



FRA

EUROPEAN UNION AGENCY
FOR FUNDAMENTAL RIGHTS

UNDERPINNING VICTIMS' RIGHTS

SUPPORT SERVICES, REPORTING AND PROTECTION

REPORT



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Glossary/abbreviations

Charter	Charter of Fundamental Rights of the European Union
CJEU	Court of Justice of the European Union
COVID-19	coronavirus disease 2019
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
FRA	European Union Agency for Fundamental Rights
Istanbul Convention	Council of Europe Convention on preventing and combating violence against women and domestic violence
Lanzarote Convention	Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
NGO	non-governmental organisation

Key findings and FRA opinions

Directive 2012/29/EU (the Victims' Rights Directive) establishes minimum standards for the rights, support and protection of victims of crime.¹ It represents a milestone in the development of victims' rights. It defines the scope of support services, guarantees the right to effective protection against secondary victimisation and comprehensively regulates the measures required for this purpose. It also sets out a clear commitment to the necessity of a decision concerning a victim's civil claims as part of the criminal proceedings.

European Union (EU) Member States' effective implementation of the Victims' Rights Directive is key to ensuring access to justice for victims of crime, as the *EU Strategy on victims' rights (2020–2025)* underlines. Member States must adopt measures under the Victims' Rights Directive to ensure that all victims, including vulnerable ones, can exercise their rights and hence gain effective access to criminal justice in practice. However, in some Member States, progress towards guaranteeing victims' rights in practice remains slow.²

In 2022, the European Commission adopted its evaluation of the Victims' Rights Directive. This aimed to identify whether and to what extent the Victims' Rights Directive has fulfilled its objectives. Where necessary, it suggests legislative proposals to further strengthen victims' rights.³

The evaluation report draws on, among other things, the lessons learned from the implementation of the Victims' Rights Directive. The 2022 evaluation shows the directive's added value.

However, the evaluation also points out that not all victims can fully rely on their rights. That is because some of the directive's articles lack clarity and precision. More specifically, it says, shortcomings relate to victims' access to information, support services and protection in line with their individual needs. In addition, it notes that victims should be able to take a more active role in criminal proceedings and have easier access to compensation.⁴ This would allow them to see that justice is done for them.⁵

Accordingly, following the evaluation, the European Commission plans to propose revising the Victims' Rights Directive in 2023.⁶ In support of the evaluation, the European Union Agency for Fundamental Rights (FRA) has provided written input to the Commission and made a number of interventions – based on its research evidence – during meetings of the Commission's Victims' Rights Platform.

The current report focuses on two areas that are key to the effective implementation of the Victims' Rights Directive in practice. The Commission's evaluation also addresses them. These are:

- ★ support services for victims;
- ★ protection of victims – from secondary and repeat victimisation.

The report also addresses a third area, which is partially addressed by the Commission's evaluation and warrants further attention given the practical challenges in the context of implementation of the Victims' Rights Directive by EU Member States; namely reporting by victims.

The report is based on evidence gathered through desk research in 27 Member States. The examples from different Member States are intended to be illustrative. They are selected to reflect the depth of information provided, geographical spread, and similarities and differences between approaches adopted.

While these examples are based on data collected in 2020 (covering the period 1 January 2017 to 31 December 2019), they provide useful context to recurring issues in the area of victims' rights, as also evidenced in FRA's previous research which is equally cross-referenced in this report. In relation to some of these issues, references are also made to more recent FRA research in this area (e.g. FRA's Fundamental Rights Report 2022), where available.

The report gives specific examples, where available. They cover different categories of victims: in particular, victims of intimate partner violence, child victims of crime and victims living in closed institutions.



FRA OPINION 1

Member States should ensure that there is a state body responsible for ensuring that sufficient victim support organisations exist, that performance standards for such organisations are clearly defined, and that compliance with these standards is monitored to secure the delivery of victims' rights in practice.

In this regard, Member States should consider introducing measures to strengthen and further develop the system of organisations providing victim support services. This implies, in particular, working towards a comprehensive, joined-up structure of victim support services serving different groups of victims. Improving the coordination of support services and increasing the level of public funding to provide adequate support to meet the needs of victims of different types of crime can help achieve this. FRA stands ready to support Member States in developing performance standards and shaping cooperation.

ENSURING THE AVAILABILITY OF APPROPRIATE VICTIM SUPPORT SERVICES

According to Articles 8 and 9 of the Victims' Rights Directive, victims have a right to free and appropriate victim support services. In addition, Member States must ensure that victims are supported in a manner that respects their right to equal treatment. This right derives from Article 20 of the Charter of Fundamental Rights of the European Union (the Charter).⁷

As FRA's research findings in this area indicate, the situation, at least in some countries, falls short of these standards. In practice, two things often make it difficult for the state to fulfil its responsibilities.

On the one hand, the structure of victim support organisations, which are typically run by civil society organisations, is complex.

On the other hand, there is a diverse and uneven framework of responsibility for victims that administrative authorities are variously responsible for, with each organisation promoting its 'own' victim support organisations.

This situation reflects the context and timeline for the emergence of different support services in Member States. It also reflects the volume of demand-driven calls for certain services and policy priorities focusing on certain categories of victims.

The result is that some Member States have extensive coverage for victims of human trafficking or women who are victims of domestic or sexual violence. Other victims, such as victims of racist, homophobic or situational violence, including property crime, may have limited victim support provision.

In addition, the fractured structure of administrative authorities' responsibilities for victim support services often goes hand in hand with a lack of performance standards for these services. As a result, services vary greatly not only between but within Member States. Promising practices identified include accreditation mechanisms in some Member States. These aim to ensure that the support services meet defined performance standards.

Funding also affects the availability of effective victim support services. Support organisations' capacities depend greatly on sufficient public funding, as FRA's previous research shows. The evidence indicates an uneven distribution of public funding for support services. In particular, there are different levels of investments for different categories of victims.

FACILITATING THE REPORTING OF CRIME

Every victim of a crime has a fundamental right to effective access to criminal justice. Therefore, they should be able to access safe and effective complaint channels. The Victims' Rights Directive requires victims to be empowered and encouraged to report crimes to the police (recital 63).

However, FRA's data – including from its large-scale surveys – show under-reporting of crime in general, and for certain categories of victims in particular. These include victims of gender-based violence, victims of hate crime and child victims, for example. These findings highlight the need to improve or facilitate the reporting of crime.

For example, only about half of Member States allow third-party reporting (i.e. the possibility for a victim to report a potential crime to an authority, organisation, centre or service other than the police), FRA's research has shown. Third-party reporting often also has certain limitations due to procedural rules.

In practice, an avenue for third-party reporting could help to address some of the many reasons for not reporting crime given in FRA's research. They include lack of trust in the police, or the belief that the police will not be able to do anything if a crime is reported. The most vulnerable victims of crime – such as those who experience abuse in institutional settings – have no way to reach out and report their victimisation, either to the police or via a third party.



FRA OPINION 2

Member States should consider measures to enhance structures that facilitate crime reporting. The specific circumstances of particular victim groups – such as women who are victims of (intimate partner) violence, or victims of hate crime, for example – should be accommodated. This should include, among other things, concrete measures to enhance trust in law enforcement, and setting up alternative reporting options, such as third-party reporting.

Where third-party reporting mechanisms exist, the procedural rules should ensure that their use is not unnecessarily limited in practice, relevant measures should be put in place to encourage their systematic use, and third-party bodies should be trained to respond effectively to the rights and needs of victims. In addition, Member States should ensure there are further specific measures in place, such as proactive monitoring by independent bodies, to give victims living in institutional settings a practical way to safely report their victimisation.

ENSURING EFFECTIVE PROTECTION OF VICTIMS FROM SECONDARY AND REPEAT VICTIMISATION

The Victims' Rights Directive grants victims the right to effective protection from secondary victimisation (by the criminal justice system) and repeat victimisation (by the offender) (Article 18). It provides a list of protection measures (Article 23, in particular) based on a professional's assessment of the individual victim's needs and vulnerability (see Article 22). Article 25 obliges Member States to provide officials likely to come into contact with victims with general and specialist training appropriate to their contact with victims. This training aims to, among other things, increase their awareness of victims' needs.



FRA OPINION 3

Member States are called on to find ways to ensure that all victims can reliably benefit, in practice, from protection measures, as needed, in accordance with Article 23 of the Victims' Rights Directive. Member States should ensure that, in line with Article 25 of the Victims' Rights Directive, police officers are sufficiently trained to protect victims from repeat and secondary victimisation. Victims should also have effective judicial remedies at their disposal if they want to challenge the scope or lack of measures in place to protect them from secondary and repeat victimisation, in accordance with Article 47(1) of the Charter. Member States are also encouraged to exchange and draw on promising practices that exist in relation to certain categories of victims, such as the Barnahus model with respect to prevention of secondary victimisation of child victims.

FRA's research shows considerable differences between Member States in how authorities apply these protection measures in practice. The lack of specific guidelines for conducting assessments, lack of awareness and lack of training for the police reflect this.

At the same time, promising practices identified show how some of these obstacles can be overcome.

Practices addressing secondary victimisation include bringing relevant services together under one roof, which can be a model for different groups of victims. For example, the Barnahus model provides child victims with a coordinated and effective response across different services. It prevents children's secondary victimisation during investigations and court proceedings.

Promising practices related to effective protection against repeat victimisation have emerged in some Member States. These show the importance of close cooperation between the police and specialist support organisation.

Endnotes

- 1 **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, OJ 2012 L 315.
- 2 European Commission (2020), **Report from the Commission to the European Parliament and the Council on the implementation of the 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**, COM(2020) 188 final, Brussels, 11 May 2020.
- 3 European Commission (2020), **Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – EU Strategy on victims' rights (2020–2025)**, COM(2020) 258 final, Brussels, 24 June 2020, p. 23.
- 4 On the challenges involved in protecting victims' right to compensation in cross-border crime and the specific role of Eurojust in this regard, see Eurojust (2022), **Eurojust's role in safeguarding victims' rights in cross-border crime**, 21 June 2022.
- 5 European Commission (2022), **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**, Commission Staff Working Document, SWD(2022) 179 final, Brussels, 28 June 2022.
- 6 See the European Commission web page on **victims' rights in the EU**.
- 7 European Parliament, the Council and European Commission (2012), **Charter of Fundamental Rights of the European Union**, OJ 2012 C 326.

FRA's related work on victims' rights

FRA (2012), *Making hate crime visible in the European Union: Acknowledging victims' rights*, Luxembourg, Publications Office of the European Union (Publications Office).

FRA (2015), *Equal protection for all victims of hate crime – The case of people with disabilities*, Vienna, FRA.

FRA (2015), *Severe labour exploitation: Workers moving within or into the European Union – States' obligations and victims' rights*, Luxembourg, Publications Office.

FRA (2015), *Victims of crime in the EU: The extent and nature of support for victims*, Luxembourg, Publications Office.

FRA (2016), *Ensuring justice for hate crime victims: Professional perspectives*, Luxembourg, Publications Office.

FRA (2019), *Victims' rights as standards of criminal justice – Justice for victims of violent crime: Part I*, Luxembourg, Publications Office.

FRA (2019), *Proceedings that do justice – Justice for victims of violent crime: Part II*, Luxembourg, Publications Office.

FRA (2019), *Sanctions that do justice – Justice for victims of violent crime: Part III*, Luxembourg, Publications Office.

FRA (2019), *Women as victims of partner violence – Justice for victims of violent crime: Part IV*, Luxembourg, Publications Office.

FRA (2020), *Your rights matter: Security concerns and experiences*, Fundamental Rights Survey report, Luxembourg, Publications Office.

FRA (2021), *Crime, safety and victims' rights*, Fundamental Rights Survey report, Luxembourg, Publications Office.

FRA (2021), *Encouraging hate crime reporting – The role of law enforcement and other authorities*, Luxembourg, Publications Office.

Introduction

WHY THIS REPORT?

This report presents evidence aiming to support European Union (EU) Member States in their efforts to fully implement the Victims' Rights Directive in practice.¹ Further progress is needed to reach its full potential at national level, as the European Commission's 2020 report on the implementation of the directive shows.² In particular, the Commission highlights shortcomings in the implementation of some key provisions. These include access to information, support services and protection in accordance with victims' individual needs.

The Commission's subsequent 2022 evaluation of the directive takes into account the conclusions of the 2020 report on implementation when assessing the relevance, effectiveness, efficiency, coherence and EU added value of the directive's provisions. It suggests appropriate follow-up actions at EU level. The Commission provides additional guidance on implementing the directive to further assist Member States in their implementation efforts.

The evidence presented here can also be used to support the Commission's work following up on the findings of the 2022 evaluation. Based on the latter's findings, the Commission plans to adopt a legislative proposal in 2023. This could take the form of a revision of the directive or another legislative instrument.

The Commission also published a proposal for a directive on combating violence against women and domestic violence on 8 March 2022. The proposed directive may address some of the shortcomings of the Victims' Rights Directive with respect to women who are victims of violence/domestic violence.³

STRUCTURE OF THIS REPORT

This report focuses on support services (Chapter 2), protection of victims (from secondary and repeat victimisation) (Chapter 4) and the issue of reporting (Chapter 3). The first two elements are covered in the Commission's 2020 implementation report and 2022 evaluation, whereas the last element, on reporting, is only partially addressed in the Commission's assessment and therefore is given more attention in this report, reflecting the Agency's work in this area.

The report does not specifically examine some other issues that the Victims' Rights Directive and the Commission's assessments cover. This is because FRA's research does not comprehensively cover these areas. For instance, it does not cover the role of digitalisation and use of new technologies with respect to victims, or the lack of cooperation between Member States in cross-border cases.

Methodology

The report is based on desk research covering the 27 Member States, North Macedonia and Serbia.⁴ This was conducted in 2020 and covers 1 January 2017 to 31 December 2019. The report also draws on recent FRA studies, for example FRA's *Fundamental Rights Report – 2022*,⁵ and earlier publications on the situations and rights of victims. They include the following.

- *Crime, safety and victims' rights*.⁶ This covers experiences of victims of selected types of crime, including violence, harassment and property crime. It also covers how often these crimes are reported to the police.
- *Justice for victims of violent crime*, Parts I-IV.⁷
- *Ensuring justice for hate crime victims: Professional perspectives*.⁸
- *Severe labour exploitation: Workers moving within or into the European Union – States' obligations and victims' rights*.⁹
- Other large-scale FRA surveys that capture respondents' experiences of crime, focusing on certain groups within the population. They investigate whether victims report incidents to the police and, if so, how they assess the responses of law enforcement bodies. These crimes include violence against women,¹⁰ and racist,¹¹ antisemitic¹² and homophobic¹³ offences. These surveys also identify why victims do not report to the police, and indicate other organisations/services where they do report crime.

Endnotes

- 1 **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, OJ 2012 L 315.
- 2 European Commission (2020), **Report from the Commission to the European Parliament and the Council on the implementation 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**, COM(2020) 188 final, Brussels, 11 May 2020.
- 3 See European Commission (2022), **Proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence of 8 March 2022**, COM(2022) 105 final, Strasbourg, 8 March 2022.
- 4 The desk research also included the United Kingdom because the research was conducted when it was still part of the EU.
- 5 FRA (2022), **Fundamental Rights Report – 2022**, Luxembourg, Publications Office.
- 6 FRA (2021), **Crime, safety and victims’ rights**, Fundamental Rights Survey report, Luxembourg, Publications Office.
- 7 FRA (2019), **Victims’ rights as standards of criminal justice – Justice for victims of violent crime: Part I**, Luxembourg, Publications Office; FRA (2019), **Proceedings that do justice – Justice for victims of violent crime: Part II**, Luxembourg, Publications Office; FRA (2019), **Sanctions that do justice – Justice for victims of violent crime: Part III**, Luxembourg, Publications Office; FRA (2019), **Women as victims of partner violence – Justice for victims of violent crime: Part IV**, Luxembourg, Publications Office.
- 8 FRA (2016), **Ensuring justice for hate crime victims: Professional perspectives**, Luxembourg, Publications Office.
- 9 FRA (2015), **Severe labour exploitation: Workers moving within or into the European Union – States’ obligations and victims’ rights**, Luxembourg, Publications Office.
- 10 FRA (2014), **Violence against women: An EU-wide survey – Main results**, Luxembourg, Publications Office.
- 11 FRA (2017), **Second European Union Minorities and Discrimination Survey – Main results**, Luxembourg, Publications Office.
- 12 FRA (2018), **Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU**, Luxembourg, Publications Office.
- 13 FRA (2020), **A long way to go for LGBTI equality**, Luxembourg, Publications Office.

1

RIGHTS OF VICTIMS UNDER COUNCIL OF EUROPE AND EU LAW

Legal corner

The most relevant Council of Europe conventions in the context of victims' rights are:

- the **ECHR**, in particular the right to an effective remedy (Article 13);
- the **Council of Europe Convention on Action against Trafficking in Human Beings** (2005), including victim assistance (Article 12) and victim protection (Article 28);
- the **Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse** (Lanzarote Convention) (2007) including victim assistance (Article 14), general protection measures (Article 31), interviews with the child (Article 35) and criminal court proceedings (Article 36);
- the **Council of Europe Convention on preventing and combating violence against women and domestic violence** (Istanbul Convention) (2011), including general and specialist support services (Articles 20 and 22), protection (Articles 50–53 and 56) and legal aid (Article 57).

States' obligations are not limited to the duty to prosecute crime. Fighting and deterring crime goes along with providing victims of crime with access to justice and adequate protection from further harm. It is also part of a state's duties regarding its citizens.

This chapter provides an overview of the most relevant Council of Europe and EU rules relating to victims' rights. It refers to the European Convention on Human Rights (ECHR) and the other most relevant Council of Europe conventions.

The section on EU law analyses the Charter of Fundamental Rights of the European Union (the Charter) and key EU directives. These directives cover victims' rights in general (the Victims' Rights Directive), or address specific categories of victim.

1.1 VICTIMS' RIGHTS UNDER COUNCIL OF EUROPE LAW

The state has a duty to victims of violent crime to conduct proceedings that aim to identify, convict and punish offenders. The jurisprudence of the European Court of Human Rights (ECtHR) has firmly established this since the 1990s.

In 1996, the ECtHR was the first court to recognise and firmly establish the right of a victim of violence, under Article 13 of the ECHR, to an effective remedy in terms of an effective criminal justice response to the wrong suffered.¹ The emphasis had been on protecting the (harmed and vulnerable) victim from criminal proceedings that state authorities conduct. Now, it shifted towards asserting and defending the victim's rights through those proceedings.

In 1999, the ECtHR interpreted Article 13 of the ECHR as obliging Member States "to carry out a thorough and effective investigation apt to lead to those responsible being identified and punished and in which the complainant has effective access to the investigation proceedings".²

Council of Europe law states that a victim is the person subject to a crime. For example, Article 3(c) of the Lanzarote Convention defines a “victim” as any child subject to sexual exploitation or sexual abuse. Article 3(e) of the Istanbul Convention states that “victim” means any natural person who is subject to gender-based or domestic violence. Therefore, both conventions clearly define the victim as the person subject to criminal conduct.

In line with Article 13 of the ECHR, victims of crime are entitled to an effective remedy in the form of criminal proceedings. The lack of this may violate Article 13 of the ECHR.³ Access to the criminal justice system is not enough. The state must also ensure that the system is effective.⁴ For example, if the defences that criminal law gives the accused are too broad, the law may not be effective in protecting victims’ rights.⁵

In addition, according to the ECtHR’s case law, a victim has the right to a thorough and effective police investigation that can lead to the identification and punishment of the offender.⁶ Article 6 of the ECHR does not address the situation of victims, except when victims make civil claims for damages within criminal proceedings. However, the principles of a fair trial require acknowledging victims’ rights and balancing them against those of the defendant.⁷

1.2 VICTIMS’ RIGHTS UNDER EU LAW

1.2.1 Victims’ rights under EU primary law

EU primary law covers victims’ rights, and secondary EU law safeguards them further. The main source of victims’ rights in EU primary law is Article 47 of the Charter. It grants victims a secondary right to criminal proceedings as an effective remedy and a right to a fair trial, in which the victim is advised and heard (tertiary rights).⁸

According to Article 52(3) of the Charter, where rights in the Charter correspond to those in the ECHR, their meaning and scope are the same. Thus, the secondary right to an effective remedy (Article 47 of the Charter) contains the victim’s rights to an effective investigation and prosecution capable of leading to the identification and punishment of offenders for violating the victim’s primary rights.

Legal corner

Charter of Fundamental Rights

Title VI

Justice

Article 47

Right to an effective remedy and to a fair trial

“Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

“Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

“Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.”

Terminology: primary, secondary and tertiary rights

For clarity, it is helpful to distinguish individuals' primary rights, and victims' secondary and tertiary rights.



Primary rights of individuals

Primary rights are the human rights to which everyone is entitled equally and always. They include human dignity, the right to life, the right to the integrity of the person and the right to liberty. Human rights documents, including the **Charter**, acknowledge these rights.

Secondary rights of victims

If primary rights are threatened or violated, then the victims' secondary rights arise. These are the rights to preventive protection and to criminal justice. The secondary rights thus make the victims' primary rights effective.

For example, a woman who is a victim of partner violence has a secondary right to police protection measures. This arises because of the acute threat to her rights that her partner's conduct causes. She also has a secondary right to criminal justice under Article 13 of the ECHR and Article 47 of the Charter.

Tertiary rights of victims

Tertiary rights ensure victims' effective participation in criminal justice proceedings. For example, several derive from the broad secondary right to a fair criminal trial (Article 47(2) of the Charter), by which the victim has sufficient opportunity to make their case. They are the tertiary rights to the assistance of an interpreter and to legal aid (Article 47(3) of the Charter). These enable the victim to make effective use of their right to active participation in the proceedings.

The Victims' Rights Directive grants rights to support in communication (Articles 3 and 7), to information (Articles 4 to 6), to support services (Articles 8 and 9), to active participation in the proceedings (Article 10) and to protection against secondary victimisation (Articles 18 to 24). These are tertiary rights. Just as a secondary right makes a primary right effective, tertiary rights contribute to the effective enjoyment of secondary rights.



1.2.2 Victims' rights under EU secondary law

A useful distinction can be made among the EU directives that grant rights to victims of crime. Some accord rights to all victims – or at least to all victims of crime. Examples are the Victims' Rights Directive and the Directive on compensation to crime victims.⁹ Others only focus on specific victims (see [Table 1](#)).

Whenever Member State authorities act within the scope of these directives, they have to bear the Charter (Article 47 in particular) in mind.¹⁰

There are two main directives in the first group (according rights to all victims).

- The Victims' Rights Directive. This is the most generic of the directives. It grants a wide range of rights to all victims of crime.¹¹
- The Directive on compensation to crime victims. This entitles all victims of violent crimes to state compensation. It applies in the Member State where the crime occurred.

Other directives benefit specific categories of victims.

- The 2011 Directive concerning the sexual abuse of children includes assistance and support (Articles 18–19) and protection in the proceedings (Articles 18 and 20).¹²
- The Human Trafficking Directive includes assistance and support (Articles 11, 13 and 14), protection in proceedings (Articles 12, 13, 15 and 16) and compensation (Article 17).¹³
- The Terrorism Directive includes assistance and support (Article 24) and protection (Article 25).¹⁴
- The European protection order (EPO)¹⁵ and the Regulation on mutual recognition of protection measures in civil matters¹⁶ concern women's right to protection from repeat partner violence.

FRA research has addressed some aspects of these fields, for instance child-friendly criminal justice¹⁷ and the labour exploitation of migrant workers.¹⁸

TABLE 1: VICTIMS' PROCEDURAL RIGHTS UNDER EU LAW

Procedural rights of victims	General rights of all victims			Specific rights of particular victims		
	Charter	Victims' Rights Directive	Child victims (Directive 2011/93/EU)	Victims of trafficking (Directive 2011/36/EU)	Victims of terrorism (Directive (EU) 2017/541)	Victims of gender-based violence (Proposal for a directive on combating violence against women and domestic violence ^a)
Rights to an effective investigation and to proceedings	Article 47(1) (effective remedy)		Article 15			Articles 16–17
Right to challenge a decision not to prosecute		Article 11				
Rights to active participation	Article 47(2) (fair trial)					
Right to be heard		Articles 10 and 17				
Right to provide evidence		Article 10				
Rights to empowerment						
Right to receive information		Articles 4 and 6				
Right to support services		Articles 8 and 9	Articles 18–19	Articles 11, 13 and 14	Article 24	Articles 27–35
Right to legal representation and legal aid	Article 47(2) and (3)	Article 13				
Right to assistance in communication		Articles 3, 5 and 7				
Rights to protection						
Right to protection from repeat victimisation, etc.	Articles 1–8, etc.	Article 18				Articles 21–25 (and EPO as well as the Regulation on protection orders)
Right to protection from secondary victimisation		Articles 18–23	Articles 18 and 20, (and Article 24 Victims' Rights Directive)	Articles 12, 13, 15 and 16	Article 25	Article 2(2)
Civil-law-based rights						
Right to offender compensation	Article 47(1)	Article 16		Article 17		Article 26
Right to back pay						
Right to return of property		Article 15				

Notes: ^a European Commission (2022), Proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence, COM(2022) 105 final, Strasbourg, 8 March 2022.

Yellow indicates rights directly relevant to giving victims access to appropriate support service and effective protection, and encouraging and empowering reporting. This report specifically addresses these issues.

Source: FRA, 2022.

On 8 March 2022, the Commission published a proposal for a directive on combating violence against women and domestic violence.¹⁹ The proposal's specific policy context is the ongoing debates concerning the EU's accession to the Istanbul Convention.

On 5 March 2020, the European Commission presented its Gender Equality Strategy.²⁰ It emphasises the objective of countering gender-based violence. To this end, the Commission continues to pursue the EU's accession to the Istanbul Convention as a priority.

At the European Parliament's request,²¹ the Court of Justice of the European Union (CJEU) (Grand Chamber) delivered Opinion 1/19 on 6 October 2021. It clarified procedural questions about the EU's accession to the Istanbul Convention. The Court determined the appropriate substantive legal basis for the adoption of the Council Act concluding, on behalf of the European Union, the part of the Istanbul Convention covered by the envisaged agreement.

A critical question was whether the Council could wait for a 'common accord' among Member States before it made a decision. The CJEU found that choosing the appropriate time to adopt a decision falls within the Council's political discretion and that nothing stops the Council from extending its discussions. This may even involve waiting for a common accord. However, a qualified majority is free to require the debate's closure and the Council's adoption of a decision at any time.

Should the EU's accession remain blocked, the proposed directive aims to partly fill the remaining gap. If the EU ratifies the convention, the proposed directive contributes to implementing the measures needed to align EU law with the convention's standards.

Endnotes

- 1 ECtHR, *Aksoy v. Turkey*, No. 21987/93, 18 December 1996, para. 98; see also ECtHR, *Aydın v. Turkey*, No. 23178/94, 25 September 1997, and ECtHR, *Menteş and Others v. Turkey*, No. 23186/94, 28 November 1997.
- 2 ECtHR, *Çakıcı v. Turkey*, No. 23657/94, 8 July 1999. This presupposes an understanding of the victim as the person whose rights, guaranteed by the ECHR, were violated: see ECtHR, *Carabulea v. Romania*, No. 45661/99, 13 July 2010.
- 3 ECtHR, *A v. Croatia*, No. 55164/08, 14 October 2010, paras. 78 and 87.
- 4 ECtHR, *M.C. v. Bulgaria*, No. 39272/98, 4 December 2003, paras. 150–151.
- 5 ECtHR, *A. v. the United Kingdom*, No. 100/1997/884/1096, 23 September 1998, para. 24.
- 6 ECtHR, *Carabulea v. Romania*, No. 45661/99, 13 July 2010.
- 7 ECtHR, *Doorson v. the Netherlands*, No. 20524/92, 26 March 1996, para. 70; ECtHR, *Y. v. Slovenia*, No. 41107/10, 28 May 2015; on the rights of victims acting as civil parties, see ECtHR (2022), *Guide on Article 6 of the European Convention on Human Rights – Right to a fair trial (civil limb)*, ECtHR/Council of Europe.
- 8 For extensive information on Article 47 of the Charter, see FRA (2019), ***Victims’ rights as standards of criminal justice – Justice for victims of violent crime: Part I***, Luxembourg, Publications Office, pp. 34–35.
- 9 **Council Directive 2004/80/EC** of 29 April 2004 relating to compensation to crime victims, OJ 2004 L 261.
- 10 CJEU, C-532/15, *Eurospan and Others*, 8 December 2016, para. 52. For further analysis of the rights of victims of violent crime under the Charter and the relationship between the Victims’ Rights Directive and Article 47 of the Charter, see FRA (2019), ***Victims’ rights as standards of criminal justice – Justice for victims of violent crime: Part I***, Luxembourg, Publications Office, Section 2.2.
- 11 The Victims’ Rights Directive replaced the **Council Framework Decision of 15 March 2001 on the standing of victims in criminal proceedings, (2001/220/JHA)**, OJ 2001 L 82, in all Member States except for Denmark. There, the framework decision is still in force. This is because Denmark has opted out of the directive.
- 12 **Directive 2011/93/EU** of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA, OJ 2011 L 335.
- 13 **Directive 2011/36/EU** of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, OJ 2011 L 101.
- 14 **Directive (EU) 2017/541** of the European Parliament and of the Council of 15 March 2017 on combating terrorism and replacing Council Framework Decision 2002/475/JHA and amending Council Decision 2005/671/JHA, OJ 2017 L 88.
- 15 **Directive 2011/99/EU** of the European Parliament and of the Council of 13 December 2011 on the European protection order, OJ 2011 L 338.
- 16 **Regulation (EU) No 606/2013** of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters, OJ 2013 L 181.
- 17 FRA (2017), ***Child-friendly justice – Perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings in 10 EU Member States***, Luxembourg, Publications Office.
- 18 FRA (2021), ***Protecting migrants in an irregular situation from labour exploitation – Role of the Employers Sanctions Directive***, Luxembourg, Publications Office, with references to prior publications on the subject.
- 19 European Commission (2022), ***Proposal for a directive of the European Parliament and of the Council on combating violence against women and domestic violence***, COM(2022) 105 final, Strasbourg, 8 March 2022.
- 20 European Commission (2020), ***Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A Union of equality: Gender Equality Strategy 2020–2025***, COM(2020) 152 final, Brussels, 5 March 2020.
- 21 Request for an opinion submitted by the European Parliament pursuant to Article 218(11) TFEU (Opinion 1/19), OJ 2019 C 413.

2

SUPPORT SERVICES

This chapter covers the issue of support services aiming to empower victims. The Victims' Rights Directive grants victims rights to various forms of assistance, including specific support services. This chapter sheds a light on the Member States' obligation to provide this assistance. It also discusses obstacles to effective oversight and control over the provision of victim support services (**Section 2.2**).

The chapter first offers examples of Member States' financial investments in services for certain categories of victims (**Section 2.1**). These underline the varying and often fragmented support available for victims across Member States.

According to recital 37 and Articles 8 and 9 of the Victims' Rights Directive, support services should be available to victims for an appropriate time before, during and after criminal proceedings "in accordance with the needs of the victim and the rights set out in this Directive".

In principle, the objective of support services is to provide victims with information, advice and support relevant to their rights, and their role in criminal proceedings. This means victims are empowered and able to participate in the proceedings in line with Article 1(1) of the directive. Member States must ensure that victims are empowered so that they have equal access to criminal justice (Article 47 of the Charter (access to justice) in conjunction with Article 20 (equality before the law)).¹

Most victims of crime need competent and empowering assistance and support to be more than a witness in criminal proceedings. Support organisations establish an essential link between the victim and the criminal justice system by providing victims with advice and guidance.

Yet FRA research indicates that the situation falls short of these standards, at least in some countries. The gap between the promise and the reality underlines the need for measures to strengthen and further develop the system of organisations providing victim support services. In some countries, this will involve working towards a comprehensive, seamless structure of victim support services. Improving support services' coordination and increasing public funding and oversight will aid this (**Sections 2.1** and **2.2**).

2.1 UNEVEN DISTRIBUTION OF PUBLIC FUNDING OF SUPPORT SERVICES

The Commission's 2022 evaluation of the Victims' Rights Directive concluded that "data on support services' resources are [...] very scarce and fragmented.

There is a variety of budget streams in most Member States, linked to the fragmentation of competences across national authorities. The under-funding of the victim protection system from the public budget and the sporadic use of other resources were identified as a potential cause of inefficiencies in victim protection measures.”²

Support organisations for different categories of victims of violent crime get different levels of public funding, FRA’s research indicates. This can lead to an artificial ‘hierarchy’.³ In this context, Member States must empower victims so that they have equal access to criminal justice in practice (Article 47 of the Charter (access to justice) in conjunction with Article 20 (equality before the law)).⁴

The desk research covers 1 January 2017 to 31 December 2019. The investments this section discusses relate to the same period, unless otherwise indicated.

The examples cover Member States where relevant information was available. They do not cover private funding. Examples illustrate the situation in the countries at a specific time. Thus, they do not allow comparison between Member States.

In **Austria**, 8,331 victims of violence received procedural assistance in 2018. About half were women victims of gender-based violence. The Federal Ministry of Justice provided € 7,220,093.29. In 2019, 8,908 victims were assisted, and costs amounted to € 7,796,042.37.⁵

These amounts must not be misunderstood as the total costs of victim support in Austria. They only cover the costs of victim support services during criminal proceedings (or subsequent civil proceedings).

For victim support services prior to proceedings, subsidies or service remunerations go to specialised victim support organisations. Payments totalling € 7,990,355 were made to the violence protection centres (*Gewaltschutzzentren*) in 2019. The centres exist in all nine provinces (*Länder*) of the country, and support – predominantly female – victims of intimate partner or domestic violence. Approximately half of these funds are from the budget of the Federal Minister of the Interior and half from the budget of the Federal Chancellor, who is responsible for gender equality policy.



Austria has two support organisations for victims of human trafficking. One is the Vienna-based Intervention Centre for Victims of Trafficking in Women (*Interventionsstelle für Betroffene von Frauenhandel*), for female victims. The second is the MEN VIA shelter, for male victims. It provides basic care and victim support (*Schutzwohnung, Basis-Versorgung und Opferbetreuung*). The organisations received a combined € 1,018,262 from the government in 2019.

Violence protection centres support about 59 % of all victims who receive procedural assistance (mainly women who are victims of gender-based violence). Support organisations for children and adolescents help around 26 %, and generic victim support organisations for victims of non-relational 'situational' violence help about 15 %. The generic organisation primarily involved is Weisser Ring. It does not receive state payments for its victim support services, except for procedural assistance.⁶

It is unclear how much the authorities spend on victim support services in Austria in total. Two significant figures are unknown: the costs of victim assistance for children and adolescents, and of women's shelters. The provinces and local communities primarily fund both. Some € 18 million was paid to the 29 women's shelters in Austria in 2019, according to the Momentum Institute.⁷

In **Ireland**, the government published a revised version of the Victims Charter in 2020.⁸ It contains "a list of a wide range of victim support services available for victims of crime". This includes organisations that, from their declared objectives, do not qualify as victim support organisations under Articles 8 and 9 of the Victims' Rights Directive. They provide restorative justice services, behavioural training to violent men, suicide prevention and generic psychological counselling. Of the 65 remaining organisations, 56 primarily or exclusively support victims of gender-based violence – sexual or domestic.

Ireland's Child and Family Agency, Tusla, is a major actor in this field.⁹ In October 2019, the Minister for Children and Youth Affairs indicated that Tusla's funding was € 781 million for 2019, and € 814 million was made available for 2020.¹⁰ Tusla allocated € 23.8 million in 2018 and € 22.1 million in 2017 in respect of Domestic, Sexual and Gender Based Violence services.¹¹ Over € 25 million was available for these services in 2019, with a similar amount being made available for 2020.¹²

In **Finland**, it is mainly non-governmental organisations (NGOs) that provide victim support services.

Victim Support Finland (*Rikosuhripäivystys/Brottsofferjouren*) offers support for crime victims. It started receiving funding as a service of general economic interest¹³ from 1 January 2018, in accordance with the Ministry of Justice decision of 22 December 2017.¹⁴ Funding from the Ministry of Justice amounted to € 3,950,000 in 2018 and € 4,072,000 in 2019. It also received support from the municipalities: € 54,650 in 2018 and € 108,000 in 2019.

Setlementti Tampere, a community organisation in Tampere, was granted € 694,000 in 2018 and € 710,000 in 2019. This was for the Nollalinja phone line service for victims of domestic violence and violence against women. State funding for safe houses/shelters for victims of violence amounted to € 17,550,000 in 2018¹⁵ and € 19,170,000 in 2019.¹⁶

Specialised services are available for victims such as women, immigrant women and children. A range of NGOs provide them. The Funding Centre for Social Welfare and Health Organisations mostly funds the services from the revenues of the state gambling company.

The centre's allocations for NGOs' victim support work amounted to € 11,391,925 in 2018 and € 12,330,002 in 2019. This covered 61 projects in 2018 and 62 projects in 2019. Such allocations make up about 3 % of its yearly support.¹⁷

The Finnish Immigration Service also maintains a separate Assistance system for victims of human trafficking (*Ihmiskaupan uhrien auttamisjärjestelmä*). This is entirely state funded.¹⁸

Therefore, it appears that victim support services received € 36,390,000 of public funding in Finland in 2019.

In **Estonia**, according to the Victim Support Act (*Ohvriabi seadus*), state victim support services are financed from the state budget's allocations to the budget of the Estonian National Social Insurance Board (*Sotsiaalkindlustusamet*).¹⁹ The board is a government agency operating under the Ministry of Social Affairs. Among other tasks, it is responsible for providing victim support services.²⁰ Anyone who is a victim of crime or experiences violence, negligence or ill treatment can turn to the board's victim support department.

National victim support centres are located in all major towns/cities (24 locations across Estonia). They provide free counselling to those in need. This includes emotional support, information on how to get help and guidance on communicating with other institutions.²¹

The Social Insurance Board contracts organisations that provide specialised support services to some victims. They work with groups such as victims of violence against women, sexual violence and trafficking in human beings. The board uses the funding for victim support activities (work of victim support staff and children's houses²²), procuring other services (e.g. women's support centre services and sexual violence crisis support centre services) and ensuring that victims receive compensation under the Victim Support Act.²³

The act indicates the groups of victims for whom specialised services are provided. These are in addition to general free counselling. Various international obligations were taken into account when creating and financing victim support services, according to the Social Insurance Board. In general, the following groups have additional services and special funding: victims of violence, in particular violence against women and domestic violence; victims of sexual violence (children, in particular); victims of human trafficking; and victims of terrorism.²⁴

The Social Insurance Board's budget for victim support services in 2018 was € 910,478. It took over responsibility for several new services from the Ministry of Social Affairs (*Sotsiaalministeerium*) in 2019. This significantly increased the board's budget.

The budget for 2019 was € 2,702,573. Much of this (almost € 1 million) went to the women's support centre service providers as a result of public procurement. These groups are private specialised support organisations providing targeted support and accommodation to victims of violence against women. The rest was allocated as follows: € 160,000 to support women involved in prostitution (counselling and support for exiting prostitution), € 120,000 to help victims of human trafficking, € 107,000 to help victims of sexual violence in crisis support centres and € 188,000 to children's houses (which the board provides).²⁵

The children's houses follow the Barnahus model (discussed in Chapter 4). They are child-friendly interdisciplinary services helping children who have

been or are suspected of being sexually abused. The houses are in Tallinn and Tartu, but the service is available to all children in need in Estonia.

Specialists work together to provide for the child's well-being. They can be child protection workers, the police, prosecutors, psychologists, etc. The children's house service teams assess the child's health and social situation. If further assistance is needed, they investigate as necessary to resolve the case.

A government child protection worker must apply to the specialist for the child to access the services.²⁶

In addition to the state victim support system, the Ministry of Social Affairs funded projects and activities of other organisations contributing to victim support in 2018 and 2019. This includes the NGO Eluliin, which supports victims of trafficking.²⁷

In **Italy**, the decree of the President of the Italian Government of 4 December 2019²⁸ earmarked € 30 million for the Fund for Policies concerning Rights and Equal Opportunities for 2020. A third each was to go to local support services for victims of gender-based violence, local shelters for victims of gender-based violence, and any other action implementing the National Strategic Plan.

That required the regions and autonomous provinces to adopt intervention programmes. They had not done so by 2 April 2020, so the money had not yet been distributed. In the light of the coronavirus disease 2019 (COVID-19) emergency, the Italian Equal Opportunity Department signed an urgent decree.²⁹

This allowed it to reassign the € 30 million. The € 10 million that had been intended for any other measure implementing the National Strategic Plan was to be used for the activities and actions that local support services and shelters needed to cope with the emergency.

The national network countering gender-based violence (*Associazione Nazionale D.i.Re – Donne in Rete contro la violenza*) includes more than 80 local shelters and support services. On the same day, it issued a press release stressing that additional resources were needed to cope with the upsurge of gender-based violence during the pandemic. The services said € 30 million was barely enough to finance their ordinary activities. The COVID-19 emergency demanded more intervention.³⁰

2.2 VARIATION IN NATIONAL VICTIM SUPPORT ORGANISATIONS AND RESPONSIBLE ADMINISTRATIVE AUTHORITIES

Articles 8 and 9 of the Victims' Rights Directive grant every victim of crime the right to appropriate support services. Article 20 of the Charter (equality before the law) requires that all victims have similar opportunities to access support services commensurate with their victimisation. Therefore, Member States' governments must ensure that appropriate victim support services are available to all categories of victims on a reasonably equal basis.

In practice, it is often difficult for the state to fulfil its responsibilities. On the one hand, the structure of victim support organisations is complex. On the other hand, there is a diverse and uneven framework of responsibility for victims that administrative authorities are variously responsible for. Each promotes its 'own' victim support organisations.

Member States have traditionally paid different levels of attention to victims of crime in general or to particular victims, compounding the situation. As a result, some Member States have more coverage for victims of human trafficking³¹ or women who are victims of domestic or sexual violence³² than for other victims, such as victims of racist, homophobic or situational violence (e.g. property crime).³³

Typically, support organisations are not the responsibility of a single ministry. Nor are they funded from a single ministry's budget. Often they operate on the basis of one-year grant contracts. It is usually ministries of the interior, justice and social affairs that fund non-governmental support organisations in this way.

These ministries have different interests and approaches. Ministries of the interior may focus on the police's cooperation with support organisations in encouraging victims to report crimes and in protecting victims from repeat victimisation. Ministries of justice may focus more on victims' participation in criminal proceedings (in whatever role). Ministries of social affairs may be more interested in supporting victims in crises or in providing state compensation.

The complexity of the system can increase in Member States where subsidies come from different levels of government (e.g. national, provincial and/or municipal).

The right to equal access to justice derives from the right to access to justice (Article 47 of the Charter), the victim's right to recognition under Article 1 of the Victims' Rights Directive and the right to equality before the law (Article 20 of the Charter). It requires the state to ensure the equal availability of various types of support services.

This does not mean that all support services must be offered to the same extent. Demand for support can differ significantly between services. This reflects the number of victims of a particular crime, and/or victims' willingness to approach certain services.³⁴

However, at the very least, some standard categories of victims should be considered. There should be a geographical spread of support to prevent victims from having to travel an unreasonable distance to access appropriate support.

PROMISING PRACTICE

Austrian Management Centre for Victim Assistance

A promising practice was identified in Austria: the **Management Centre for Victim Assistance** (*Managementzentrum Opferhilfe*), established by the Ministry of Justice in May 2011. It is a central coordination and networking hub for the authorities, organisations and people involved in victim assistance and protection. All relevant bodies use it to continuously coordinate activities, and develop and implement a common victim support policy.



Regarding quality, very few Member States have a register of accredited victim support services, according to FRA's research covering 2021.³⁵ A register would make it easier for the police and criminal justice authorities to decide which services can be called on to provide victim support that meets defined standards.

The directive says that a service should be reliable. It should also respond to individual victims' needs in a respectful, professional and non-discriminatory manner (recital 63).

However, the directive lacks more specific quality standards, as the Commission's evaluation acknowledges. This is partly because Member States have discretion about access to support services. Some of them choose to do little; others adopt a more extensive approach. This has a direct impact on the quality of the services provided to victims.³⁶

In this regard, a promising practice exists in several EU Member States, including **France** and **Romania**. These countries have registers of accredited victim support organisations, which the courts administer.³⁷ This set-up makes it easier for the police to know which organisations are available and can be trusted to deliver support services that meet defined standards.

An accreditation system is also in place in **Belgium**. The Communities (French, Flemish and German) have the power to define the role, the preconditions for recognition by the authorities and the funding of victim support organisations.³⁸ These are non-profit organisations that the Communities approve and subsidise. In practice, organisations with Community accreditation provide support services. Accreditation usually comes with public subsidies.

Lithuania adopted the Law on Support to Victims of Crime in January 2021.³⁹ Its main objective was to define the conditions for establishing a system of generic victim support organisations. Organisations fulfilling specific requirements can apply for accreditation as victim support organisations. This is for a renewable period of three years.⁴⁰

The accreditation procedure and detailed requirements were approved in April 2021.⁴¹ The rights and obligations of support organisations were approved that July.⁴² This accreditation is important, as it allows organisations providing assistance services to access state funding.⁴³

In September 2021, 25 organisations were accredited as generic victim support organisations.⁴⁴ Most were already providing specialised victim support services to victims of domestic violence or human trafficking.

Austria does not have an accreditation mechanism. However, the Federal Minister of Justice has entrusted experienced organisations with the provision of support services in the form of psychosocial and legal procedural assistance since 2000.⁴⁵ Austrian procedural assistance was honoured with the Silver Award of the World Future Council in Geneva in 2014.

However, procedural assistance only starts when the proceedings begin. Therefore, it does not cover the full range of services to which victims are entitled under Articles 8 and 9 of the Victims' Rights Directive.⁴⁶

Endnotes

- 1 CJEU, C-356/12, *Wolfgang Glatzel v. Freistaat Bayern*, 22 May 2014. See also ECtHR, *Thlimmenos v. Greece*, No. 34369/97, 6 April 2000, para. 44; and ECtHR, *Skorjanec v. Croatia*, No. 25536/14, 28 March 2017, para. 53. For the guide on the relevant European case law standards in this area, see FRA (2018), *Handbook on European non-discrimination law – 2018 edition*, Luxembourg, Publications Office of the European Union (Publications Office), Section 1.4.
- 2 European Commission (2022), *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*, Commission Staff Working Document, SWD(2022) 179 final, Brussels, 28 June 2022, p. 39.
- 3 On procedural assistance, see FRA (2019), *Proceedings that do justice – Justice for victims of violent crime: Part II*, Luxembourg, Publications Office, Section 2.1.3.
- 4 CJEU, C-356/12, *Wolfgang Glatzel v. Freistaat Bayern*, 22 May 2014. See also ECtHR, *Thlimmenos v. Greece*, No. 34369/97, 6 April 2000, para. 44; and ECtHR, *Skorjanec v. Croatia*, No. 25536/14, 28 March 2017, para. 53. For a guide to the relevant European case law standards in this area, see FRA (2018), *Handbook on European non-discrimination law – 2018 edition*, Luxembourg, Publications Office, Section 1.4.
- 5 Austria, Federal Ministry of Justice (*Bundesministerium für Justiz*) (2021), *Activity report on procedural assistance 2011–2019 (Tätigkeitsbericht Prozessbegleitung 2011–2019)*, Vienna, Federal Ministry of Justice (*Bundesministerium für Justiz*).
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- 7 Momentum Institute (2020), *‘Wie viel Förderung Österreichs Frauenhäuser bekommen: Kärnten ganz vorne, Tirol Schlusslicht’*, 27 February 2020.
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- 10 Ireland, Minister for Children and Youth Affairs (2019), *‘Minister Zappone announces a € 94 million budget package’*, press release, 9 October 2019. The minister indicated that the 2020 figure was a 4 % increase on the previous year, which let us calculate the 2019 figure.
- 11 Tusla (2018), *2017 Annual Report*, Dublin, Tusla; and Tusla (2019), *Annual Report 2018*, Dublin, Tusla.
- 12 Ireland, Minister for Children and Youth Affairs (2019), *‘Minister Zappone announces a € 94 million budget package’*, press release, 9 October 2019.
- 13 See the European Commission web page for more information on the [current EU policies on services of general economic interest](#).
- 14 Finland, Ministry of Justice (*oikeusministeriö/justitieministeriet*) (2017), *‘Ministeri Häkkänen: Rikosuhrripäivystyksen rahoitus vakiinnutetaan’*, press release, 22 December 2017.
- 15 Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) (2019), *Financial statements 1.1.–31.12.2018 (Tilinpäätös 1.1.–31.12.2018)*, Helsinki, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), p. 16.
- 16 Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*) (2020), *Financial statements 1.1.–31.12.2019 (Tilinpäätös 1.1.–31.12.2019)*, Finnish Institute for Health and Welfare (*Terveyden ja hyvinvoinnin laitos/Institutet för hälsa och välfärd*), p. 20.
- 17 Information obtained from the Ministry of Social Affairs and Health (*sosiaali- ja terveystieteiden ministeriö/social- och hälsovårdsministeriet*) by email on 20 April 2020.
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- 20 Estonia, Statute of the Social Insurance Board (*Sotsiaalkindlustusameti põhimäärus*), 30 January 2019, § 32.
- 21 See the Social Insurance Board (*Sotsiaalkindlustusamet*) web page on victim assistance ([ohvriabi](#)).
- 22 See more about the concept of children’s houses (the Barnahus model) in [Section 4.1.1](#) of this report.
- 23 Information received from the Social Insurance Board (*Sotsiaalkindlustusamet*) in response to an information request, 10 April 2020.
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- 26 See the Social Insurance Board web page on [Children’s House \(Lastemaja\)](#).
- 27 Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), *Koolitused erivajaduste ja puudega inimkaubanduse ohvrite märkamiseks, äratundmiseks ja juhised esmaseks sekkumiseks*, Document 3-1/1504, 30 April 2018; and Estonia, Ministry of Social Affairs (*Sotsiaalministeerium*), *Taotlus*, Document 3-1/3559, 15 November 2018.
- 28 Italy (2020), *Decreto del Presidente del Consiglio dei Ministri 4 dicembre 2019 – Ripartizione delle risorse del Fondo per le politiche relative ai diritti e alle pari opportunità 2019, a favore delle regioni e delle Province autonome di Trento e Bolzano*, *Gazzetta Ufficiale* No 24, 30 January 2020.
- 29 For further information, see the department’s web page on the [decree](#).
- 30 The press release is available on the network’s website: D.i.Re (2020), *“Eravamo state chiare: per l'emergenza Covid-19 occorre un fondo straordinario”*, press release, 2 April 2020.
- 31 For an overview of national authorities and other relevant organisations, such as civil society organisations, working in the field of trafficking in human beings at national level, see the European Commission web page on [each EU country](#).
- 32 See the European Institute for Gender Equality [Gender Statistics Database](#). It contains data on availability, awareness, use and quality of services for victims of gender-based violence in Member States.
- 33 See also FRA (2022), *‘Access to justice – victims’ rights and judicial independence’* in: *Fundamental Rights Report – 2022*, Luxembourg, Publications Office.
- 34 On the types of services that victims approach, see FRA (2021), *Crime, safety and victims’ rights*, Fundamental Rights Survey report, Luxembourg, Publications Office, pp. 27 and 75; and FRA (2014), *Violence against women: An EU-wide survey – Main results*, Luxembourg, Publications Office, p. 59.
- 35 FRA (2022), *‘Access to justice – Victims’ rights and judicial independence’* in: *Fundamental Rights Report – 2022*, Luxembourg, Publications Office.
- 36 *Ibid.*
- 37 *Ibid.*

- 38 Belgium (2009), 'Chapter II' in: *5 June 2009 – Memorandum of understanding between the State, the French Community and the Walloon Region on victim assistance (5 Juin 2009 – Protocole d'accord entre l'Etat, la Communauté française et la Région wallonne en matière d'assistance aux victimes)*, 15 July 2009.
- 39 Lithuania, Law on assistance to victims of crime (*Pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims įstatymas*), 14 January 2021.
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- 41 Lithuania, Minister of Social Security and Labour (*Socialinės apsaugos ir darbo ministras*), Order on approval of the regulation on accreditation of services providing assistance to victims of crime (*Dėl Pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims tarnybų teikiamos pagalbos akreditavimo tvarkos aprašo patvirtinimo*), 21 April 2021.
- 42 Lithuania, Minister of Social Security and Labour (*Socialinės apsaugos ir darbo ministras*), Order on approval of the regulation on providing accredited assistance to victims of crime (*Dėl Akredituotos pagalbos nuo nusikalstamos veikos nukentėjusiems asmenims teikimo tvarkos aprašo patvirtinimo*), 19 July 2021.
- 43 Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) (2021), 'A network of assistance services for victims of crime is being created in Lithuania' (*'Lietuvoje kuriamas pagalbos nuo nusikalstamos veikos nukentėjusiems žmonėms tarnybų tinklas'*), press release, 28 April 2021.
- 44 Lithuania, Ministry of Social Security and Labour (*Socialinės apsaugos ir darbo ministerija*) (2021), 'Assistance to victims of criminal acts' (*'Pagalba nuo nusikalstamos veikos nukentėjusiems asmenims'*), press release, 23 September 2021.
- 45 On procedural assistance, see FRA (2019), *Proceedings that do justice – Justice for victims of violent crime: Part II*, Luxembourg, Publications Office, pp. 13, 47–48, and 64–65.
- 46 See Austria, Federal Ministry of Justice (*Bundesministerium für Justiz*) (2019), *Security report 2019 (Sicherheitsbericht 2019)*, pp. 285–320; and Austria, Federal Ministry of Justice (*Bundesministerium für Justiz*) (2021), *Activity report on procedural assistance 2011–2019 (Tätigkeitsbericht Prozessbegleitung 2011–2019)*.

3

VICTIMS REPORTING TO THE POLICE

This chapter discusses the Victims' Rights Directive's requirement for victims to be empowered and encouraged to report crimes to the police. The chapter looks at ways to ensure that victims' reporting becomes effective. The use of third-party reporting mechanisms is a special focus (outlined in [Section 3.2](#)).

Supporting, empowering and encouraging victims makes victims' rights effective in practice. But it also benefits the criminal justice system.

To function, the system relies heavily on victims reporting crime and their contributions to the criminal justice process. Victims reporting crime to the police is the main force driving the system. For most violent crimes, the victim initiates proceedings when they deliver the information on which the police can start to build a case.¹

Yet police at national level rarely adopt targeted measures that aim to encourage and facilitate reporting by and communication with victims, desk research suggests. Where they do, the measures usually only address specific categories of victims.²

The Victims' Rights Directive requires empowering victims and encouraging them to report crimes to the police (recital 63). At the trial stage, the directive provides victims with the right to participate actively in criminal proceedings, including by providing evidence (Article 10(1)). The need for effective communication with victims and a safe environment for them to report crime is a EU Strategy on victims' rights (2020–2025) priority. The strategy considers crime under-reporting a serious problem in general and for certain categories of victims in particular.³

In its 2022 evaluation, the Commission acknowledges that victims do not report a large proportion of criminal offences to authorities, referring to FRA's data. Accordingly, there is a need to improve or facilitate the reporting of crime. This includes setting up anonymous reporting channels or third-party reporting.⁴

However, the evaluation does not analyse the factors behind reporting practices in more detail. It primarily refers to fear of reporting as the main reason leading to low reporting rates.⁵

FRA's surveys repeatedly indicate that many victims of violence do not report incidents to the police. Its Fundamental Rights Survey 2021 included questions on experiences of crime. Perceiving an incident as 'not serious enough' was among the most common reasons victims gave for not reporting physical violence to the police; 40 % of victims indicated this as a reason,

or one of the reasons (given that responses were multiple choice options), for not reporting.

Victims of physical violence also often indicated that they did not report the incident because they could take care of it themselves (28 %) or felt that the police would not do anything about it (18 %).⁶

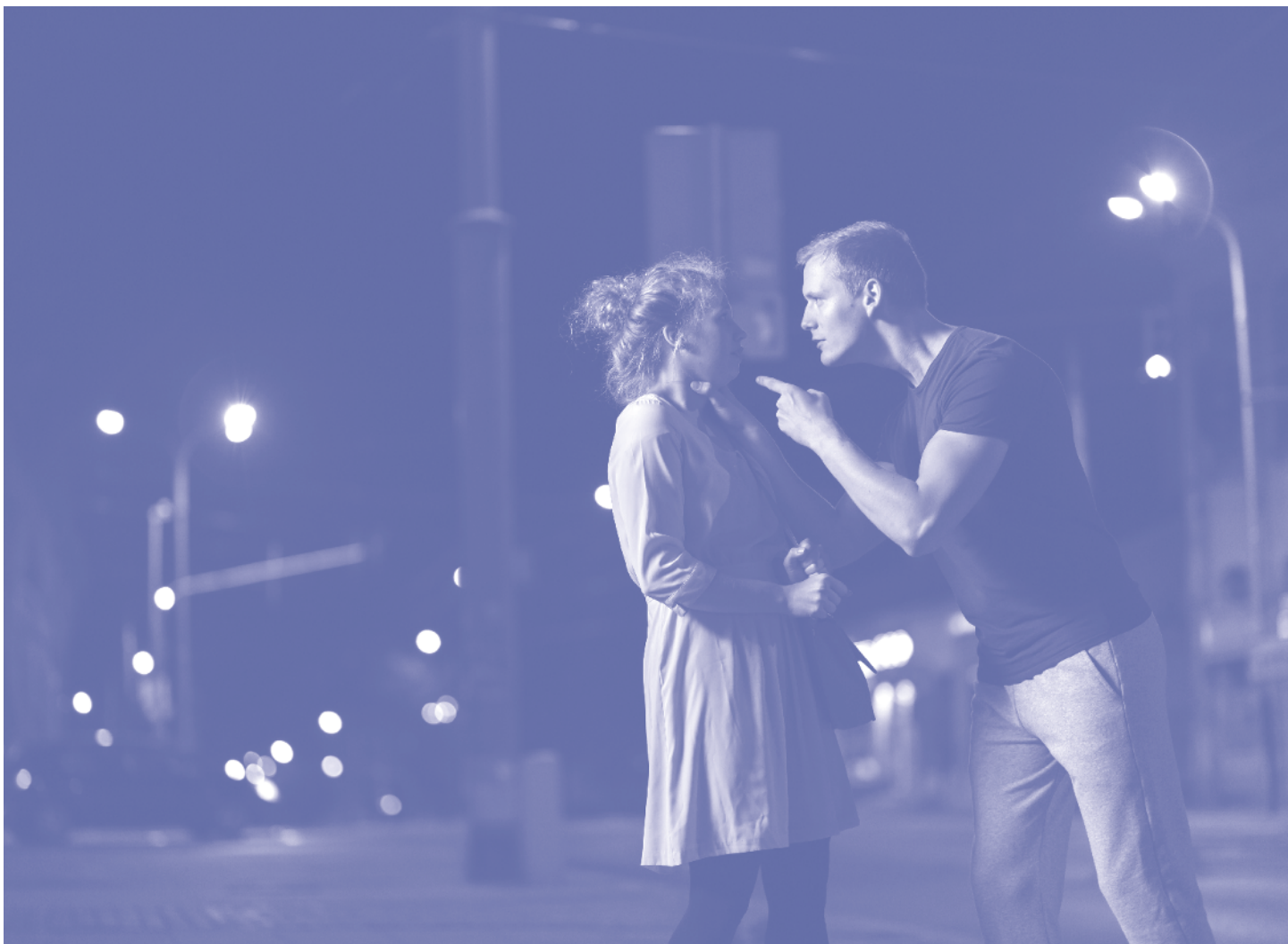
This non-reporting may be because victims think it takes considerable effort to report crime to the police. They may also think the likely outcome if they report an incident will be negative. Above all, the reasons for not reporting depend on the type of violence experienced. Subsequent sections discuss some differences apparent from FRA's surveys.

3.1 REASONS FOR NON-REPORTING

3.1.1 Victims of gender-based violence

Cases of gender-based violence are largely under-reported. Reasons for not reporting are diverse. Ultimately, non-reporting stops victims from accessing justice.

In FRA's 2012 EU-wide survey on violence against women, 5,415 women described the most serious incident of physical violence by their current and/or previous intimate partner. Only 14 % had contacted the police following the most serious incident.⁷ Respondents who had not contacted the police were asked to provide their reasons. They could choose one or more responses – as relevant to their experiences – so totals of the responses may add up to more than 100 %.



The most common reason was feeling capable of dealing with the incident without involving the police (41 %). The second was that they did not perceive the incident as serious enough (34 %). This may have to do with the characteristics of the incident, and the time and effort required to report it. It may also relate to what reporting can or cannot achieve in the view of respondents, such as holding the perpetrator accountable and ensuring one's safety.

Relatively few women did not report the incident specifically because they lacked confidence in the police's capacity to help. Overall, 7 % of women believed that the police would not do anything. Furthermore, 5 % thought that the police could not do anything in their case.

Some one in ten victims indicated reasons such as fear of the offender or reprisal (11 %), or shame or embarrassment (11 %). A similar number reported that they did not want anybody to know about the incident (11 %). Fewer respondents cited other reasons.

Survey data show that 19 % of women contacted healthcare services as a result of the most serious incident. Only 14 % of women contacted the police. It is also worth noting that only 4 % of women who were victims of physical violence by an intimate partner contacted victim support services. Overall, 3 % indicated that they contacted a women's shelter.

3.1.2 Victims of hate crime

Victims of crime belonging to disadvantaged or vulnerable communities or minority groups may have low trust in public authorities, FRA's research shows. This discourages them from reporting crime to the police. However, levels of trust are higher among first-generation immigrants than in the second generation, according to FRA's research.

FRA surveys capturing different hate crimes have long shown low reporting rates among various groups. LGBTIQ, Roma, Black, Muslim and Jewish communities have a considerable level of under-reporting. Hate crime victims often indicate that the incident is 'not serious enough' to report, or that it simply 'happens all the time'. Some victims' lack of trust in public authorities compounds the problem.⁸

For example, 64 % of black victims of racist violence, and 63 % of victims of police officers' racist physical attacks, did not report the most recent incident. This was because they either felt reporting would not change anything (34 %), or feared or did not trust the police (28 %).⁹

Similarly, four out of five Jewish Europeans (79%) who experienced antisemitic harassment never reported the most serious incident. Almost half (43%) did not report because they did not consider the incident serious enough.¹⁰

The fact that many give 'not serious enough' as the reason for not reporting highlights that everyday hate crime is normal for victims.

3.1.3 Child victims

Children are often victimised in the family environment, or by people on whom they depend.¹¹ For example, FRA's survey on violence against women asked adult women interviewees about their experiences of violence when they were children. More than half of the women who had experienced physical violence before the age of 15 identified their father as a perpetrator (55%). Almost half named their mother as a perpetrator (46%).¹²

The problem of child abuse in institutions is also well established (see [Section 3.1.4](#) below).

All of these reasons contribute to under-reporting. It is important to train police officers to communicate with children in a child-sensitive, calm and friendly manner, as FRA's research on standards of child-friendly justice highlights. This can encourage children to report crime and to reveal familial abuse.¹³

3.1.4 Victims living in closed institutions

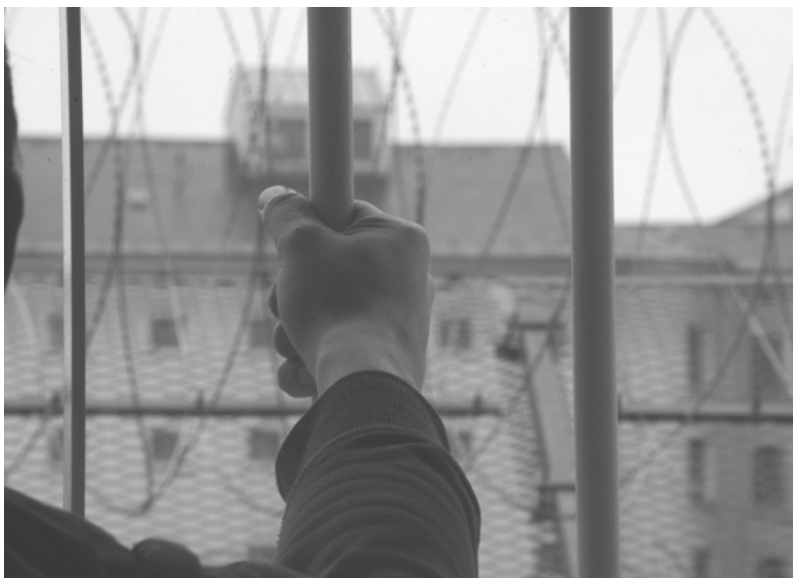
Victims living in closed institutions include, for example, children in institutions,¹⁴ people with psychosocial disabilities (mental health problems) in psychiatric institutions, and prisoners. Some foreign workers are effectively imprisoned when they fall victim to severe labour exploitation.

FRA findings point to the need to establish or expand systems of proactive monitoring. This would give these victims a practical way to report crimes they experience to the police.

Proactive monitoring of closed institutions includes independent authorities making unannounced visits. They can find ways to contact and talk to victims about their experiences so they are not later exposed to harassment or retaliation. This enables victims to safely report their victimisation. Without such proactive support, these victims have no practical opportunity to report their victimisation to the police.

For example, a person with mental health problems confined in a psychiatric institution and grossly abused, a prisoner who is violently attacked, or a foreign worker exploited on a farm under slavery-like conditions can find contacting the police difficult. Proactive monitoring and outreach are indispensable for ensuring that these victims' right to access criminal justice is not theoretical and illusory. They must include channels through which victims can safely report their victimisation to the police without fear of retribution from the offenders.

Children living with disabilities face considerable barriers preventing them from reporting violence to the police, FRA's 2015 report *Violence against children with disabilities: legislation, policies and programmes in the EU* notes.¹⁵ If they manage to report to the police, there is a risk that they will not be believed.¹⁶



“EU Member States should ensure that public authorities monitor the situation of children with disabilities, especially with regards to violence. They should involve, as appropriate, independent monitoring mechanisms established under Article 33 (2) of the CRPD, as well as national human rights institutions.”

FRA opinion on more inclusive child protection systems, see FRA (2015), *Violence against children with disabilities: legislation, policies and programmes in the EU*, Luxembourg, Publications Office, p. 9

In addition, prisoners face a high risk of violence from other inmates and staff. The high prevalence of inter-prisoner violence is widely recognised. However, reports to the authorities and subsequent criminal proceedings are rare.¹⁷

Under the Optional Protocol to the Convention Against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment, some Member States have established commissions or bodies to regularly visit detention facilities. Inter-prisoner violence, such as fights, sexual violence and bullying, and attempted suicide are a concern in most Member States. So are prison authorities' inadequate monitoring and prisoner safety measures, according to monitoring bodies and FRA's research.¹⁸ Still, filing complaints concerning violence against detainees remains exceptional in most Member States.¹⁹

FRA highlights the issue of police violence against detainees in *Rights in practice: Access to a lawyer and procedural rights in criminal and European Arrest Warrant proceedings*.²⁰ For example, the police almost always use violence, according to a monitoring body representative interviewed in Poland. There is no culture of reporting the incidents, they claim.²¹

In a series of reports on severe exploitation of migrant workers, FRA consistently highlights the difficulties these workers face in accessing justice. They have little contact with people outside their workplace and no information about help they can receive. If they have an irregular residence status, they fear deportation.²²

FRA has therefore consistently called on Member States to take greater care to ensure that the system of workplace inspections is effective.²³ These can ensure effective access to justice for abuse that comes under the scope of the criminal law.

3.2 UNTAPPED POTENTIAL OF THIRD-PARTY REPORTING AND PROACTIVE MONITORING

The Victims' Rights Directive requires that national authorities provide the right environment so victims can report crime. To encourage reporting, competent authorities need to respond effectively to victims' reports. It is essential for victims to have reliable support services. Competent authorities must be prepared to respond to victims' reports in a respectful, sensitive, professional and non-discriminatory manner.

To further support reporting, the directive also calls for third-party reporting mechanisms (recital 63).

Third-party reporting means a victim or witness can report a crime to an authority, organisation, centre or service other than the police. This is distinct from third parties representing victims in criminal proceedings. It is also separate from third parties reporting, on their own initiative, crimes of which they are aware (e.g. as a witness).

Third-party reporting is an option for when a victim, family member, friend or witness wants the police to be aware of an incident but is unwilling to contact them directly. In many cases, they may not want to reveal their identity. Third-party reports can thus initiate a criminal justice process, as they provide information to the police.

These reports can also benefit victim-focused policy making. They reveal patterns in crime and victimisation that are not evident from direct victim reporting or police intelligence gathering. Third-party reporting can help

address some of the reasons for not reporting given in FRA surveys and qualitative research.

Overall, policies and structures supporting third-party reporting are not systematically in use in the EU.²⁴

In its 2021 study on encouraging hate crime reporting, FRA finds, among other things, that third-party reporting is an important tool that can significantly improve reporting rates. "This practice encourages hate crime witnesses, including family and friends who are not willing to engage with the criminal justice system, to contact an appropriately trained third party, such as an NGO or community organisation, that can facilitate victims' access to support, protection and justice".²⁵

Yet only about half of Member States allow third-party reporting. Even then, there are often certain limitations.

In **Greece**, for example, any person or organisation may report a crime. However, this only applies to offences that are prosecuted *ex officio* according to the law.²⁶ Furthermore, in certain cases the victim must report the crime to initiate prosecution. These include marital rape.

In **Slovenia**, the Criminal Procedure Act obliges all state bodies and organisations with public authority to report criminal offences prosecuted *ex officio*. The act states that anyone can report such criminal offences to the police, the court or any public prosecutor. These groups must accept the report and forward it to the competent public prosecutor.²⁷

There are also web pages that let people report crime. These are part of the e-Administration portal.²⁸ They cover anonymous reporting of domestic violence,²⁹ trafficking in human beings³⁰ and extreme violence (e.g. terrorism, public incitement to hatred and intolerance).³¹

In **Croatia**, certain groups have the obligation to report specific cases of domestic violence. These groups include healthcare institutions or private healthcare providers, social welfare institution employees, educational institution employees, professionals employed in religious institutions, and humanitarian or civil society organisations.³²

Civil society organisations must have the victim's consent. Exceptions are cases of violence against children, or violence that children witness. The organisations must report these cases regardless of the victim's consent.³³

In **Portugal**, the criminal justice system lists three types of crime.³⁴

The first is public crimes. Criminal proceedings begin regardless of the victim's will. They do not require the victim to file a complaint, and anyone can report them. They include homicide, sexual abuse of children, domestic violence, and incitement to hate and violence.

The second is semi-public crimes, for example less serious assaults. Criminal proceedings only begin if the victim reports them.

The last is private crimes, such as defamation. Criminal proceedings only begin if the victim reports them. The victim must also assist in the proceedings.

Furthermore, the police and the Ministry of Internal Administration have set up online tools for reporting both public and semi-public crimes. The police have made two available. One allows anonymous reporting of public

crimes. It is intended for circumstances where reporting may jeopardise the whistle-blower or a third person's safety.³⁵ The other requests identification from the person reporting the crime.³⁶

In **Slovakia**, according to the Code of Criminal Procedure, anyone aware of a crime can report it to the police or prosecution. However, in some cases specified by law, the victim (the aggrieved person, according to the Code of Criminal Procedure) must agree to the criminal prosecution. Otherwise the prosecution must be stopped.³⁷ These cases include crimes related to bodily harm, and crimes of putting someone at risk of contracting venereal disease, dangerous persecution, defamation and usury.

The police or prosecution need not deal with anonymous submissions unless there is a reasonable suspicion of a crime.³⁸ According to an explanatory memorandum to the law, this is meant to make the police and prosecution's work more effective, since it is not possible to ask an anonymous notifier to submit additional information if needed.³⁹

Facilitating third-party reporting channels may require additional tailor-made measures. These need to deal effectively with obstacles that particularly vulnerable victims face. As mentioned above, people living in closed institutions – for example children, elderly people, prisoners and people with disabilities – live in situations controlled by others where they have little chance of informing the police of their victimisation or of reaching out to third parties on their own. Accordingly, proactive systems of monitoring and outreach (as discussed in **Section 3.1.4**) through unannounced visits by independent authorities – who can contact and talk to victims about their experiences – seem to be indispensable as a precondition for ensuring that the victim's right to access criminal justice does not remain entirely theoretical and illusory. This is in line with the call in the EU's Victims' Rights Strategy (2020–2025), according to which the Commission calls on EU Member States to “[s]et up integrated and targeted specialist support services for the most vulnerable victims, including Child Houses, Family Houses, LGBTI+ safe houses, disability inclusive and accessible services and venues and independent detention bodies to investigate crime in detention”.⁴⁰

Endnotes

- 1 Many practitioners share this view; compare FRA (2019), *Proceedings that do justice – Justice for victims of violent crime: Part II*, Luxembourg, Publications Office, pp. 28 and 35.
- 2 Pursuant to the findings of this research, most commonly reported categories of victims which are addressed by specific police measures in the EU-27 include women as victims of gender-based violence and victims of hate crime. As for the nature of these measures, they usually include information on the websites, awareness-raising campaigns and specific forms of cooperation with relevant victim support services.
- 3 European Commission (2020), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – EU Strategy on victims’ rights (2020–2025)*, COM(2020) 258 final.
- 4 European Commission (2022), *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*, Commission Staff Working Document, SWD(2022) 179 final, Brussels, 28 June 2022, p. 33.
- 5 *Ibid.*, p. 43.
- 6 FRA (2021), *Crime, safety and victims’ rights*, Fundamental Rights Survey report, Luxembourg, Publications Office.
- 7 FRA (2014), *Violence against women: An EU-wide survey – Main results*, Luxembourg, Publications Office.
- 8 For example, FRA (2017), *Second European Union Minorities and Discrimination Survey – Main results*, Luxembourg, Publications Office; or FRA (2020), *A long way to go for LGBTI equality*, Luxembourg, Publications Office.
- 9 FRA (2018), *Second European Union Minorities and Discrimination Survey – Being Black in the EU*, Luxembourg, Publications Office.
- 10 FRA (2018), *Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU*, Luxembourg, Publications Office.
- 11 European Commission (2020), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – EU Strategy on victims’ rights (2020–2025)*, COM(2020) 258 final.
- 12 FRA (2014), ‘Experience of violence in childhood’ in: *Violence against women: An EU-wide survey – Main results*, Luxembourg, Publications Office.
- 13 FRA (2017), *Child-friendly justice – Perspectives and experiences of professionals on children’s participation in civil and criminal judicial proceedings in 10 EU Member States*, Luxembourg, Publications Office, p. 23.
- 14 Placing children and women in institutions was widespread in several Member States after the Second World War. It continued until the 1980s, and to some extent in the 1990s. This is currently undergoing critical review, often long overdue. It must be remembered that past events are still present for the victims themselves. “I’m still there”, a victim abused in one of Ireland’s Magdalene Laundries said in 2018. See McGettrick, C., O’Donnell, K., O’Rourke, M., Smith, J. M. and Steed, M. (2021), *Ireland and the Magdalene Laundries – A campaign for justice*, London, I.B. TAURIS, p. 1.
- 15 FRA (2015), *Violence against children with disabilities: Legislation, policies and programmes in the EU*, Luxembourg, Publications Office, pp. 8 and 59.
- 16 *Ibid.*, pp. 40, 47 and 48.
- 17 FRA (2019), *Criminal detention conditions in the European Union: Rules and reality*, Luxembourg, Publications Office, pp. 42–45.
- 18 *Ibid.*
- 19 *Ibid.*
- 20 FRA (2019) *Rights in practice: Access to a lawyer and procedural rights in criminal and European Arrest Warrant proceedings*, Luxembourg, Publications Office.
- 21 FRA (2019), *Criminal detention conditions in the European Union: Rules and reality*, Luxembourg, Publications Office, p. 45.
- 22 FRA (2015), *Severe labour exploitation: Workers moving within or into the European Union – States’ obligations and victims’ rights*, Luxembourg, Publications Office; FRA (2019), *Protecting migrant workers from exploitation in the EU: Workers’ perspectives*, Luxembourg, Publications Office.
- 23 See in particular FRA (2018), *Protecting migrant workers from exploitation in the EU: Boosting workplace inspections*, Luxembourg, Publications Office.
- 24 On third-party reporting in relation to hate crime in the EU, see FRA (2021), *Encouraging hate crime reporting – The role of law enforcement and other authorities*, Luxembourg, Publications Office.
- 25 *Ibid.*
- 26 Greece, Code of Criminal Procedure (*Κώδικας Ποινικής Δικονομίας*), 11 June 2019, Art. 42.
- 27 Slovenia, *Criminal Procedure Act (Zakon o kazenskem postopku)*, 29 September 1994, and subsequent modifications.
- 28 For more information, see the e-Administration web page on [reporting a criminal act](#).
- 29 For more information, see the e-Administration web page on [reporting domestic violence](#).
- 30 For more information, see the e-Administration web page on [reporting trafficking in human beings](#).
- 31 For more information, see the e-Administration web page on [reporting extreme violence](#).
- 32 Croatia, Act on protection from domestic violence (*Zakon o zaštiti od nasilja u obitelji*), *Official Gazette* No. 70/17, 126/19, 7 July 2017.
- 33 Croatia, Protocol of procedure in cases of domestic violence (*Protokol o postupanju u slučaju nasilja u obitelji*), 19 June 2019.
- 34 Portugal, *Criminal Procedure Code (Código de Processo Penal (CPP))*, 17 February 1987.
- 35 See the Portuguese police web page on anonymous complaints (*denúncia anónima*).
- 36 See the Portuguese police web page for submitting an electronic complaint (*queixa eletrónica*).
- 37 Slovakia, Act No. 301/2005 Coll. Code of Criminal Procedure (*Zákon č. 301/2005 Z.z. Trestný poriadok*), 24 May 2005, Art. 9, para. 1(f).
- 38 Slovakia, Act No. 3/2019 Coll. that supplements the Act No. 301/2005 Coll. Code of Criminal Procedure (*Zákon č. 3/2019, ktorý dopĺňa zákon č. 301/2005 Z.z. Trestný poriadok*), 7 December 2018, Art. 62, para. 3.
- 39 Slovakia, Government of the Slovak Republic (Vláda SR) (2018), Explanatory Memorandum to the Proposal submitted by the group of members of parliament for an Act amending and supplementing the Act No. 301/2005 Coll. Code of Criminal Procedure (*Dôvodová správa k návrhu skupiny poslancov na vydanie zákona, ktorým sa dopĺňa zákon č. 301/2005 Z. z. Trestný poriadok v znení neskorších predpisov*), 17 October 2018.
- 40 European Commission (2020), *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – EU Strategy on victims’ rights (2020–2025)*, COM(2020) 258 final, Brussels, 24 June 2020, Section 2.

4

PROTECTION FROM SECONDARY AND REPEAT VICTIMISATION

Article 18 of the Victims' Rights Directive requires Member States to ensure a wide range of measures to protect victims and their family members. These include protection from secondary (by the justice system) and repeat (by the offender(s)) victimisation.

Article 22 is entitled 'Individual assessment of victims to identify specific protection needs'. It requires Member States' authorities to assess protection needs. If protection is required, they must also determine the measures to adopt.

Article 25 is also relevant. It obliges Member States to provide officials likely to come into contact with victims, such as police officers, with general and specialist training appropriate to their contact with victims. The training aims to increase their awareness of victims' needs.

The Commission evaluates the right to an individual needs assessment under Article 22 as one of the directive's most significant achievements.¹ Its purpose is to determine if a victim is particularly vulnerable to secondary and repeat victimisation, to intimidation and/or to retaliation. It also protects them according to their individual needs. However, the assessments' quality is often hampered in practice, the evaluation acknowledges.²

The risk of secondary victimisation essentially depends on how the criminal justice system treats victims as a party (or not) at various stages of the criminal justice process, according to FRA's research (see [Section 4.1](#) below).³ [Section 4.1.1](#) offers a promising practice: the Barnahus model. It is used to avoid secondary victimisation in cases of child sexual exploitation and abuse.

[Section 4.2](#) shows that competent authorities assess and identify victims' protection needs in accordance with Article 22 of the directive. However, FRA's evidence highlights the police's initial reluctance to assess risk of repeat victimisation.⁴

4.1 SECONDARY VICTIMISATION

According to Article 18 of the Victims' Rights Directive, victims have a right to protection from secondary victimisation and to protection of their dignity during questioning. Other articles cover certain aspects of protection against secondary victimisation.

- Article 19: Right to avoid contact between victim and offender;
- Article 20: Right to protection of victims during criminal investigations:

- interviews are conducted without unjustified delay;
 - number of interviews is kept to a minimum;
 - victims can be accompanied;
 - medical examination is kept to a minimum.
- Article 23(2): Rights of victims with specific protection needs when interviewed:
- interviews take place in premises designed or adapted for that purpose;
 - trained professionals conduct interviews;
 - the same person conducts each interview;
 - a person of the same sex as the victim conducts interviews.
- Article 23(3): Other rights of victims with specific protection needs:
- measures avoiding visual contact are used;
 - victim can be heard without being present in the courtroom;
 - unnecessary questions concerning the victim's private life are avoided;
 - the victim is heard without the presence of the public.
- Article 24: Protection of child victims:
- all interviews may be recorded audiovisually;
 - children can have a special representative if parents are precluded from representing them;
 - children can receive legal advice and representation.

In particular, the rights under Article 23 presuppose "specific protection needs". A case-by-case assessment determines these (Article 22). The police mainly conduct the assessment.

According to Article 22 (individual assessment of victims to identify specific protection needs), "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." The assessment takes into account the victim's personal characteristics. It also considers the crime's type or nature, and circumstances.

However, the police often fail to carry out assessments systematically and routinely, FRA finds: "whether or not risks of secondary victimisation would be assessed depends on the individual officers and apparently is left to them".⁵ Reasons include not knowing the relevant risks; not knowing they had a duty to assess these risks; lacking power over risks at later stages of the proceedings, such as the trial; and lack of resources preventing them from adopting time-consuming routines.⁶

Criminal justice systems often add to the offender's wrong through how they treat victims, FRA's findings show. "Being denied victim status and forced into the role of a witness – a bystander unconcerned by the wrong done by the offender – is at the core of many negative experiences of victims of violent crime".⁷ It is not enough for the law simply to recognise that a victim is a person whose rights and dignity the offender has violated. It is equally important that the relevant criminal justice practitioners, including the police, fully embrace the law.⁸

PROMISING PRACTICE

The Barnahus model

The Barnahus model is a multidisciplinary and interagency response to child victims and witnesses of violence. The first Barnahus (“a house for children”) was founded in Iceland, from where the name originates, in 1998.

“The Barnahus model embraces a multidisciplinary and interagency approach, ensuring collaboration between different agencies (judicial, social, medical) in one child-friendly premise [building], which offers comprehensive services for the child and family under one roof.

The core of the Barnahus model is the assumption that the child’s disclosure is key both to identify and investigate child abuse for criminal and for protective and therapeutic purposes.”

See Haldorsson, O. L. (2017), **Barnahus quality standards – Guidance for multidisciplinary and interagency response to child victims and witnesses of violence**, Council of the Baltic Sea States Secretariat and Child Circle, p. 5

4.1.1 Promising practice – the Barnahus model

A promising practice of protecting victims from secondary victimisation relates to cases of violence against or sexual abuse of children.⁹ Those designing procedures to investigate this abuse have paid great attention to how to avoid secondary victimisation.

The Children’s Rights Division of the Council of Europe started promoting the Barnahus model in 2018.¹⁰

Importantly, the criminal justice system formally recognises the model. The model does not only protect children before or alongside criminal proceedings. It also protects them when they are exercising their rights to be heard and to participate in the proceedings.



In some places, the Barnahus model is part of the social services or child protection authorities. In others, law enforcement or the health system runs it. In some Barnahus models, a police officer interviews the child in the Barnahus. In others a psychologist or a social worker does so.

In all instances, the model embraces multidisciplinary and inter-agency collaboration in one child-friendly site. All Barnahus ensure that the person who interviews the child has received special training in conducting forensic interviews with children. Forensic interviews must follow evidence-based protocols. The Barnahus ensure that multidisciplinary team representatives can observe the interview in an adjacent room.¹¹

The Barnahus expresses the multidisciplinary approach through four rooms organised under one roof.¹²

- The **child protection room**. Risks of repeat victimisation are assessed and responded to here. These processes consider the intersection of child welfare and criminal justice proceedings.
- The **criminal justice room**. Forensic interviews are conducted here. They respect both the victim’s and the defendant’s procedural safeguards.
- The **physical well-being room**. It offers medical examination and treatment. These are for forensic investigative purposes. They also ensure the child’s physical well-being and recovery.

- The **mental well-being room**. This provides crisis support, and short- and long-term therapeutic services. The therapy addresses the trauma of the child, and of non-offending family members and caregivers.

Many variations of the model have emerged over time. This is partly because a growing number of countries draw inspiration from the Barnahus model. However, the Barnahus quality standards define the following key common criteria.¹³

- Barnahus offer a child-friendly, safe environment. They bring together all relevant services under one roof.
- Forensic interviews follow an evidence-based protocol.
- Appropriate arrangements ensure that the child's statement is valid as evidence. This is in line with the principles of due process. The aim is to prevent the child from having to repeat their statement during court proceedings if there is an indictment.
- Medical evaluation ensures the child's physical well-being and recovery. It is also available for forensic investigations.
- Psychological support and short- and long-term therapeutic services for trauma are available to the child, and non-offending family members and caretakers.
- An assessment of the protection needs of the victim and potential siblings in the family is made. Follow-up is ensured.

The Promise Barnahus Network essentially coordinates the Barnahus model. The network is a European competence centre. The Council of the Baltic States and the European Commission support it.

The network is rapidly expanding. It has had an impact in about 20 Member States.¹⁴ Some examples are provided below.¹⁵

In **Sweden**, a Barnahus service centre gathers and coordinates resources: information, support and treatment for all categories of abused children. The coordination means that a child only has to go to one place to participate in criminal investigations, and to get all the advice and support they need.

Following the model's four-room set-up,¹⁶ different authorities are responsible for each component. When a violent act or sexual abuse against a child is reported to the police, the child is met at the Barnahus service centre.

Overall, 222 of Sweden's 290 municipalities (85 %) are connected to one of its 31 Barnahus.¹⁷ Some services only receive children under 15 years. Others accept all children under 18. The national guidelines do not specify how long a child may stay at a Barnahus.¹⁸

In **Cyprus**, the Ministry of Labour, Welfare and Social Insurance assigned the operation of a Children's House to the NGO Hope for Children CRC Policy Centre in 2017. This was one of the key activities in the action plan for combating sexual abuse and exploitation of children and child pornography.¹⁹

The Barnahus-based centre commenced operations in 2018. It provides a space for conducting forensic interviews, medical examinations, social support and rehabilitation, psychological evaluation, psychological support and therapy, family therapy and parent counselling. The Social Welfare Services of the Ministry of Labour funds the project.²⁰

In **Finland**, a Barnahus project²¹ began on 3 June 2019.²² The Finnish Institute for Health and Welfare coordinates the project. It runs in cooperation with the hospital districts, the police, the prosecutor, universities and higher education institutions, NGOs and support centres.

The objectives include coordinating support for victimised children and their families, ensuring child-friendly approaches and facilities for interviews, promoting and implementing interprofessional cooperation models and speeding up criminal investigations. It also creates online training programmes for professionals who encounter violence against children.

Promoting the expansion of the Barnahus model is in the government programme of June 2019.²³

In **Germany**, strongly inspired by Barnahus, the World Childhood Foundation initiated the Childhood House. The first opened in Leipzig in 2008. To date, there are eight centres, with locations ranging from Flensburg to Schwerin and Heidelberg.²⁴

This development is seen as an opportunity to adopt a more coherent method for taking child victims' statements. Childhood Houses are working on ways for interviews with child victims to be conducted within their secure environment. This will minimise the risk of re-traumatisation.²⁵

Hungary set up a pilot project in Szombathely in the Vas County Regional Child Protection Service and Children's Home (*Vas Megyei Területi Gyermekvédelmi Szakszolgálat és Gyermekotthon*). The main aim is to avoid the secondary victimisation of children by the criminal justice system in lengthy, repetitive interrogations.

Children are only interviewed once, by one person. The interview is recorded and then a team of experts analyse it. Prosecutors or the police may follow the interview from the monitoring room and ask questions via headsets.²⁶

The Barnahus model aims to protect victims from secondary victimisation, while also collecting evidence for prosecution purposes. Therefore, it must be developed with the criminal justice system in mind. Otherwise, there is a risk that the court ignores or marginalises the evidential value of an interview conducted and recorded in a setting that protects the victim. Then, secondary victimisation would occur at the trial.

For example, **Germany** permits the use of recording devices during questioning. This minimises the need to question a child multiple times. However, in some cases the questioning of a child was not recorded, research shows. This put the child at risk of re-traumatisation.²⁷

This lack of recording is partly because the infrastructure available to police and courts is highly divergent. In addition, the legal framework for questioning has not – until recently – mandated the use of recording devices.²⁸ To this end, 2020 saw the nationwide implementation of mandatory recording of cases involving underage victims and witnesses.²⁹

In **France**, interviews with children who are victims of particularly severe offences are recorded audiovisually. These offences are torture, rape, sexual assault, etc. (Article 706-47 of the Code of Criminal Procedure). Interviews may just be audiorecorded, if this is in the child's interest.³⁰ The recording means that the child does not have to repeat their statements at the various stages of the criminal trial.³¹

However, the Public Defender of Rights notes that magistrates rarely consult the recordings. Magistrates continue to interview the child on numerous occasions.³² The public defender regrets that the victim may have to conduct another interview in spite of the recording, which may cause suffering.

During the investigation or instruction, the child may be heard in the presence of a psychologist or a doctor specialising in children's health. However, the presence of a psychologist, doctor or legal representative is rare in practice, the Public Defender of Rights notes.³³

The Commission published the EU strategy on the rights of the child in March 2021.³⁴ It calls for strengthening the implementation of the Council of Europe's 2010 guidelines for child-friendly justice. It demands that all relevant authorities and services work together to protect and support the child, in the child's best interests. The strategy states that the Commission will further support the establishment of Barnahus in Member States.

The Commission's 2022 evaluation of the Victims' Rights Directive refers to the Barnahus model as a good practice.³⁵

There is much to suggest that Barnahus is one of the most important innovations for victims of the past two decades. The United Nations, the Council of Europe, the Council of Baltic States and the European Commission also promote it.

Focusing attention on one interview brings considerable opportunities to reduce the psychological burden on the child victim. This reduces the risks of secondary victimisation. In sum, the model fosters compliance with the following standards.

- The number of interviews is kept to a minimum. Unnecessary questions are strictly avoided.
- A second interview may become necessary. If the victim agrees to it, then the person who did the first interview conducts this interview.
- A thoroughly trained professional performs the interview.
- The interview takes place when the victim is able to take part. This means not too early, when the victim is not yet able to remember. It also means not too late. The victim should not carry their untold story for an unnecessarily long time.
- The interview takes place in premises designed for that purpose. This relates to the child-friendly furnishing of the interview room. Technical precautions mean that only the victim, the expert conducting the interview and, if appropriate, a person the victim trusts can be in the interview room. Others (the police, prosecutors, judges, defence lawyers, staff from support organisations, parents, etc.) can follow the interview from another room.
- Any immediate contact between the offender and the victim or their family is avoided.
- The interview is recorded audiovisually. It can be used as evidence in the proceedings in a manner that respects the defendant's rights.

4.1.2 Possibilities of extending the Barnahus model to other victim groups

According to Article 23(2)(a) and (b) of the Victims' Rights Directive, interviews that are "carried out in premises designed or adapted for that purpose" and "carried out by or through professionals trained for that purpose" should be available to those at risk of secondary victimisation. Therefore, the directive provides a basis for the potential development and implementation of measures that use the rich experience of the Barnahus model for adult victims of violence and abuse.

One question is how these inferences from the victim's rights can be reconciled with the accused's right to a fair criminal trial. For a number of years, the ECtHR has been willing to give weight to the victim's right to be spared secondary

victimisation in proceedings for serious violence. It has also been willing to determine the fair trial requirements (Article 6 of the ECHR) in a manner that takes into account the victim's rights.³⁶

In particular, the ECtHR has consistently held that the accused's conviction can be based on the victim's testimony even if the accused did not have the opportunity to ask questions of the victim during the trial, but was offered the opportunity to have questions put to the victim during the pre-trial proceedings in full knowledge of the victim's testimony.³⁷

This raises the possibility of the defendant and/or the defence lawyer being present in an adjacent room during the interview. They can then ask the victim supplementary questions through the interviewer. If the defendant and/or the defence lawyer is not present, an option is to send the defence lawyer the recording of the interview. The lawyer can then be asked if the defendant wishes supplementary questions to be put to the victim.

Some Member States apply the special procedure that has emerged for interviewing child victims to adult victims. For example, in **Czechia**, the police have specially equipped rooms designed for interviewing children and other vulnerable victims.

In 2018, in 69 specially equipped rooms, they performed 2,577 interviews. Of these, 1,507 were with children.³⁸ The main reason for using these rooms is to prevent secondary victimisation. Trained specialist police officers conduct the interviews.³⁹

Women victims of sexual or gender-based violence, victims of abuse in care homes for older people, victims with disabilities, or prisoners who are victims of prison officers' violence are, arguably, not in a much better position than child victims of violence.

A crime by an adult against a child regularly reflects an imbalance of power. Comparable imbalances can be found among adults. For example, this applies in relationships of partner violence or police officers' abuse of state power.

Yet FRA's findings show a lack of clear protocols and routinely adopted protection measures at the national level to address secondary victimisation.

In some Member States, certain categories of victims can, under certain conditions, ask for their statement to be recorded. The recording can then be played at the trial.⁴⁰ In Austria, minors and victims of sexual violence can ask for their statement to be recorded in advance.

In **Portugal**, the police can record the victim's statement for future reference. This stops the victim from having to deliver their statement at the trial. This measure is used in cases of child sexual abuse. However, it is less common with adult victims.⁴¹

Overall, however, Member States usually lack a comprehensive and effective mechanism to protect victims from secondary victimisation.⁴² For example, in 2019, FRA highlighted the urgent need for Member States to focus on protecting victims of partner violence from secondary victimisation resulting from contact between the offender and the victim.⁴³

A model similar to the Barnahus could be tested in cases where an act of violence expresses a strong power imbalance between the perpetrator and the victim. For instance, cases of severe physical and psychological violence – which characterises many relationships of intimate partner violence, and

which is also regularly present in abuse of state authority (e.g. police violence or abuse of inmates in prisons), or gender-based violence and hate crimes committed by strangers.

4.2 REPEAT VICTIMISATION

According to Article 18 of the Victims' Rights Directive, Member States must ensure measures to protect victims from repeat victimisation by offenders. Competent authorities are to assess and identify victims' protection needs in accordance with Article 22 of the directive. However, several victims highlight the police's initial reluctance to assess their risk of repeat victimisation.⁴⁴

In practice, women who are victims of partner violence often experience repeat victimisation. It can also be typical in certain hate crime cases. Examples are repeat online abuse and cases involving neighbours. The latter may last several weeks or even years.

FRA ACTIVITY

FRA's Violence against Women survey – data on partner violence

Of all women with a (current or previous) partner, 22 % (or about one in five) have experienced physical and/or sexual violence by a partner since the age of 15. For many women, these experiences consist of more than one incident.

For example, 17 % of women whose current partner had slapped them noted that this had happened six or more times. A further 30 % said that it had taken place two to five times. Of the women whose previous partner(s) had slapped them, 37 % indicated that it had happened six or more times. Another 34 % had experienced it two to five times.

Rates of repeat victimisation are still notable for more serious acts of physical violence. For example, of the women whose previous partner had beaten their head against something, 28 % indicated that they had experienced this six or more times. This may have involved more than one previous partner.

Source: FRA (2014), **Violence against women: An EU-wide survey – Main results**, Luxembourg, Publications Office, p. 21.



FRA's Fundamental Rights Survey – data on women and men's experiences of crime

Physical violence against men most often takes place in public settings (39 %). Physical violence against women most often occurs in their own home (37 %). Incidents against men most often involve a perpetrator the victim does not know (42 %). In contrast, a family member most often commits the physical violence against women (32%). This points to the significant role that (intimate) partner violence plays in women's experiences of violence (and lives), and the very real risk of repeat victimisation.

Source: FRA (2021), **Crime, safety and victims' rights**, Fundamental Rights Survey report, Luxembourg, Publications Office, p. 20.

If a violent crime has been committed, the danger of another offence may exist. This is particularly the case when the victim and offender know each other. Therefore, under Article 18 of the Victims' Rights Directive, victims of violent crime have a right to an assessment of any remaining risks of repeat victimisation and to protection measures if these risks exist. However, in practice, policing in many Member States lacks an emphasis on responding to women's calls for help as victims of intimate partner violence, FRA evidence demonstrates.⁴⁵

This inaction on the part of the police has profound consequences. The victim reads the (in)significance – or triviality – of their experience of partner violence from the police's (in)appropriate reaction. The victim interprets whether the perpetrator is held accountable for their violence from the police's immediate response.

The police's appropriate and victim-centred reaction can exonerate the victim from her own feelings of responsibility and shame about events within an intimate relationship.⁴⁶ If the police do not respond to partner violence of which they are informed, the perpetrator experiences this as encouragement and confirmation. And, the victim is discouraged from reporting.

To this day, police organisations tend to treat partner violence as a private or family matter that they may ignore or leave to others.⁴⁷

If a woman is a victim of partner violence, she has a right to police protection. That right does not rely on the Victims' Rights Directive alone. It also flows directly from the fundamental rights under the Charter, in particular Articles 1 (Human dignity), 2 (Rights to life) and 3 (Right to the integrity of the person). That needs to be strongly emphasised in view of some police officers' reluctance to order such measures.

The victim's right to police protection measures arises when the victim is in real and imminent danger from her violent partner. The ECtHR has observed that in its 2021 ruling of *Kurt v. Austria*.⁴⁸

Member States that are bound by the Istanbul Convention must also comply with their obligations under Article 52 (Emergency barring orders). This states that the police must be able to react immediately to a situation of partner violence by issuing an emergency barring order. This order forces the offender to leave the victim's home immediately. The ability to issue an order must apply regardless of the victim asking for or even consenting to this.

Promising approaches to this have emerged in some Member States, FRA's findings show. They concern close and systematic cooperation, guaranteed in national law, between the police and specialist support organisations. The countries include Austria, Czechia, Finland, Germany and Luxembourg.⁴⁹

“Bearing in mind the difficulties in policing modern societies, the unpredictability of human conduct and the operational choices which must be made in terms of priorities and resources, the scope of the positive obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities. Not every claimed risk to life, therefore, can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising. For this positive obligation to arise, it must be established that the authorities knew or ought to have known at the relevant time of the existence of a real and immediate risk to the life of an identified individual from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk.”

(ECtHR, *Kurt v. Austria*, No. 62903/15, 15 June 2021, para. 158)

Endnotes

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- 4 FRA (2019), *Women as victims of partner violence – Justice for victims of violent crimes: Part IV*, Luxembourg, Publications Office, p. 48.
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- 41 *Ibid.*
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5

CONCLUSION

This report covers three core components underpinning victims' rights: support services, crime reporting, and protection from secondary and repeat victimisation. Examples highlight the relevant legal provisions in Member States and how specific rights under the Victims' Rights Directive work in practice. Findings and opinions are based on desk research, and findings from FRA's existing surveys and qualitative research work in this area.

The report offers evidence to support the implementation of the Victims' Rights Directive. It aims to guide national policymakers and criminal justice practitioners to take further steps, where needed, to ensure that victims of violent crime receive the attention, support and consideration to which they are entitled under the directive and the Charter. That will enable Member States to make good on their legal obligations to provide access to justice.

EU institutions can also use this evidence in their ongoing work in this area. This includes the follow-up to the 2022 evaluation of the directive, and discussions on new proposed legislation relating to women who are victims of violence.

There is still a lack of sufficient victim support, performance standards for such services are not clearly defined and monitoring of these services in practice is ineffective. This is even though providing victims with effective support services is one of the preconditions for the recognition and effective participation of victims in criminal proceedings.

Additionally, the evidence indicates that the reporting of crime needs to be further facilitated.

Under the Victims' Rights Directive, every victim has a fundamental right to effective access to criminal justice. Accordingly, every victim has to be provided with an accessible, safe and effective complaints channel.

Yet, as the relevant findings show, a third-party reporting avenue, for example, which can help to address some of the reasons for not reporting – as given in FRA's surveys and qualitative research – does not exist or is not systematically used in Member States, and, where it does exist, is often with certain limitations. In cases of specific categories of victims, furthermore, such as those living in institutional settings, a need to introduce a practical way to report their victimisation to the police, for example via proactive monitoring mechanisms, would be needed.

Finally, as the report highlights, the provisions of the Victims' Rights Directive on the individual needs assessment usually translate in practice into a police officer's subjective decision. The police lack practical guidance for this. However, the report also highlights promising practices in this area that show how some of these obstacles can be overcome in practice.



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UNDERPINNING VICTIMS' RIGHTS: SUPPORT SERVICES, REPORTING AND PROTECTION —

Directive 2012/29/EU represents a milestone in the development of victims' rights. It establishes minimum standards for the rights, support and protection of victims of crime. It defines the scope of support services, guarantees the right to effective protection against secondary victimisation and comprehensively regulates the measures required for this purpose.

This report covers three core components underpinning victims' rights: support services, crime reporting, and protection from secondary and repeat victimisation. Examples highlight the relevant legal provisions in Member States and how specific rights under the Victims' Rights Directive work in practice.



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