

Better protection for victims in criminal proceedings

Directive 2012/29/EU on victims' rights (the victims' directive) reinforces existing national measures with EU-wide minimum standards on the rights, support and protection of victims of crime in every EU country.

ACT

Directive 2012/29/EU of the European Parliament and 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

SUMMARY

The directive was adopted on 25 October 2012 and applies across the EU, except for Denmark.

Its main goals are to ensure that victims of crime receive appropriate information, support and protection and may participate in criminal proceedings wherever the damage occurred in the EU.

Every EU country must ensure that victims of crime are recognised and treated in a respectful, sensitive and professional manner according to their individual needs and without any discrimination (for example based on nationality, resident status, race, religion, age, gender, etc.).

The directive lays down minimum standards for all victims of all crimes regardless of victims' nationality or residence status. As soon as a crime is committed or criminal proceedings take place in the EU, the victim must be granted the rights established by the victims' directive. Under the directive, family members of deceased victims are considered victims themselves.

The directive establishes the following rights.

- 1 Information and support

Victims must have the right to:

- understand and to be understood during contact with an authority (for example plain and simple language);
 - receive information from the first contact with an authority;
 - make a formal complaint and receive written acknowledgement;
 - interpretation and translation (at least during interviews/questioning of the victim);
 - receive information about the case's progress;
 - access victim support services.
- 2 Victims with a formal role in criminal proceedings

These victims must have the right to:

- have their case heard in court;
- review a court's decision not to prosecute;
- have their expenses reimbursed;
- receive legal aid;
- recover stolen property.

National authorities must minimise the difficulties faced when the victim is a resident of an EU country other than that where the offence was committed.

- 3 Protecting victims (and their family)/recognising special needs

This includes the right to:

- an individual assessment to identify specific protection needs;

- avoid contact with the offender;
- swiftly conducted and minimal interviews during criminal investigations;
- protection of privacy;
- have individual assessment and specific protection needs covered during criminal proceedings.

The directive also covers training for legal professionals and cooperation and coordination between departments.

The directive replaces Council Framework Decision on the standing of victims in criminal proceedings (2001/220/JHA).

REFERENCES

Act	Entry into force	Deadline for transposition in the Member States	Official Journal
EU Directive 2012/29/EU on victims' rights	15.11.2012	16.11.2015	OJ L 315 of 14.11.2012