives like the proposed “central desk” for victims of terrorism. However, these initiatives have yet to be fully realised. Furthermore, a 2020 GREVIO report highlighted issues of policy coordination at both the regional and federal levels. While the 2021-2025 National Action Plan (NAP) seeks to remedy these shortcomings, the absence of a unified, centralised system continues to pose a significant challenge to delivering consistent and effective victim support across the country.

Victim support systems remain fragmented in **Lithuania** as well, with no efforts being made to harmonise the various frameworks. The 2021 Law on Victim Support³⁸⁸, the 2010 Law on Protection from Domestic Violence³⁸⁹, and the 2015 Inter-institutional Guidelines on Human Trafficking³⁹⁰ each govern different aspects of victim assistance. Nonetheless, cooperation

386 October, M., Laitinen, H-L. (2022). Ohjeet kunnille ja hyvinvointialueille lähisuhdeväkivallan ehkäisyn koordinaattorakenteiden ja lähisuhdeväkivallan vastaisen toiminnan järjestämiseksi. Finnish Institute for Health and Welfare. OHJAUS 10/2022. <https://urn.fi/URN:ISBN:978-952-343-878-1>

387 Délégué interministériel à l'aide aux victimes (DIAV). (2025, January 21). Annuaire | Service-Public.fr. <https://lannuaire.service-public.fr/gouvernement/bd027cd9-4c4c-4995-9bb8-fe80bb1b6fb3>

388 Lietuvos Respublikos pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymas (Law on Victim Support of the Republic of Lithuania). TAR, 2021-01-20, Nr. 908. Nr. 908.

389 Lietuvos Respublikos apsaugos nuo smurto artimoje aplinkoje įstatymas (Law of the Republic of Lithuania on Protection against Domestic Violence). Valstybės žinios, 2011-06-14, Nr. 72-3475.

390 Lietuvos Respublikos Generalinis prokuroras, Lietuvos Respublikos vidaus reikalų ministro, Lietuvos Respublikos socialinės apsaugos ir darbo ministro 2015 m. gruodžio 17 d. įsakymas nr. I-327/1v-1015/A1-758 dėl prekybos žmonėmis aukų nustatymo, ikiteisminio tyrimo ir tarpinstitucinio bendradarbiavimo rekomendacijų patvirtinimo (Order of the Prosecutor General of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania, the Minister of Social Security and Labour of the Republic of Lithuania of 17 December 2015 No. I-327/1v-1015/a1-758 on the Approval of the Guidelines on the Identification of Victims of Trafficking in Human Beings, the Pretrial Investigation and the Inter-agency Cooperation). TAR, 2015-12-28, Nr. 20631

between institutions is limited, often reduced to basic communication and passive information sharing. The lack of a unified approach and shared understanding of roles among stakeholders impedes effective coordination, resulting in fragmented and inefficient victim support.

In **Croatia**, coordination of victim support is laid to the Ministry of Justice, within which the Service for Victim and Witness Support is responsible for the coordination of the national victim support provision – through coordinating the national NGO network, as well as the work of the court-based support services. However, the closure of research for the present report, there was a failure to set up these services across all jurisdictions in Croatia, despite commitment towards doing so. The 2021 report from the Ombudsman pointed to a lack of cooperation between authorities, institutions, and NGOs, as well as insufficient involvement of victims in the decision-making and risk assessment processes. In such an environment, and despite the existence of the specific service within the Ministry of Justice, coordination and cooperation between services, including awareness-raising campaigns and the exchange of best practices, are still largely dependent on individual initiatives, primarily driven by civil society organisations. Initiatives, such as the #spasime (Save Me) campaign launched in 2019 to raise awareness of violence against women, have yielded positive outcomes, but their reach is limited due to their reliance on non-governmental efforts. The establishment of the #spasime fund to cover victims' costs is a step in the right direction, but broader, systemic cooperation is still lacking.

Several countries have made significant strides in raising awareness of victims' rights through national and international campaigns targeting specific crime categories. **Portugal** has focused on issues such as violence against older people, online crime, sexual harassment, female genital mutilation, and crimes affecting migrant victims. **Austria** has taken similar steps with campaigns addressing violence, fraud against seniors, and online hate speech, while also collaborating with the Ministry of the Interior to educate police officers about victims' rights. The "Crime is Crime. Even Online" campaign (2019) is one example of these efforts.

Malta's Victim Support Agency leads national campaigns similar to "Consent Matters. Stop Sexual Violence" and "16 Days of Activism" to raise awareness about gender-based violence. **Bulgaria's** National Programme for the Prevention and Counteraction of Human Trafficking also includes annual campaigns targeting youth and training professionals, though political instability has slowed these efforts.

In **Italy**, measures focused on gender-based violence, such as the "This is not love" police campaign, are prominent, but many initiatives are driven by local and grassroots movements rather than national institutions. While some Italian organizations participate in campaigns led by Victim Support Europe, these efforts often lack substantial governmental involvement, highlighting a gap in top-down support for victim awareness.

In conclusion, significant progress has been made by various MS in improving cooperation and coordination of victim support services under Article 26 of the Victims' Rights Directive. Initiatives such as the exchange of best practices, enhanced cross-border collaboration, and

increased awareness on victims' rights have contributed to better support for victims across the EU.

Nevertheless, challenges remain in achieving consistent, integrated victim support systems. In several MS, victim services remain fragmented, and cross-border cooperation continues to be limited. While some countries have taken positive steps, such as improving coordination between national and regional bodies, the lack of a unified strategy often leads to service delivery gaps. Moreover, awareness-raising campaigns, although widespread, are often narrow in focus and lack substantial government engagement, reducing their effectiveness.

To address these challenges, further efforts should be made on creating extensive, long-term coordination frameworks that unify victim support services at both national and regional levels. This strategy should encompass explicit guidelines for cross-border collaboration and standardised protocols to maintain uniformity in services' provision. Furthermore, there is an urgent requirement for more data that is both consistent and regularly collected, ensuring accuracy and reliability in assessing the impact of measures aimed at protecting victims and promoting ongoing improvements in the support system throughout the EU.

III: CONCLUSIONS & RECOMMENDATIONS

Overview of main findings

While most Member States have partially or fully transposed the Victims' Rights Directive into their national laws, the practical implementation of the Directive remains incomplete. Overall, the same core challenges identified in the VOCIARE project have not been resolved, though most Member States have seen improvements at both the legislative and practical level. The main overarching issues seen across the EU are in line with the Directive's priority articles, as identified in the earlier stages of the BeneVict project; these included:

- **Article 4** – Right to receive **information** from the first contact with a competent authority;
- **Article 7** – Right to **interpretation** and translation;
- **Article 8** – Right to **access** victim **support** services;
- **Article 9** – **Support** from victim **support** services;
- **Article 12** – Right to **safeguards** in the context of **restorative justice** services;
- **Article 16** – Right to decision on **compensation** from the offender in the course of criminal proceedings;
- **Article 22** – **Individual assessment** of victims to identify specific protection needs; and
- **Article 25** – **Training** of practitioners.

However, there have been notable improvements for **victims of domestic and gender-based violence** in many Member States. As gender-based violence is extremely prevalent³⁹¹, growing support for and awareness of its victims across the EU is an unsurprising but welcome development. There has been a clear and significant focus on improving action with respect to victims of DV and GBV, while the rights of many other victims have either not progressed or have seen far less progress.

391 World Bank. *Violence against women and girls – what the data tell us*. Retrieved from: <https://genderdata.worldbank.org/en/data-stories/overview-of-gender-based-violence>

This is confirmed by research carried out in **Belgium, Portugal, Sweden, France, Bulgaria, Cyprus, Poland**, etc. In **Italy**, for instance, there is a scarcity of generic victim support services, while specialised services focus mostly on victims of gender-based violence.

Awareness-raising campaigns also often favour crimes involving gender-based violence. Researchers and advocates working in this field point to the perceived inequality when it comes to victims of other types of crime. In addition to the data on support available to and focus on victims of DV/GBV in comparison to other victims, this has created a feeling among activists, victim support professionals, and victims themselves across the EU, that victims of other crimes are being 'left behind', as reported by national researchers participating in this project.

In some Member States, victims of other types of crime have also witnessed progress. There have been notable improvements in the rights concerning vulnerable victims. Various Member States, including **Spain, Portugal, Greece, Sweden** and **Poland**, have passed legislation dedicated to protecting **child victims** and furthering their rights.

Victims of terrorism have also seen their rights strengthened in several countries, such as **Austria, Belgium, and France**. These are positive developments; however, they, too, lack a comprehensive approach which provides a foundation for all victims of all crimes. Many solutions can be common to all victims whilst others are common to victims of large numbers of crimes; therefore, it can be more efficient and effective to have strategic cross cutting solutions with an added layer of specialisation on top.

Various Member States have introduced **new types of crime** in their legislation or **broadened definitions** of existing crimes or their victims, thus increasing numbers of victims recognised and eligible for support. For instance, a new criminal offense has been introduced in **Austria**; "*upskirting*" refers to the sharing of intimate photos or videos taken without consent. **Sweden** introduced a new crime called "*Barnfridbrott*" ('a child witnessing domestic violence') in July 2021. Similar measures were taken in **France** and **Portugal**, where, instead of introducing a new crime, children who witness domestic violence are automatically considered to be victims of domestic violence and therefore are eligible for all the services and support available under national legislation on domestic violence.

Technology has been used increasingly to improve victims' access to their rights. Diversifying ways of reporting a crime is one example – specifically, **online reporting** for certain types of online crime has been introduced in **France**. Furthermore, virtual participation in criminal proceedings via videoconferencing or recording and displaying video statements increased during the COVID-19 pandemic, accelerating developments in this area. Multiple websites and other digital tools have now been developed to improve access to information and to provide support. Stronger **privacy laws** and regulations have been introduced in multiple Member States, such as in **Malta**, where the Victims of Crime (Amendment) Act 2021 introduced a new article on the right to protection of privacy.

Victim support services have been further developed around the EU, taking on a more systemic appearance. For instance, in **Hungary**, a new government-operated, generic victim support services network is being established. Whilst this is positive news, it has occurred while funding for pre-existing NGO-run generic services has been cut. In **Germany**, the appointment of victims' representatives and the establishment of central contact points for victims by the federal government and by the individual states, have been seen as positive developments. In **Belgium**, similar **coordination** efforts have taken place for victims of terrorism – the government has appointed a person responsible for creating and coordinating psychosocial post-traumatic-event follow-up plans and identifying and collaborating with the authorities associated with the care of victims. All three examples demonstrate that some Member States are becoming more involved in the provision of support service delivery, sometimes in preference to NGO-delivered services. The risks and benefits of these changes must be reviewed in the coming years.

Information and referral to victim support services has also seen some improvements but remains inconsistent. In **Sweden**, BOJ (Victim Support Sweden) sought to increase police to victim support service referral rates through the "Have You Asked the Question?" campaign. This initiative targeted police officers, who were given leaflets containing concise, essential information to share with victims and encouraged to ask them whether they required support; officers subsequently referred any interested victims to BOJ. The campaign achieved significant success, resulting in a 30% increase in referral rates.

While steady progress has been taking place across victims' rights and in many EU countries, the authors of the VRD – the European Commission – have also been working on improving victims' access to their rights. Following an evaluation of the Directive's transposition (focused on legislative action) in 2022, the Commission published a Proposal for an amended Directive in 2023³⁹².

According to the European Commission, the evaluation confirmed that the VRD has broadly generated the expected benefits. Victims' treatment by competent authorities and the victims' ability to participate in criminal proceedings have improved overall. The VRD positively impacted victims' rights to access information and has improved victims' access to support services³⁹³.

The European Commission's Proposal considered many of the challenges identified in research by victims' organisations and advocates, such as VSE, and the EC itself. The key provisions introduced in the new proposal include those enabling the use of easily accessible, user-friendly, free of charge, confidential victims' helplines (Article 3a); the safe reporting of criminal offences through easily accessible communication technologies and prohibiting competent authorities

392 Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA.

393 Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Retrieved from: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=SWD:2023:246:FIN>

from sharing victims' personal data pertaining to their residence status with immigration authorities (Article 5a); the creation of targeted and integrated support services for children (Article 9a); the right to assistance at court (Article 10a); and national coordination strategies (Article 26a).

Simultaneously, the European Commission's Proposal was rather limited in its ambitions in comparison with VSE's Model Provisions Paper³⁹⁴ and a report by the European Parliament³⁹⁵, both of which recognise that more improvement is required throughout the VRD. This may have been a consequence of decisions to prioritise the VAW Directive³⁹⁶ rather than updating this foundational law for all victims and amending then specialist laws. As the BeneVict research has demonstrated, GBV and DV are now being prioritised at the national level and indicates that **implementation of the VRD at the national level must prioritise legislation which creates a foundation for all victims of crime and ensures co-ordinated implementation of the new laws on specific crimes.**

Unfortunately, following the EC's Proposal, the Council position of 13 June 2024 lacks the determination and clear, actionable – albeit limited – steps set out by the Proposal. The Statement in Reaction to the Council Position on the Victims' Rights Directive Revision, coordinated by VSE and signed by most victim support organisations and other institutions working with and advocating for victims' rights in the EU, expressed concern over the Council's stance on the revision of the Victims' Rights Directive.

While the European Commission's Proposal, along with the aforementioned European Parliament's report, aim to enhance victims' rights, the Council has largely weakened these provisions, turning essential obligations into optional measures. Key protections, such as safe crime reporting, court support, healthcare access, and privacy rights, were either removed or diluted; thus undermining victim protection.

VSE continues to work to ensure that victims of crime, in the EU and beyond, have access to their full rights through comprehensive – fully transposed – EU legislation and enhanced, ever-improving practical implementation in all Member States.

394 Victim Support Europe, *Victims of Crime Model Provisions Paper – VSE's vision for a revised victims' rights directive*, 2023, <https://victim-support.eu/publications/victims-of-crime-model-provisions-paper-vses-vision-for-a-revised-victims-rights-directive/>

395 Draft European Parliament Legislative Resolution on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA. Retrieved from: [REPORT on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA | A9-0157/2024 | European Parliament](#)

396 EUR-Lex. Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence. <https://eur-lex.europa.eu/eli/dir/2024/1385/oj/eng>

Legislative changes

Legislation dedicated specifically to victims of crime and their rights

Over the past few years, legislation for victims of crime has been adopted across many Member States; most of the legislation has focused on gender-based violence and children.

In **Lithuania**, a new Law on Victim Rights was passed in 2021. **Estonia's** Victim Support Act in 2023 foresees additional training and educational materials for professionals working with victims of crime. **Poland** adopted the Act on Counteracting Domestic Violence in 2021. **Greece** passed legislation on "Promoting substantive gender equality, prevention and fight against gender-based violence" as well as a law on workplace harassment. **France** passed laws allowing online reporting for certain types of crime as well as improving protection measures, such as the "serious danger telephone". **Spain** has adopted laws on the 'protection of children against violence' and 'sexual freedom guarantees' in 2021 and 2022 respectively. In **Ireland**, The Domestic Violence Act was enacted in January 2019; the Act extends the range of victims who can apply for a safety and protection order.

Changes to existing Member State legislation again largely focused on gender-based violence and children.

In **Croatia** in 2021, changes to the Criminal Code and the Law on Protection from Domestic Violence, allowed the non-statutory prosecution of sexual violence and child exploitation crimes. **Italy**, whose criminal justice system is currently being reformed, has amended its Criminal Code and introduced harsher punishment for gender-based violence, which aim to speed up proceedings and broaden restorative justice options. In 2022-2023, **Finland** revised legislation on sexual violence; on identifying and assisting victims of human trafficking; and on using video recordings of victims' testimonies as a primary means of evidence in appeal courts.

While the major focus for change has been on gender-based and domestic violence, as outlined above, progress has been made – both from a legislative and a practical perspective – for all victims and other specific groups.

Policy changes

Some Member States have not significantly changed their legislation but instead have seen changes to policy. **Belgium**, which already has comprehensive legislation on victims' rights, has seen policy changes enacted through various normative frameworks published at the federal level to improve the effectiveness of victims' rights; most notably, the rights pertaining to information provision, along with a new risk assessment and management policy, aimed at improving individual assessment provision.

Training and other capacity building programmes have seen their numbers and range of topics increase across the EU; however, again they focus for the most part on gender-based violence issues.

Bulgaria established programmes for professionals working with victims of human trafficking. **Finland** introduced training and other competence-building measures on supporting and protecting child victims and victims of DV, IPV and VAW. In Ireland, initiatives now address deficits relating to the training of Gardaí. One such initiative has been a victim-focused policy and procedure document, which preceded and facilitated the roll-out of training and e-learning courses in 2023. In **Portugal**, a new course has been introduced for police officers (PSP) on the prevention of domestic violence. The 90-hour training course is **mandatory** for all police officers who deal with victims of domestic violence.

Training is recognised as being fundamental to improving all forms of victim support. Progress has been made in this area, with many countries providing or introducing training programmes for a range of practitioners. However, perhaps driven by the largely voluntary nature of EU law on the issue, training for judges and prosecutors remains limited both in terms of quantity, scope and type of training (or it focuses on specific types of crime or legal rather than soft skills), as well as with respect to the number of practitioners who participate in the training.

In **Bulgaria**, the National Programme for the Prevention and Counteraction of Human Trafficking and the Protection of Victims emphasises the need for better coordination between those institutions and organisations responsible for the implementation of the commitments under the National Mechanism for Targeting and Assisting Victims of Trafficking.

Online technologies were adopted quickly by many countries during the pandemic. In **Cyprus**, while courts operated with limited staff, most applications were submitted electronically via email. “The Electronic Justice (Electronic Communication) Procedural Regulation 2021” is still in operation and helps minimise contact between the victim and the offender.

Information still remains a challenge for many countries, which continue work to simplify the information they provide to victims as well as to diversify the way the information is delivered and the occasions when information is provided.

For instance, the **Swedish** Court Authority introduced informative online films and information aimed at victims and witnesses called to trial. In **Portugal**, in 2021, a simplified version of the Victims’ Statute was adopted. The new templates use simpler language; rights are not only listed but explained. However, errors have been identified in the templates, potentially leading to further confusion. In 2021, in **Czechia**, the Police Presidium introduced a comprehensive methodology for the identification of victims, with a special focus on particularly vulnerable victims.

Other changes

New and more numerous services have improved the delivery of victim support across the EU; such as, the creation of new victim support organisations or new offices for existing organisations, telephone helplines, and shelters for vulnerable victims, including men, women, and child victims of domestic, gender-based, or sexual violence.

Cyprus is establishing a second Children's House as part of the new Government Grant Scheme and the Resilience Plan 2021-2026. The House will provide services to child victims of violence. The first Children's House is operated by a local NGO in cooperation with the police, mental health services, and healthcare providers.

In 2019, in **France**, Family Protection Houses were established within each departmental gendarmerie group. They are a single point of entry for all actors (associations, institutions, etc.) and, in addition to supporting victims, they also support the law enforcement authorities in their duties. There are already 40 houses operating around the country. The creation of UAPEDs (Paediatric Reception Units for Children at Risk) and the option to file a complaint while in a hospital also reinforce this right.

Informal changes have also occurred, usually in the form of initiatives taken by victim support workers, police officers, or other professionals working with victims. In **Estonia**, the Ministry of Justice created toyboxes for children, which can be used in courts that do not have separate interview rooms for children. In **Ireland**, The Gardaí developed a Risk Assessment Tool for frontline officers responding to domestic abuse incidents. As of December 2022, this Risk Assessment Tool was operational in 3 of the 4 Garda Regions.

Recommendations

As demonstrated above, numerous positive developments have taken place because of the VRD's transposition into national legislation and its practical implementation across the EU. New and amended victim-focused legislation, new and more extensive services, training programmes, and cross-border cooperation initiatives have all contributed to significant improvements in victims' rights.

However, **these developments often lack a systemic approach, resulting in disconnected interventions which limit the impact of actions and prevent consistent, long-term, solutions.** This results in multiple layers of response, duplication or gaps in service provision, and a **failure to co-ordinate actions** across all sectors. Simply put, **victims are not guaranteed easy access to quality support where, when and how they need it, nor to sufficient or effective protection, or participation in justice**³⁹⁷.

The BeneVict conclusions can spearhead the adoption of new laws and strategies that will make a genuine difference to the lives of all victims of crime. They demonstrate the need for reforms to the Victims' Rights Directive while safeguarding and building on progress made since the 1985 UN Declaration of Basic Principles of Justice for Victims of Crime and abuse of Power.

The need for a systemic approach creating foundational solutions for all victims upon which specialisations are built and expanded is arguably one of the most critical priorities in the next ten years for victims of crime.

³⁹⁷ Victim Support Europe. (2022). *National Framework for Comprehensive Victim Support*. Available at: <https://victim-support.eu/publications/national-framework-for-comprehensive-victim-support/>

Policy for victims of crime should be understood as an evolving concept that encompasses, and benefits, all areas of life requiring a long-term, co-ordinated and comprehensive approach. Victims' rights and services must be organised in a systemic, structured and strategic way that promotes everyone's role in assisting victims and addressing the impact of crime³⁹⁸.

Systemic approach

A systemic approach to victim support is crucial for ensuring that victims of crime receive comprehensive, coordinated, and effective assistance throughout their journey, from the moment the crime occurs to their recovery. Unlike a fragmented approach, where services may operate in isolation, a systemic approach integrates various services and systems into a unified framework that addresses all aspects of a victim's needs.

The research findings of the BeneVict project, outlined above, confirm and shed further light on the challenges previously identified through the VOCIARE project, the European Commission's evaluation of VRD implementation, and other studies in the field. VSE's paper on a National Framework for Victim Support offers evidence-based solutions for these challenges. The full paper should be consulted by those wishing to embark on a journey towards a comprehensive victim support system. According to the paper, a national support framework would require the following services to work in cooperation with each other:

- Organisations with the sole responsibility to provide tailored support to all victims of crime (generic/all-crime victim support organisations);
- Organisations supporting distinct groups of victims or specialising in a specific form of victim support (specialist/ crime specific victim support organisations);
- Organisations or institutions which do not exclusively support victims but need a sufficient level of expertise in victimisation as they may work with victims on a regular basis (police, emergency response units, hospitals, social workers).

In order to make this a reality, key instruments must be put in place. These include:

- functioning referral mechanisms (where victims are referred through mandatory opt-out systems to victim support services by the police, healthcare professionals, etc.);
- detailed coordination mechanisms;
- stable funding streams; and
- systems of monitoring and review³⁹⁹.

A systemic approach to victim support has countless benefits not only for victims of crime but for everyone involved: law enforcement officials, victim support workers, professionals working with victims or in other supportive professions, and society at large. Victimisation is a systemic issue affecting entire societies; therefore, our response to it needs to be systemic as well.

³⁹⁸ Ibid.

³⁹⁹ Victim Support Europe. (2022). *National Framework for Comprehensive Victim Support*. Available at: <https://victim-support.eu/publications/national-framework-for-comprehensive-victim-support/> p. 7

Some of the advantages of a systemic approach to victim support include:

1. **Holistic support:** victims often require multiple types of support, including emotional, psychological, legal, medical, and financial. A systemic approach ensures that these needs are met in a coordinated manner, helping victims avoid the stress of navigating multiple services independently.
2. **Seamless service delivery:** by connecting various support services (e.g., police, healthcare, legal aid, social services), victims are less likely to fall through the cracks. This approach fosters better communication between agencies, which results in a smoother process for victims and a faster response.
3. **Improved outcomes:** a systemic approach can improve long-term outcomes for victims. When support services work together, victims receive timely and effective interventions that help them heal and rebuild their lives, whether through counselling, financial assistance, or legal representation.
4. **Victim-centred approach:** this focus ensures that victims are treated with dignity and respect, with their needs prioritised throughout the entire process. It encourages empathy and responsiveness from service providers, fostering trust in the system. Furthermore, a fundamental rights approach, which establishes that there is no hierarchy of victims, can help achieve equality for victims. Otherwise, MSs focus on some victim groups to the exclusion of many others, while competition between organisations ultimately harms the victims they should support.
5. **Efficiency and resource optimisation:** a systemic approach enables better allocation of resources by eliminating redundancies and ensuring that services are provided where they are most needed. By creating synergies between different sectors, the overall support network becomes more efficient and cost-effective.
6. **Cross-border and interagency cooperation:** victims may face challenges related to cross-border crimes or jurisdictional issues. A systemic approach that promotes cooperation between countries, law enforcement agencies, and support services is vital for providing comprehensive assistance to victims regardless of where the crime occurred.
7. **Long-term crime prevention and awareness-raising:** systemic victim support programmes can include education and advocacy components that help raise awareness about victims' rights and prevent future crimes. This can be achieved through collaborative efforts with communities, governments, and the media.

A change in the behaviours, beliefs, and attitudes of those working with victims is necessary to realise the successful implementation of the Directive. **Continuing bias, myths, lack of understanding of victims' situations**, or their relevance and importance to proceedings, are amongst some of the **key areas requiring change**. However, change requires legislative and procedural actions as well as long-term training, tools, and guidance and leadership at every level.

A systemic approach to victim support is not just about providing services – it is about creating a **cohesive, unified system that respects the complexity of victims' needs** and helps them recover in a supportive, effective manner. This approach ensures that victims do not face their trauma alone but are empowered by a responsive and interconnected network of services that guide them toward healing and justice.

Finally, attention should be paid **to data collection and consultation with communities** and (potential) victims, **carrying out needs assessments** and **community-based participatory research** to better inform and guide policy-making and institutional response.

Information

Effective communication with victims respects their dignity, acknowledges their suffering, and integrates them into the justice process, making it more humane and effective. Key evidence-based principles of effective communication with victims are outlined in a paper titled **“Transforming how we communicate with victims: Moving beyond information provision to a system of communication”** and shifting from vague language that causes lack of clarity and insufficient guidance on how the provisions should be implemented, to clear-cut wording to support the enforcement of victims' rights.

Information provided to victims should be:

- accurate, simple and easy to understand;
- accessible to all victims;
- timely and repeated;
- adapted to individual needs; and
- actionable.

This is currently not being achieved on a systemic level.

Furthermore, a shift in focus is needed **from information provision to communication** with victims: **a two-way process** which maximises the ability of both sides to receive, understand and act on the information that is transferred, whilst minimising barriers and burdens, rather than the traditional one-way information provision approach.

For individuals who have faced stressful and traumatic events, effective communication is both challenging and crucial for their support and recovery. Well-established communication channels enable victims to share their experiences, seek guidance or assistance, and have their needs met. Fundamental principles for effectively communicating with victims of crime include showing respect, prioritising their safety, giving them space to express their emotions, and ultimately providing clear and helpful information. **Developing effective and empathetic communication skills** should be maintained as a priority when planning and delivering training for professionals working with victims.

Referral from police and justice actors to victim support

To minimise the impact of crime, it is crucial that support services are accessible immediately after the crime. A lack of referrals is the biggest obstacle preventing victims from accessing these services in the aftermath of a crime. Across Europe, referral systems vary, with the police playing a central role in connecting victims to support services. It is important to recognise that referral (the provision of victim information to support services, who then contact victims to offer their services) is different to law enforcement providing information about services (orally, leaflets etc.) and then victims having to make contact with services. Referral systems typically fall into two categories:

- **Opt-in systems:** victims must give positive consent to their information being provided to victim support (do you agree/ do you consent).
- **Opt-out systems:** victims are told their information will be provided to victim support unless they object.

The combination of personal, cultural, and neurological biases against seeking services as well as those induced by trauma and crime, result in far fewer victims accepting support when they must seek out those services in contrast to where services reach out to victims. Practical experience in Europe also highlights the advantages of opt-out over opt-in services for improving referral rates and victims' access to services. In countries where the highest numbers of victims access support, best practices emphasise mandatory national referral mechanisms. These systems ensure equal access to victim support services regardless of a victim's location or where the crime occurred. Thus, National Referral Systems for victim support services are essential.

All-crime (generic) support services should be organised to deliver services to all victims, including through referral when appropriate. Referral is not simply providing a victim with information on the availability of support. The provision of information on existing services, whether by leaflet or brochure, face or face, or through a website, is a starting point, but falls short of the notion of referral. A good referral system ensures that the first competent authority in contact with a victim sends the victim's contact details to a support organisation. The organisation will then reach out to the victim, explain their services and, if the victim accepts, provide appropriate tailored support.

The main benefits of a referral system are:

- maximising access to and engagement with support services
- improving ability to assess individual needs;
- reducing the burden on victims;
- maximising efficiency of the process;
- reducing burdens on frontline professionals.

One of the concerns raised by professionals when introduced to referral mechanisms is that of data protection. It is crucial to understand that it is possible to establish effective referral

mechanisms without infringing on victims' privacy and relevant legislation, such as GDPR. Guidelines for GDPR-compliant referral to specialised services are outlined in VSE's data protection paper. However, clear guidance at the EU level is lacking, which leads to different national interpretations. This lack of consistency is directly harming victims by imposing unnecessary barriers to support.

Whilst an opt-out system produces a much higher take up of services, because of GDPR and the different interpretations imposed by national authorities, services are more reluctant to rely on the opt-out option for fear of being non-compliant. This is largely due to misunderstanding that compliance is primarily ensured through consent and that it would be non-compliant to pass on victims' data under other legal bases. A victim should be told about the type of data being shared, with whom, under which conditions, and for what purposes. **Member States should adopt national opt-out referral systems. The EU can facilitate this process through its data protection committee confirming this can be compatible with GDPR.**

Individual needs assessment for protection

Implementing Article 22 of the VRD, which mandates individual assessments to identify victims' specific protection needs, has continued to present several challenges across EU Member States. There continues to be a lack of standardised procedures, insufficient training, resource constraints, and, to this day, a lack of awareness in some cases. Positive developments in this area include developing standardised tools to conduct individual assessment and delivering training to professionals who are supposed to administer the assessment.

Future efforts should focus on further developments in this direction. Developing clear, standardised guidelines, along with establishing uniform protocols and checklists for conducting individual assessments to ensure consistency across regions and agencies, should be a priority. Law enforcement authorities, judicial staff, and victim support professionals should receive training to recognise signs of vulnerability and to understand how to assess victims' specific needs. Allocating adequate funding and staff to conduct individual assessments efficiently and thoroughly is crucial.

An individual needs assessment should be suggested during the intake process carried out by a support organisation, to identify victims' support needs and to tailor support provision accordingly. This approach ensures that victims receive the specific assistance they require from the outset. INAs should be coordinated between relevant justice and law enforcement authorities working with victims and responsible for adopting protection measures, ensuring a seamless process for the victim. Those conducting individual assessments should strive for a balance between structured and flexible approaches to ensure consistency across the organisation, while clearly identifying the needs of the individual victim through a process that includes basic, extensive, and specialist assessments.

Finally, individual assessments should be conducted in a manner that respects victims' dignity, privacy, and autonomy. Thus, attention should focus on the extension of protection to all personal data, e.g. personal information collected during a victim's needs assessment, which is often then considered part of the case file. As, in some countries, the public have access to case files, this may be particularly harmful to victims. Such access is also problematic with respect to the defence. A victim's needs assessment should not be available through disclosure. Different states have sought solutions to this problem such as in the Netherlands where the needs assessment is not considered part of the case file.

Individual Needs Assessment for Support

Police and other authorities should determine what actions they can carry out to support victims as part of their own activities and services. A needs assessment limited to this objective would help identify not only victims' needs but also the actions police officers and other actors could take in their own organisations.

However, **those agencies should not carry out support needs assessments to determine if victims should be referred to victim support nor to see if they require a psychologist** – as suggested in the proposed amendment to the Victims' Rights Directive.

This would be a significant additional burden for officers and staff if they were to do it correctly. In addition, these entities are usually not well-placed to make such decisions due to their lack of knowledge, training, time, or specialisation. Justice and law enforcement staff are often prone to assume victims do not need support or to fail to provide sufficient explanations, which means they are unlikely to carry out an effective assessment and would struggle to effectively explain what support services are appropriate – thus reducing the number of victims that access support.

Evidence clearly shows that police and other authorities should refer victims to support services as an obligation using an opt-out referral mechanism, and victim support organisations should carry out wide-ranging support assessments – which could be coordinated with the police and others where appropriate.

Compensation

The VRD leaves significant room for interpretation regarding the scope and application of the right to offender compensation. This has led to inconsistent implementation across different Member States. Not only is there wide discretion to divert claims to civil courts, but the Directive does not provide clear guidelines on how to determine the amount of compensation, the timing of the decision, or the procedures for enforcing the decision. Many victims, especially those from vulnerable groups, may face difficulties in accessing legal aid and representation to pursue their claims for compensation.

Compensation offers an official acknowledgment and recognition for the victim's suffering and seeks to hold the author of the crime responsible. If a State has failed to prevent a crime, compensation orders against offenders and State compensation may renew societal faith in the justice system. As highlighted in VSE's Victims of Crime Model Provisions Paper, it is of vital importance that victims do not have to take proactive actions to receive their compensation award; it is the State's responsibility to ensure payment is made in a timely manner.

There are numerous ways in which States can facilitate the payment of compensation by the offender, while reducing the burden on victims. As proposed by the Commission for the amended Victims' Rights Directive, a best practice solution is that of the **Dutch system** whereby, if the victim does not receive payment from the State within 8 months of the decision, the State pays a partial compensation on behalf of the offender and retrieves it at a later stage.

However, **we understand that States may be wary of the cost implications.** In addition to such measures, we therefore strongly urge the Council and European Parliament to explore solutions such as State enforcement of payments (e.g. State paid bailiffs, access to offender salaries) and protection of victims when seeking payments. VSE suggests exploring the introduction **of a reasonable delay to payment of compensation by the State, and the introduction of an option for a partial payment of the adjudicated compensation, except in cases of serious crime.**

Given the beneficial impact that receiving offender compensation can have on the victim, as well as the reduced financial burden on State compensation schemes, it is essential that offender compensation solutions in the next Victims' Rights Directive are not wholesale deleted, but rather that effective compromises are agreed.

Training

Training is critical to the successful implementation of victims' laws and policies. However, for many practitioners it is currently optional. As a result, there is a significant difference in the level of training that police officers received compared to members of the judicial and prosecutorial authorities.

If mandatory training and qualifications cannot be introduced for professionals working with victims, particularly within the criminal justice system, a more strategic approach must be taken to the development and uptake of victim training by those practitioners.

Approaches to encourage the following of training courses, requirements to be qualified if working with specific individuals, greater accessibility to self-guided, hybrid, peer-peer and interactive/ experiential training could also improve the uptake of training programmes.

Across the EU, training programmes overwhelmingly focus on victims of domestic and gender-based violence. This is extremely important but needs to be balanced with offering foundational

training sessions on core skills and knowledge. This includes basic knowledge of victimisation and victim-centric policies, the impact of crime and trauma, the needs of victims, empathy, trauma-informed communications and the organisation of services/ courts etc. in a victim-centric manner.

Training should be provided to a wide range of actors and ideally coordinated to ensure the same core knowledge is provided to all. Multi-agency training will support co-ordinated and consistent responses. In addition, specialists in victims' fields should support the design and delivery of training.

Legal remedies

Whilst a detailed analysis through this project wasn't possible, victims tend to have limited enforcement options when their rights have not been respected. Across this report there is clear evidence that rights are not enforced and yet there is no easy, legal recourse for victims.

If the EU Commission and States are serious and genuine about their focus on victims' rights and the need to implement those rights, it is essential that range of legal remedies are provided to victims to enforce their rights. It is through such action that gaps and failures can be systematically addressed.

Overall, EU victims-related laws are having a notable positive impact on victims' lives. Updates to those laws should clarify and improve these pre-existing rights and help ensure better consistency and implementation.

In the coming years, to be successful and to ensure the maximum impact for the greatest number of victims, the EU and Member States must focus on:

- A **strategic, systemic and co-ordinated** approach;
- A **balanced focus** on solutions that benefit **all victims** and solutions that address specific crimes or the needs of **specific victims**;
- **Systems, procedures and funding** which ensures effective, **practical and consistent implementation** of victims' rights across a country and for all victims;
- **Skills development and behaviour change** to ensure victim-centric approaches are embedded in the values and objectives of criminal justice actors and all those working with victims;
- **Mainstreaming victim-focussed solutions** across sectors and ensuring clear understanding and linkages between victim policies and other fields such as social cohesion, societal resilience, education systems and healthcare systems in particular mental health.

ANNEX I

RESEARCH TOOLS

Desk research

The desk research sought information on the most problematic areas as identified in the VOciare report. The aim of the desk research was to gather data which would:

- Provide a better understanding of the situation of the legal framework in 26 EU Member States since July 2018;
- Contribute to the assessment of the practical implementation of the Victims' Rights Directive since July 2018.

The article-specific questions seek to evaluate both the situation of the legal framework and the assessment of the practical implementation of the Victims' Rights Directive. The last part of the desk research includes summarising all the issues identified during the desk research that should be explored further through the interview questions.

Researchers collected information and data through literature and existing studies, opinions, discussions, media reports, legal and policy instruments and other sources which provided an update on the implementation of the EU directive on victims' rights. Research was informed by statistics (when available), academic literature, media reports, governmental or intergovernmental reports, EU or international reports. The desk research template can be consulted in Annex II.

Online Survey

The online survey assessed the progress that was achieved in respect to the implementation of articles 2-26 from a quantitative perspective, gathering information about potential positive and negative changes using a Likert scale which allowed respondents to indicate positive and negative changes (or no changes at all). While the survey covers all articles, it gave special attention to 9 priority areas which are covered through the following articles:

- Article 2 – Definitions;
- Article 4 – Right to receive information from the first contact with a competent authority;
- Article 7 – Right to interpretation and translation;
- Article 8 – Right to access victim support services;
- Article 9 – Support from victim support services;
- Article 12 – Right to safeguards in the context of restorative justice services;
- Article 16 – Right to decision on compensation from the offender in the course of criminal proceedings;

- Article 22 – Individual assessment of victims to identify specific protection needs;
- Article 25 – Training of practitioners.

These articles are described as ‘priority’ articles and were carefully selected based on thorough review of reports and articles that assessed the implementation of the Victims’ Rights Directive. The priority articles are discussed in more detail along with the evidence base for their selection in the corresponding section of this report’s Introduction.

The survey consists of both open and closed-ended questions and was directed at victim support professionals, police officers, prosecutors, judges, court staff, and any other professionals regularly working with victims of crime. The survey was targeted at senior level staff as they are more likely to have a more updated overview on the current status of the implementation of the Victims’ Rights Directive.

National researchers were asked collect responses from 25 respondents, reaching them through personal, professional, and partners’ network as well as through sharing the survey online. The survey was hosted on Microsoft Forms and translated into all Member States’ national languages. Detailed instructions on how to complete the survey were included in the introduction of the survey. An example screenshot from the online survey can be consulted in Annex III.

Interviews

The interviews were conceptualised as the last stage of the data collection, building upon the findings of the desk research and the survey. They are meant to shed light on the most complicated topics and challenges which are difficult to capture with the other research tools.

The interview templates (Annex IV) include questions about the 9 priority articles identified. Researchers were also encouraged to follow their own leads according to the topics of interest as identified in the desk research and the survey. Researchers were asked to carry out approximately 5 interviews with victim support professionals, law enforcement and justice practitioners, and policy officials.

Interviews were conceptualised as semi-structured, and the researchers were asked to conduct them in person whenever possible. Researchers were encouraged to record the interview sessions. The information provided by the interviewees is completely confidential as explained to the interviewees in the consent form. Researchers were asked to submit interview transcripts to VSE for further analysis whenever possible along with the signed consent forms and interview reports which summarised the findings of all interviews conducted by the national researcher.

ANNEX II

DESK RESEARCH TEMPLATE

Part 1. Introduction

Please provide an overview about the process you followed to gather data for the research. What resources did you go through? Where there any challenges?

Part 2. Basic Overview of the legal framework

The objective of the first part of the research is to provide a better understanding of the situation of the legal framework in the EU-26 since July 2018.

Please provide an overview of the legal framework in your country in regard to the transposition of the Directive.

Please provide your answer below and delete the text.

1) Please give a general overview of the legal situation and indicate for any articles of the directive if there is a new legal situation (new law, removal or creation of rights or obligations) compared to the previous VOCIARE report.

- What is the overall perspective about the legislative situation – have new laws been introduced? Are they generally improving the situation? Are there any consistent or significant new concerns in the law?
- Have new rights been established, or new obligations on authorities? Has the status or definition of victim change which effects the overall enjoyment of rights? If there are ongoing problems that were previously identified under VOCIARE, indicate the situation remains the same or hasn't improved.

Guidance

Where there is change, information will need to be shortly presented without going into extensive details. E.g. a new victims law was introduced, the main developments are additional information rights, requirements on authorities or new rules, the law generally improves the situation, etc.

Part 3. Evaluation of practical implementation of the Victims' Rights Directive

General Question

This part of the research evaluates the practical implementation of Directive 2012/29/EU in the EU-26 **since July 2018**. Please remember, research and reporting is focused only on changes since 2018.

Answers for each article should respond to both the general question below as well as address specific issues that we have raised for each article.

Your answers to the general question and to article specific issues should all be provided in the text box relevant to each article.

GENERAL QUESTION

1) Were there any changes (improvement, worsening, expansion, reduction, addition) in the implementation of rights and obligations established in the Directive since 2018. In particular, with respect to:

- Access to rights;
- Enjoyment or exercise of rights;
- Barriers and challenges in accessing and enjoying rights;
- Allocation of government funding;
- The existence and use of legal remedies for breach of rights.

Guidance

- a) When answering the above question, please examine and comment on the types of non-legislative measures that were introduced or changed e.g. protocols, procedures, guidance, memorandums of understanding, funding, contracts, agreements, strategies and action plans, training.
- b) When answering question 1, please also reflect on the frequency and impact of any changes, problems or improvements.
- c) When answering question 1, please reflect on any geographical variances e.g. if some rights or problems only apply at a regional level.

Part 4. Article-specific question

Article 2 – Definitions

Here are some points to consider when you do your research

- Changes in the understanding of victims in the legal system;
- Changes in the definition;
- Newly added persons that were previously excluded from the definition;
- Persons removed from the definition;
- Definition operates poorly in practice due to e.g. ambiguous interpretation, lack of resources, or other conflicting rules in the application;
- Changes foreseen for the future.

Moreover, in cases where there was no definition in the criminal legislation or there is one but it is limited to certain persons, where there any conditions or solutions provided to help victims exercise their rights in the courtroom?

Article 3 – Right to understand and be understood

Here are some points to consider when you do your research

- Extension or limitation of accompaniment right; unfair denial, such as some organisations being excluded;
- Modes and mechanisms for providing information to victims – online, verbal, videos, online case tracker, personal contact info;
- Timing and amount of information provided;
- Addressing needs of specific groups of victims: Disability, minorities, children;
- Any new measures or tools introduced to assess the needs and constraints on victims;
- Any assessment of the provision of information and its quality.

Article 4 – Right to receive information from the first contact with the competent authority

Here are some points to consider when you do your research

- Changes or improvements in the way that information is provided to the victims in regards to the language and the format; Is it available in different forms?
- Changes in the way that information is provided from the first contact with the competent authority; whether victims get information in a timely manner?
- Assessment of information provided.

Article 5 – Rights of victim when making a complaint

Here are some points to consider when you do your research

- Changes in way victims are informed about possibility of receiving a confirmation? More formalised, with every complaint, or intermittent. Verbal vs written;
- Data on frequency of receipt of acknowledge;
- Problems with the content – is it correct or often wrong;
- How are non-native speakers supported or not;
- Data on how the confirmation is used and how useful it is.

Article 6 – Right to receive information about their case

Here are some points to consider when you do your research

- Changes in request and receipt levels;
- Problems with victims being informed of the right;
- Issues with the use of exemptions to deny, insufficient information to act on the information or information too complex;
- If the number of victims that seek review changed? Is it having an impact – are reviews successful?
- Changes in the way the victims' wishes are taken into consideration; if their wishes are taken into consideration with respect to the release of a suspect/offender.
- Changes in regards to the information that is being released. For example, are there any restrictions in the way that information is shared? Is there an assessment procedure which determines if a victim can be informed?

Article 7 – Right to interpretation and translation

Here are some points to consider when you do your research

- Type of changes or improvements have been applied;
- Changes in regards to the availability of translators/interpreters or the availability of translation or interpretation
- Formal accreditation system for translators/interpreters (cfr: implementation suggestions in 2013 Commission explanatory note to VRD, p. 23: https://www.pravo.unizg.hr/download/repository/guidance_victims_rights_directive_EU_en.pdf)
- Use of videoconferencing or other technological/AI tools;
- Improvements or changes with the quality of translation/interpretation? Changes with respect to the process of deciding whether there is a need for interpretation of translation.

Article 8 – Right to access victim support services

Here are some points to consider when you do your research

Here we are looking for information about both the specialised victim support services and generic services.

- Changes in accessing these services;
- If there a national universal victim support service;
- If the services are available to all victims; if the services are available to all victims; If new specialised services introduced;
- If new generic services introduced;
- If there any statistics about the number of people using the services since 2018;
- If there any changes in the time by which they receive support (waiting time).

Article 9 – Support from victim support services

Here are some points to consider when you do your research

- Changes with respect to access to the victim support services mentioned in the article above, both generic and specialised services; and whether the changes depend on the seriousness of the crime;
- Changes in regards to the minimum number of beds per capita in shelters.

Article 10 – Right to be heard

Here are some points to consider when you do your research

- Changes (improvements, restrictions) on how the victim may be heard or provide evidence;
- New limitations that were not there before July 2018;
- Differences in the way that the right is provided during the different phases of the criminal proceedings;
- Differences in the way that the application of the right works for the children;
- Whether age or maturity of the child taken into consideration (only if it has not been done before July 2018).

Article 11 – Rights in the event of a decision not to prosecute

Here are some points to consider when you do your research

- Changes in regards to the application of the right to review a decision not to prosecute;
- Changes in regard how victims seek a review or under which circumstances;
- New data available about the frequency of which victims ask for a review and how often it is successful. Are there any updates/changes or improvements in regards to the provision of translation? Do they have enough information to submit a request?

Article 12 – Right to safeguards in the context of restorative justice services

Here are some points to consider when you do your research

- New data about the impact of the right;
- Changes in the application of the restorative justice services;
- Any developments with regard to safeguards victims have when engaging in restorative justice practices.

Article 13 – Right to legal aid

Here are some points to consider when you do your research

We are looking for information about how the legal aid system for victims works in practice since July 2018. Specifically, we are looking for information about the conditions of access and whether there any new limitations or updates about previous limitations in regards to accessing legal aid. Specifically,

- If legal is free of charge;
- If the conditions of access differ for certain types of crime.

Article 14 – Right to reimbursement of expenses

Here are some points to consider when you do your research

- New data about the assessment of the implementation of the article;
- Types of expenses that are covered;
- Information about challenges that a victim might experience that will discourage them from applying for compensation. For example, if they were experiencing delays in the past, were there any new measures in place to limit the delays? Where there any changes in regards to the reimbursement ceilings?

Article 15 – Right to the return of property

Here are some points to consider when you do your research

- Changes in the application of the article and particularly in the time that is needed for the return of the property;
- Changes or improvements in the way that this action is being carried out.

Article 16 – Right to decision on compensation from the offender in the course of criminal proceedings

Here are some points to consider when you do your research

- Changes in the implementation of the right to compensation from the offender in the course of criminal proceedings; For example, if the compensation could not be sought through criminal proceedings, are the victims able to claim compensation through other proceedings?

- Whether there is a differentiation between the decision on awarding compensation versus a decision on the amount of compensation;
- Information about how the decision for offender compensation is enforced;
- New requirements for applying for compensation (only if they did not exist before July 2018); For example, the victim can claim other types of compensation having already applied for compensation from the offender in the criminal proceedings.

Article 17 – Rights of victims’ resident in another Member State

Here are some points to consider when you do your research

- Data that show that cross-border victims are potentially being treated differently in some EU member states; Examples of measures (e.g., linguistic support) taken to address this issue;
- Legislative changes regarding procedures for reporting a cross-border crime in the country of residence;
- Time limits or delays for cross-border victims that may affect the process in relation to domestic victims.

Article 18 – Right to protection

Here are some points to consider when you do your research

- New protection orders available to ensure and guarantee the above right;
- New protection orders available since July 2018;
- New measures related to physical support of the victim or their family.

Article 19 – Right to avoid contact between victim and offender

Here are some points to consider when you do your research

- Changes/improvements in relation to the measures taken to avoid contact with the offender; Are these measures evaluated?
- Changes in the assessment process of the premises in which the criminal proceedings take place;
- Changes in situations where contact is considered necessary.

Article 20 – Right to protection of victims during criminal investigations

Here are some points to consider when you do your research

- Changes/improvements in regards to the right to protection of victims during criminal investigations;
- Changes in the optimal length between the time a crime is reported and the interview;
- New measures about the number of interviews a victim including child victims can have.

Article 21 – Right to protection of privacy

Here are some points to consider when you do your research

- Changes or improvements in regards to the measures taken by competent authorities to protect the privacy of the victims;
- Are the measures evaluated? Do they meet the requirements of the Directive? Do they apply in all groups of victims or just certain type of groups? Are there any measures regarding the project of privacy of child victims?
- If privacy considerations previously identified have been addressed;
- Changes in the sanctions applied when the privacy of the victims is not respected;
- Changes in the regulation of media. For example, how much do they follow the regulations being put in place by the authorities? Are there any new measures about the use of social media?

Article 22 – Individual assessment of victims to identify specific protection needs

Here are some points to consider when you do your research

- Differences in the assessment for victims of different types of crime. For example, is there a presumption of vulnerability?
- Changes or improvements to move towards individual assessments? Are the staff conducting the assessment adequately trained to perform such a task;
- Changes in the personal characteristics taken into consideration in regards to the assessment;
- New measures that show that individual vulnerabilities are taken into consideration;
- Changes or improvements that victims' wishes are taken into consideration.

Article 23 – Right to protection of victims with specific protection needs during criminal proceedings

Here are some points to consider when you do your research

- Whether victims benefit from the specific protection measures as a result of the individual needs assessment;
- Whether the application of the right meet the requirements of the directive;
- Changes in the application of special measures;
- Changes in the timeliness and adequacy of the implementation of special measures of protection of secondary victimisation;
- Problems that were resolved since July 2018;
- Any new problems identified since July 2018;
- Wishes of the victim taken into consideration.

Article 24 – Right to protection of child victims during criminal proceedings

Here are some points to consider when you do your research

- Changes in the provision of support provided by the justice system to support child victims' best interest;
- Safeguards to ensure children victims' rights to participate or understand the proceedings;
- Juvenile judges adequately trained to deal with cases of victims;
- Changes in the procedural accommodations when taking a testimony;
- Changes in juvenile courts;
- Changes in the legal support or advice provided.

Article 25 – Training of practitioners

Here are some points to consider when you do your research

- Changes, improvements or challenges since July 2018 in regard to the training of practitioners;
- Whether court professionals and police participate in any kind of training; whether they have to update their knowledge within a specific time framework or if they need to participate in one-time trainings;
- If the trainings meet the requirements of the Directive;
- Data about the training the quality of the training they receive;
- Training optional or mandatory;
- Changes in applying for or seeking specialised training; Is there a national framework for the delivery of such trainings?
- Changes in the profile of those who deliver restorative justice trainings.
- Additional restorative justice trainings since July 2018.

Article 26 – Cooperation and coordination of services

Here are some points to consider when you do your research

- Any initiatives that are worth mentioning;
- Raising awareness campaigns that need to be mentioned;
- Raising awareness campaigns foreseen in the future.

Part 5. Conclusions

Please summarize key findings in the text box below. Are there any additional data that should be sought further during the semi-structured interviews? If so, in which articles? Please list the articles and briefly provide a clarification.

Part 6. References

Please add references below (APA style).

ANNEX III

SURVEY TEMPLATE

Survey on Practical implementation of the Victims' Rights Directive (Directive 2012/29/EU)

The BeneVict partnership is collecting information about the practical implementation of the Victims' Rights Directive in 26 EU Member States since July 2018. The survey is part of the research activities of the BeneVict project which aims to support the global need to have valid and evidence-based arguments for the advancement of victims' rights across the EU.

We kindly ask you to fill out the survey as your input will help us gain a better understanding about the changes in the implementation of the Victims' Rights Directive (VRD) in each partner country. The survey seeks to assess the progress achieved with respect to the implementation of Articles 2- 26. For each Article, you are asked to assess whether there was positive or negative change observed since July 2018. Articles 2, 4, 7, 8, 9, 12, 16, 22 and 25 are designated as priority articles.

These questions under these articles examine the implementation VRD in more detail. 'Positive change' refers to developments that have a positive impact in the implementation of the Article assessed. 'Negative change' refers to restrictions, changes or any other limitations imposed that negatively impact victims' rights. If there are no changes observed in the implementation of an article, please select the "No changes" option and move on to the next question. If an article has not been transposed, you may also select the option "No changes." If you have no information about the current state of implementation, please select the "I don't know" option. The questions in this survey refer to the time period from JULY 2018 onwards. If there is no change achieved since then, please check "No change." We strongly encourage you to provide a clarification in the text box when there was a "positive" or "negative" change occurring.*

The survey is expected to take 45 – 60 minutes to complete.

Before submitting the form, please read our [Privacy Policy Statement](#).

For more information, please visit project webpage:

<https://victim-support.eu/what-we-do/our-projects/ongoing/benevict/> The project is co-funded by the European Union

****The following is the scale used by the participants in the survey.***

| Much worse | Slightly worse | No changes | Slightly better | Much better | I don't know |
|------------|----------------|------------|-----------------|-------------|--------------|
| | | | | | |

The following questions refer to the time period from **JULY 2018** onwards. If there is no change achieved since then, please check “No change.” We strongly encourage you to provide a clarification in the text box when there was a “positive” or “negative” change occurring.

The word “change” in this survey refers both to negative and positive changes or additions.

1. To the best of your knowledge, have there been any changes in the application of the term ‘family member of a victim’? For example, are there any family members added or removed? The situation has gotten: (Scale used)
2. Can you explain what changes, if any, have occurred? (Open-ended)
3. To the best of your knowledge, have there been any changes with respect to information being understandable and victims can be understood? This can include information provision from the first point of contact, language simplicity and accessibility, and accompaniment of the victim, among other things. The situation has gotten: (Scale used)
4. Can you explain what changes, if any, have occurred? (Open-ended)
5. To the best of your knowledge, have there been any changes in the way information is provided to victims from the first contact with a competent authority, specifically regarding using simple language to provide information? The situation has gotten: (Scale used)
6. To the best of your knowledge, have there been any changes in the way information is provided to victims from the first contact with a competent authority, specifically regarding timeliness of the information provided? The situation has gotten: (Scale used)
7. To the best of your knowledge, have there been any changes in the way information is provided to victims from the first contact with a competent authority, specifically regarding using multiple formats to provide information? (Scale used)
8. Which formats is the information provided in? (Select all that apply):
 - Printed: leaflets, brochures, etc.
 - Oral: a professional explains the information
 - Online: e.g., a dedicated website
 - Recorded video
 - Other: _____
 - I don’t know
9. To the best of your knowledge, which information is usually provided to victims from their first contact with the competent authority? (Select all that apply):
 - type of support they can obtain and from whom
 - procedures for making complaints and their role in such procedures
 - how and under what conditions they can obtain protection
 - how and under what conditions they can access legal advice, legal aid, etc.
 - how and under what conditions they can access compensation

- how and under what conditions they are entitled to interpretation and translation
 - any special measures in case they are resident in another Member
 - available procedures for making complaints where their rights are not respected by the competent authority
 - contact details for communications about their case
 - available restorative justice services
 - how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.
10. To the best of your knowledge, have there been any changes in the way information is provided to victims from the first contact with a competent authority, specifically regarding authorities' knowledge of victims' rights. This may refer potential changes related to timeliness, or addressing specific groups, etc.? (Scale used)
 11. Can you explain what changes, if any, have occurred? (Open-ended)
 12. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' rights when making a complaint? This can include written acknowledgment of complaint or linguistic assistance. The situation has become: (Scale used)
 13. Can you explain what changes, if any, have occurred? (Open-ended)
 14. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' right to receive information about their case? This includes information on the time and place of trial, the state of the criminal proceedings, etc., and also how good and timely the information is. The situation has become: (Scale used)
 15. Can you explain what changes, if any, have occurred? (Open-ended)
 16. To the best of your knowledge, have there been any changes in the way the right to interpretation and translation is implemented, specifically regarding availability of professional translators and interpreters? (Scale used)
 17. Can you explain what changes, if any, have occurred? (Open-ended)
 18. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' right to interpretation and translation? This can include availability of translators/interpreters, quality of translation/interpretation, or number of occasions when translation/interpretation is available. The situation has become: (Scale used)
 19. Can you explain what changes, if any, have occurred? (Open-ended)
 20. To the best of your knowledge, have there been any improvements in the way victims access victim support services and receive support, specifically regarding accessibility/availability of generic victim support services on a national level? This refers to victim support organisations providing support to all victims of crime. The situation has become: (Scale used)

21. To the best of your knowledge, have there been any changes in the availability of victim support services, specifically regarding availability of specialised services? This refers to services designed and provided do specific and/or vulnerable victims of crime, such as victims of domestic violence, child victims, victims of human trafficking, etc. The situation has become: (Scale used)
22. To the best of your knowledge, have there been any changes in the way victims access victim support services and receive support, specifically regarding the quality of services provided to victims? This can include certification and evaluation processes undertaken by victim support organisations. The situation has gotten: (Scale used)
23. Can you explain what changes, if any, have occurred in any of the above questions? (Open-ended)
24. To the best of your knowledge, have there been any changes in the type of information provided by the victim support services? This includes information on victims' rights, relevant specialised support services, information on financial issues, etc. The situation has gotten: (Scale used)
25. To the best of your knowledge, have there been any changes regarding availability of psychological support for victims of crime? The situation has gotten: (Scale used)
26. To the best of your knowledge, have there been any changes regarding availability of information about or direct referral to any relevant specialist support services? The situation has gotten: (Scale used)
27. To the best of your knowledge, have there been any changes regarding availability of targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, and victims of violence in close relationships? The situation has gotten: (Scale used)
28. Can you explain what changes, if any, have occurred in any of the above questions? (Open-ended)
29. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' right to provide evidence/testimony? This includes the right to be present at trial and the right to give an impact statement. (Scale used)
30. Can you explain what changes, if any, have occurred? (Open-ended)
31. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' right to a review of a decision not to prosecute? This includes the victim's ability to receive sufficient information about the case in order to be able to decide whether to request a review as well as the ability to question the prosecution's decision itself. The situation has gotten: (Scale used)
32. Can you explain what changes, if any, have occurred? (Open-ended)

33. To the best of your knowledge, have there been any changes in the field of restorative justice in your country? This can include new restorative justice programs being introduced or changes in the existing programs. The situation has gotten: (Scale used)
34. Can you explain what changes, if any, have occurred? (Open-ended)
35. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' right to access legal aid? Legal aid entails both legal advice and legal representation. This can include new government and civil society (including NGOs) projects dedicated to legal aid provision. The situation has gotten: (Scale used)
36. Can you explain what changes, if any, have occurred? (Open-ended)
37. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' right to reimbursement of expenses? This can include reimbursement of travel costs associated with participating in proceedings as well as reimbursement for loss of earnings suffered due to participation in proceedings. The situation has gotten: (Scale used)
38. Can you explain what changes, if any, have occurred? (Open-ended)
39. To the best of your knowledge, have there been any changes with regard to guaranteeing victims' right to return of property? This includes the return of victims' property in a timely and respectful manner, including returning property when it is no longer needed for the investigation rather than waiting for the end of the proceedings. The situation has gotten: (Scale used)
40. Can you explain what changes, if any, have occurred? (Open-ended)
41. To the best of your knowledge, have there been any changes in the way victims can receive offender compensation in your country, specifically regarding emergency payments or any advance payments by the State? Some Member States take on the burden of seeking the compensation from the offender instead of placing it on the victim. The situation with regard to this has gotten: (Scale used)
42. Can you explain what changes, if any, have occurred? (Open-ended)
43. To the best of your knowledge, have there been any changes with regard to guaranteeing rights of victims resident in another Member State? This includes rights to interpretation and translation, participation in criminal proceedings, equal treatment, etc. The situation has gotten: (Scale used)
44. Can you explain what changes, if any, have occurred? (Open-ended)
45. To the best of your knowledge, have there been any changes with regard to guaranteeing the right to protection of victims and family members from secondary/repeat victimisation, intimidation, and retaliation? Protection measures can include prohibition of the offender to frequent certain places, prohibition or regulation of contact, and prohibition to approach the victim. The situation has gotten: (Scale used)

46. Can you explain what changes, if any, have occurred? (Open-ended)
47. To the best of your knowledge, have there been any changes with regard to guaranteeing the victims' right to avoid contact with the offender? This involves creating conditions to avoid face-to-face contact between the victim and the offender in police stations, court rooms, etc. through separate entrances, waiting areas, bathrooms, etc. The situation has gotten: (Scale used)
48. Can you explain what changes, if any, have occurred? (Open-ended)
49. To the best of your knowledge, have there been any changes with regard to guaranteeing the victims' right to protection during criminal investigations? This concerns preventing secondary victimisation through reducing the number of interviews and medical examinations as well as allowing accompaniment by a legal representative and the person of the victim's choice. The situation has gotten: (Scale used)
50. Can you explain what changes, if any, have occurred? (Open-ended)
51. To the best of your knowledge, have there been any changes with regard to guaranteeing the victims' right to protection of privacy? This can include restricting publicity of court hearings as well as media self-regulation (encouraging the media to adopt common guidelines). The situation has gotten: (Scale used)
52. Can you explain what changes, if any, have occurred? (Open-ended)
53. To the best of your knowledge, have there been any changes regarding individual assessment in your country? This can include any new individual assessment guidelines, templates, training programs, etc. (Scale used)
54. Can you explain what changes, if any, have occurred? (Open-ended)
55. What is in place in your country? (Select all that apply):
- Individual assessment tools
 - Individual assessment protocols
 - Training
 - Other: _____
 - I don't know
56. To the best of your knowledge, have there been any changes with regard to guaranteeing protection of victims with specific protection needs? This can include special protection measures such as all interviews being conducted by the same person and/or in spaces specifically designed or adapted for that purpose. The situation has gotten: (Scale used)
57. Can you explain what changes, if any, have occurred? (Open-ended)

58. To the best of your knowledge, have there been any changes with regard to guaranteeing protection of child victims during criminal proceedings? This can include audio-visual recording of interviews to prevent repeat interviews, appointing different professionals as the child's representative, etc. The situation has gotten: (Scale used)
59. Can you explain what changes, if any, have occurred? (Open-ended)
60. To the best of your knowledge, have there been any changes with regard to training of professionals coming in contact with victims? This can include new training programs or any changes regarding groups of professionals receiving training, the content of the training, etc. The situation has gotten: (Scale used)
61. Can you explain what changes, if any, have occurred? (Open-ended)
62. To the best of your knowledge, have there been any training programs organised and implemented by the government since July 2018?
- Yes
 - No
 - I don't know
63. Can you explain what changes, if any, have occurred? (Open-ended)
64. To the best of your knowledge, have there been any changes with regard to the public funding allocated to training professional coming into contact with victims? (Scale used)
65. To the best of your knowledge, have there been any changes with regard to your country's cooperation with other Member States to improve victims' access to their rights? (Scale used)
66. Can you explain what changes, if any, have occurred? (Open-ended)

Privacy Policy Statement

By submitting this form, you confirm that:

- "I have read and agree with the Privacy Policy."

ANNEX IV

INTERVIEW QUESTIONNAIRE

| Priority Articles | Interview Questions |
|--|---|
| Article 2 – Definitions | <ol style="list-style-type: none">1. [Only applicable if there are changes in the definition of victim and/or family member reported, either in the desk research or the survey] What are the main differences experienced from a victims' perspective and from a professional's perspective as a result of the legislative changes in the definition of victim and/or family member? |
| Article 4 – Right to receive information from the first contact with a competent authority | <ol style="list-style-type: none">1. [Only applicable if there are changes in the provision of information (e.g accessible language, different means of dissemination) reported in the survey or the desk research] What are the differences experienced in practice from a victims' perspective and from a professional perspective when it comes to the provision of information?2. Do public authorities carry out a case-by-case relevance and personalised needs-based evaluation of each victim to assess the extent and/or detail of information to be provided in different stages of the proceedings? If yes, how is it done?3. Do other organisations (such as Victim Support organisation) carry out a case-by-case relevance and personalised needs-based evaluation of each victim to assess the extent and/or detail of information provided in different stages of the proceedings? If yes, how is it done?4. In your opinion, are there any problems in the way that information is provided to victims of crime?5. In your perspective, how can the problems identified be addressed or mitigated?6. Can you share a good practice on information provision with us (this might include either national or international practices)?7. In your opinion, are professionals (police, court staff, judges, prosecutors, lawyers, victim support workers, restorative justice workers) duly trained to provide information to victims? If not, what are the main challenges in your opinion? |

Article 7 – Right to interpretation and translation

1. What differences are experienced in practice from a victim's perspective and from a professional's perspective in regard to interpretation and translation? [Only asked if there were changes reported in the survey]
2. Are there any trainings and/or awareness raising actions aimed at police officers and judicial practitioners with regard to specificities of communication through an interpreter?
3. To the best of your knowledge, how do competent authorities verify whether an oral translation or an oral summary of essential documents should be provided instead of a written translation? Are there any criteria established in that effect? What are the most common grounds of refusal?
4. In your opinion, is the system in place in your country effective in controlling the quality of translation and interpretation to be appropriate and sufficient? [depending on findings of the researcher regarding how the state controls quality]
5. What do you consider to be the main problems (if any) with respect to the right to interpretation and translation?
6. In your opinion, how could the problems identified be addressed or mitigated?
7. When there is a need for interpretation in a language which is not widely spoken in your country, how is confidentiality and independence ensured? For example, how do authorities ensure that the interpreter does not know the victim and/or the offender?

Article 8 – Right to access victim support services

1. [Only applicable if there changes reported in the right to access to VSS] What are the main differences experienced from a victims' perspective and from a professional's perspective when it comes to the right to access to VSS?
2. Is there a focus in public policy with regard to access to VSS, namely in what concerns funding, accessibility, quality of service?
3. What are the main challenges experienced by THE general and/or THE specific VSS in your country? [Only asked if there are services available in the country]

4. In your opinion/experience, are there any problems that prevent or limit access to these services?
5. In your opinion, are victim support services working effectively? If yes, could you give an example of a good practice? If not, why do you think that is happening?
6. What are the main problems with referral from the competent authorities to victim support services?
7. Is referral to specialized services done by the police based on the needs identified in the needs assessment or by general victim support services? What are the main problems identified with this type of referral?
8. In your perception, does the nature of work (public or private/ NGO) of the VSS influence its accessibility? For example, in some countries public entities like courts tend to refrain from referring victims to VS NGOs.

Article 9 – Support from victim support services

1. If there were changes reported in the right to support from VSS, namely in what concerns the different services provided and stated in the Directive, what are the differences experienced from a victim's perspective, and from a professional's perspective? [only asked if there were changes reported in the survey]
2. In your opinion and experience, are there problems preventing/limiting access to these services?
3. In your opinion, is the service of accompanying victims to court/court-based support, a service that needs to be included in this article of the directive? Why?
4. In your perception, does the nature of work (public or private/ NGO) of the VSS influence the type of services provided?
5. [Only applicable if there is targeted and integrated support for victims with specific needs in your country] Do you think that the judicial authorities are also taking these needs into account? If yes, or no, could you provide examples?

Article 12 – Right to safeguards in the context of restorative justice services

1. Are there any restorative justice services provided by your country? Please describe your national context.
2. Even if there are no formal restorative justice services provided or even considered in the law, are there any informal restorative justice practices in place? Can you provide examples?
3. In your opinion, what are the benefits and challenges experienced by restorative justice services (from a victim's perspective and from the percentage of the professional interviewed)
4. Are there any referral systems to restorative justice services established in your country? Please provide details about your national context.
5. Are there any guarantees for victims requested in the Directive in place in your country?

Article 16 – Right to decision on compensation from the offender in the course of criminal proceedings

1. In your opinion what are the main problems and/or challenges in regard to compensation from the offender when it comes to criminal proceedings?
2. In your perspective, how can these problems be addressed or mitigated? For example, are there any measures that could increase the probability for victims to receive compensation?

Article 22 – Individual assessment of victims to identify specific protection needs

1. Are there any protection measures in place in your country? If yes, please describe them. In your opinion, are these measures effective?
2. Which protection measures are most often applied? (if not covered by the previous question)
3. Does your country carry out an individual assessment of victims to identify specific protection needs? (If no, can you please describe your national reality and also provide information on the type of challenges brought up by not conducting an individual assessment?)
4. How and by whom is the individual assessment of victims carried out in your country? [Individual needs assessment to identify specific protection needs]

5. Is the individual assessment conducted by trained professionals? Do you have any information on the type of training provided and its duration?
6. At which point in the proceedings is the individual assessment conducted? Would you consider this to be one of the key moments for carrying out the individual assessment, or would you also consider others?
7. What problems did the implementation of the individual assessment bring?
8. Is special attention given to the certain groups of victims (i.e. victims of trafficking in human beings, of organised crime, gender-based violence, etc.), without prejudice of its application to all victims of crime?

Article 25 – Training of practitioners

1. How would you describe the current state of affairs with regard to the training of officials that are likely to come in contact with the victims (e.g. police officers, court staff)? Is the training adequate/sufficient? In your opinion, is there anything that needs to change? Does the training curricula includes specific themes related with victims' needs, the impact of the crime, rights of victims, victim sensitive approach?
2. How would you describe the current state of affairs with regard to the training of judges and prosecutors? Is the training adequate/sufficient? If not, what does it need to change? Does the training curricula include specific themes related with victims' needs, the impact of the crime, rights of victims, victim sensitive approach
3. How would you describe the current state of affairs with regard to the training of lawyers? Is the training adequate/sufficient? If not, what does it need to change? Does the training curricula includes specific themes related with victims' needs, the impact of the crime, rights of victims, victim sensitive approach?
4. How would you describe the current state of affairs with regard to the training of victim support and restorative justice workers? Is the training adequate/sufficient? If not, what does it need to change? In the case of restorative justice workers, does the training curricula include specific themes related with victim's needs, the impact of the crime, rights of victims, victim sensitive approach?
5. According to your knowledge, is the impact of the training provided to the above-mentioned target groups evaluated?

ANNEX V

LIST OF COUNTRY ABBREVIATIONS

AT - Austria
BE - Belgium
BG - Bulgaria
CY - Cyprus
CZ - Czechia
DE - Germany
EE - Estonia
EL - Greece
ES - Spain
FI - Finland
FR - France
HR - Croatia
HU - Hungary
IE - Ireland
IT - Italy
LT - Lithuania
LU - Luxembourg
LV - Latvia
MT - Malta
NL - Netherlands
PL - Poland
PT - Portugal
RO - Romania
SE - Sweden
SI - Slovenia
SK - Slovakia

ANNEX VI

LIST OF RESEARCHERS

| | | |
|-----------|--|---|
| Austria | Weisser Ring | Christine Tinzl, Tobias Körtner, Jana Hinterholzer |
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| Bulgaria | Bulgarian Center for Not-for-Profit Law | Velina Todorova, Marieta Dimitrova, Zahari Iankov |
| Croatia | Bijeli Krug | Mariana Crnogorac Mikulić, Paula Herceg, |
| Cyprus | Association for the Prevention and Handling of Violence in the Family | Iro Michael, Andreas Petrides |
| Czechia | - | Maroš Matiaško |
| Estonia | Estonian Human Rights Centre | Kelly Grossthal, Liina Rajaveer |
| Finland | Victim Support Finland (RIKU) through the Finnish Association for Mental Health (FAMH) | Susanna Lundell |
| France | France Victimes | Isabelle Sadowski, Pauline Okroglic, |
| Germany | Weisser Ring | Nora Kunz, Eike Eberle |
| Greece | European Public Law Organisation | Vasiliki Artinopoulou, Lefkothea Stavrou, Theodora Lyberopoulou |
| Hungary | - | Charlotte Portelli |
| Ireland | Crime Victims Helpline, | Ciara Molloy, Michele Puckhaber |
| Italy | Rete Dafne | Andrea Poltronieri, Stefano Avedano |
| Latvia | BIEDRIBA SKALBES | Santa Laimiņa-Rubene, Santa Skara |
| Lithuania | VILIAS | Algimantas Čepas, Rasita Adomaitytė, Dovilė Strazdauskaitė, Gabrielė Bielskutė, Agnė Revuckaitė |
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|-----------------|--|---|
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| Slovakia | - | Barbora Burajova, Maroš Matiaško |
| Slovenia | PIC PRAVNI CENTER ZA VARSTVO CLOVEKOVIH PRAVIC IN OKOLJA LJUBLJANA | Anuška Podvršič, Katarina Bervar Sternad |
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