

Protecting Victims: EU competences and mechanisms for safeguards

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Introduction

Many people fall victim to crime in the EU every year - around 30 million crimes, excluding minor offenses, alone are reported to the police. More and more people are travelling, living or studying abroad and are therefore potential victims of crimes committed in a country other than their own. The EU has a mandate to ensure that citizens and foreigners moving within its borders are protected.¹

The European Union began to engage in criminal justice matters over a decade ago. With the success of the internal market and free movement around the EU, together with expanded accession, criminal activity across borders, particularly with respect to offences of a cross border nature, such as drug trafficking, people trafficking, and fraud, have increased. The Maastricht Treaty first legislated to allow EU action in this area, though this was limited. Whilst many instruments have been developed within the Council of Europe over the past half century to tackle criminal activities, these have been piecemeal in the EU, and taking account of the optional provisions, implemented in different ways. Most importantly, the systems in place were far too slow and laborious to react effectively to the nature of criminal activity in the EU. Nevertheless, legal systems in the EU, and in particular criminal justice, have historically developed independently of each other and the member states have been extremely reluctant to cede sovereignty through the harmonisation of criminal law measures. Whilst this would be the easiest answer to the difficulties that are now arising in the adoption of legislation in criminal proceedings, the differences between legal concepts are still too stark to attempt full harmonisation.²

¹ European Commission, http://ec.europa.eu/justice/criminal/victims/index_en.htm accessed 17th December 2012.

² V. Mitsilegas, *EU Criminal Law* (Hart, 2009), ch. 3; P. Craig, *The Lisbon Treaty* (OUP, 2010), pp 379-378.

As such, the single market concept of mutual recognition was set upon as a suitable mechanism to deal with the need to coordinate law enforcement responses.³ The mechanism applies crudely given the different nuances and justifications for penal policy between the member states,⁴ but nevertheless it has formed the basis for activity in the field of police and judicial cooperation for the past ten years and resulted in an extensive list of framework decisions, decisions, resolutions and positions on criminal procedure.⁵ With respect to victims, as early as 1999 the EU was considering the impact of cross border crime upon victims. The European Parliament adopted a ‘Resolution on Crime victims in the European Union: reflections on standards and action’⁶ around the same time as the European Council agreed in its 1999 Tampere Conclusions for greater cooperation in criminal matters and in particular that ‘minimum standards should be drawn up on the protection of victims of crimes, in particular on crime victims’ access to justice and on their right to compensation for damages, including legal costs.’

The EU has continued to progress legislation in favour of victims through the Lisbon Treaty, bolstered by the positioning of fundamental rights at the forefront of the Treaty on the European Union and the binding status of the EU Charter of Fundamental Rights. Key measures were identified in the Stockholm Programme of EU action in the area of freedom, security and justice from 2009-2014⁷ and the Commission Communication for a package of victims’ rights last summer acknowledged the role and needs of victims in criminal proceedings are still generally not sufficiently addressed and the level of victims’ rights continues to differ significantly across the EU.⁸

³ Developed during the UK Presidency of the EU in 1998, Cardiff European Council, Presidency Conclusions, 15 and 16 June 1998, SN 150/1/98 REV 1, pp 14 and 15; *Mutual Recognition of Final Decisions in Criminal Matters*, COM(2000) 495 final 2.

⁴ V. Mitsilegas, *The constitutional implications of mutual recognition in criminal matters in the EU*, CML Rev. 43 (2006) 1277-1311, Craig, n 5, p 373 and references at n 134 therein.

⁵ S. Peers, *EU Justice and Home Affairs Law* (OUP, 2011), ch. 9; A. O’Neil, *EU Law for UK Lawyers* (Hart, 2011), ch. 11.

⁶ OJ C 67 (1.03.2001) pp304-308

⁷ European Council, *The Stockholm Programme — An Open and Secure Europe Serving and Protecting Citizens*, OJ C 115 (4.5.2010) pp 1-38, paras 2.3.4 in relation to victims, with emphasis on the most vulnerable persons subjected to repeated violence, and the need for practical support measures and 4.4 in relation to protection against serious and organised crime with particular focus on trafficking in human beings, cybercrime and sexual exploitation of children and child pornography as well as wider impacting crimes of economic crime, drug trafficking and terrorism

⁸ *Strengthening victims’ rights in the EU*, COM(2011) 274 final

EU competence for the protection of victims' rights

The Charter of Fundamental Rights

With the adoption of the Lisbon Treaty, the EU Charter of Fundamental Rights adds another layer of enhanced rights protection for victims through a number of articles detailing civil and political rights as well as social and economic rights, and a free standing provision prohibiting discrimination.

The EU Charter of Fundamental Rights was finalised in 2000 following a conclusion at Council level that EU law concerning fundamental rights was set out in a fragmented fashion across numerous primary and secondary law provisions, as well as ECJ jurisprudence. The intention was to consolidate these legal principles. The Charter would, however, not only cover the social and economic rights recognised as general principles of EU law, but also the fundamental rights adopted by the EU from the European Convention on Human Rights (the Convention) and the constitutional traditions common to the member states. The heads of state gave express approval to the idea and instigated its creation. The content was proposed by a Convention appointed to the task from the member states, the European Commission, the European Parliament and national parliaments. This was approved by the European Council at Nice in 2000. Its legal status remained unclear until the Lisbon Treaty was finally adopted in December 2009.

Nevertheless, recognition of human rights is not new for the EU. It has increasingly prioritised human rights in its Treaty provisions. This is now enshrined in the first substantive article of EU primary law, Article 2 Treaty on the European Union (TEU):

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

The Charter is, therefore, a binding set of principles 'bringing together in one place all of the personal, civic, political, economic and social rights enjoyed by people within the EU' (at least according to the Commission website) aimed at protection of the individual against actions of the state. It is a free standing instrument that derives its authority from Article 6(1) TEU:

The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties.

Its scope is, however, circumscribed by the subsequent part of Article 6(1), which confirms that the Charter is not a free standing instrument like the Convention, but must attach to existing EU law:

The provisions of the Charter shall not extend in any way the competences of the Union as defined in the Treaties.

The rights, freedoms and principles in the Charter shall be interpreted in accordance with the general provisions in Title VII of the Charter governing its interpretation and application and with due regard to the explanations referred to in the Charter, that set out the sources of those provisions.

The Charter rights are organised under the titles Dignity, Freedoms, Equality, Solidarity, Citizens' Rights, and Justice.⁹ The greatest distinction between the Charter and the Convention in the field of criminal justice is the recognition of the rights of other participants in the trial as well as the suspect. Article 47 CFR is largely equivalent to article 6 ECHR, but is not limited by civil rights and obligations and entitles everyone to a fair hearing. In relation to victims, the following provisions of the Charter are relevant:

Article 1 - Human dignity is inviolable. It must be respected and protected.

Article 2 - Everyone has the right to life

Article 3 - Everyone has the right to respect for his or her physical and mental integrity.

Article 4 - No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5 – 1. No one shall be held in slavery or servitude.

2. No one shall be required to perform forced or compulsory labour.

3. Trafficking in human beings is prohibited.

Article 6 - Everyone has the right to liberty and security of person.

Article 7 - Everyone has the right to respect for his or her private and family life, home and communications.

Article 8 - Everyone has the right to the protection of personal data concerning him or her.

⁹ See the Fundamental Rights Agency Charterpaedia website http://infoportal.fra.europa.eu/InfoPortal/infobaseFrontEndCountryHome.do?btnCountryLinkHome_1 and recently launched application for mobile, <http://fra.europa.eu/charter4mobile/> for easy navigation of the rights.

Article 20 - Everyone is equal before the law.

Article 21 - 1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.

2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

Article 47 - 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.

The EU Institutions when legislating must ensure compliance with the Charter. The Commission has developed a checklist to enable it to do so.¹⁰ In the case of directives, the Member States when implementing EU law must also ensure compliance. It is therefore important to consider how the legislative programme for victims has taken account of the Charter rights set out above.

The Treaty Provisions

Any action at EU level must be within EU competence which is provided through primary law. Title V of the Treaty on the Functioning of the European Union (TFEU) provides the competence for action in the area of freedom, security and justice. Article 67 confirms that this area shall respect fundamental rights and the different legal systems and traditions of the Member States. Chapter four provides for judicial cooperation in criminal matters. Article 82(1) enables the facilitation of cooperation through mutual recognition of judgments and judicial decisions and affords the Institutions of the Union to pass measures that will ensure this cooperation. Article 82(2) also provides the opportunity to develop minimum standards to be achieved across the member states:

¹⁰ Commission Communication, *Strategy for the effective implementation of the Charter of Fundamental Rights by the European Union*, COM(2010) 573 final.

Article 82(2): To the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension, the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules. Such rules shall take into account the differences between the legal traditions and systems of the Member States. They shall concern...(c) the rights of victims of crime.

Moreover, article 83 affords the opportunity to ‘*establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.*’ These areas of crime are: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

There is therefore a wide scope for the EU to act to protect victims’ rights in order to facilitate prosecution of crime.

Measures taken by the EU in the field of victims’ rights

The EU has taken the opportunity to act in this field and recognised the need for respect for victims and their role in the criminal process; protection of the victim and non-discrimination by way of secondary victimisation or non-recognition of vulnerabilities; and compensation for their losses and injuries.¹¹ It has created measures for the protection of particular victims of harassment and abuse through criminal and civil measures.¹² Moreover, it has harmonised certain cross border offences with a view to ensuring the prosecution of particularly serious crimes.¹³

¹¹ Through 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 L 315 (14.11.2012) pp 57-73 and Council Decision 2004/80/EC relating to compensation to crime victims OJ L 261(06.07.2004) pp 15-18.

¹² Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order OJ L 338 (21.12.2011) pp 2-18; Proposal for a regulation of the European Parliament and of the Council on mutual recognition of protection measures in civil matters COM(2011) 276 final (ongoing).

¹³ Directive 2011/92/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 L 335 (17.12.2011) pp1-14; 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,

This paper will focus on the Directive establishing minimum standards on the rights, support and protection of victims (the Victims Rights Directive). In 2001 a Council Framework Decision was adopted on the standing of victims in criminal proceedings. In its Communication of May 2011, the Commission explained ‘While building on and complementing existing instruments, the Commission’s proposals aim to strengthen the legal framework by introducing directly binding and properly enforceable legal instruments.’ It continues:

One of the European Union’s objectives is to offer its citizens an area of freedom, security and justice in which their freedom of movement is ensured. However, without effective EU wide application of a minimum level of rights for victims, mutual trust is not possible. This means that judicial systems should have full faith in each other’s standards of fairness and justice, and citizens should have confidence that the same level of minimum rules will be applied when they travel or live abroad.

...Today, most Member States provide some level of protection and support for victims of crime. However, the role and needs of victims in criminal proceedings are still not fully addressed in national judicial systems.¹⁴

The Commission offers further a holistic explanation for action in this field:

Victims who are respected, supported and protected will recover sooner, both physically and emotionally, enabling them to get back to their normal lives more quickly. This will limit loss of earnings, absenteeism (sic) from work as well as the need for further health care. Well treated victims are also likely to become more actively involved in the proceedings, which increases the likelihood of successful prosecution and sentencing, which in turn reduces repeat offending and impunity.¹⁵

The Member States of the EU acting in Council together with the European Parliament to a certain extent agreed, and the Directive was adopted on 25th October 2012. The final Directive therefore covers the following five areas: recognition and respect; protection; support; access to justice; compensation and restoration.

and replacing Council Framework Decision 2002/629/JHA OJ L 101 (15.04.2011) pp 1-11; Council Framework Decision 2008/913/JHA of 28th November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ L 326 (6.12.2008) pp 55-58; Council Framework Decision 2002/475/JHA of 13th June on combating terrorism, OJ L 164 (22.06.2002) p3-7.

¹⁴ Note 9 above, p 3.

¹⁵ Ibid, p 4.

1) Recognition and respect

The Commission Communication explains: *Individuals who have suffered from crime therefore expect to be recognised as victims, to have their suffering acknowledged and to be treated in a sensitive and professional manner. It should be understood that victims are individuals and their needs should be recognised. However, professionals around Europe who are in regular contact with crime victims often lack training on these needs or how to identify them through an individual needs assessment.*¹⁶

The Directive provides for these rights at the outset in article 1:

Member States shall ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal proceedings. The rights set out in this Directive shall apply to victims in a non-discriminatory manner, including with respect to their residence status.

Article 3 requires member states to take appropriate measures to ensure victims understand and can be understood during proceedings. This includes the provision of information in simple and accessible language, suitable for their means and to allow them to be accompanied by someone where this is necessary to aid comprehension. Article 4 requires the provision of specific and detailed information in order to access the rights in the Directive. This information concerns how and in what circumstances they can access: support and any relevant specialist support; procedures for making complaints; protection measures; legal advice and legal aid; compensation; interpretation and translation; services where the crime occurs in a country they are not resident in; reimbursement of expenses; restorative justice services; the contact details for communication about the case and their role in the proceedings.

Article 5 provides the mechanism for making a complaint (allegation), which includes the requirement to provide a written acknowledgement and interpretation and translation services to facilitate the process. Article 6 provides the right to information concerning any decision not to proceed, the charge being proffered and the details of the trial, the final judgment, and updates on the stage of the proceedings. Reasons for decisions must be provided (save for jury decisions or similar national law which does not provide reasons).

¹⁶ Ibid p 5.

2) Protection

The Commission Communication explains: *Victims can suffer during criminal proceedings due to the way the system operates. To avoid harm caused by inadequate proceedings, such as repeated and insensitive interviewing, it is important to ensure protection of victims throughout criminal investigations and court proceedings. This protection is essential for particularly vulnerable victims, such as children.*¹⁷

Article 5 of the Directive requires that victims must be notified if the offender is released/has escaped from custody and any measures in place for their protection.

Chapter four provides for protection of victims during criminal proceedings. Article 18 provides generally that Member States must have in place measures to prevent secondary or repeat victimisation, intimidation and retaliation. It acknowledges emotional and psychological harm and specifically the need to respect dignity in questioning. The measure extends to family members. Article 19 requires Member States to take measures to avoid contact between the victim and ‘offender’ during criminal proceedings, and for new court buildings to have separate waiting areas. Article 20 requires certain practical measures to be taken such as interviews to be conducted without delay; interviews and medical examinations to be kept to a minimum and only be conducted where necessary. Article 21 requires appropriate measures to be taken to protect the privacy of victims and their families, and, in respecting freedom of expression, that Member States should encourage self regulation of the press. Article 22 requires a needs assessment to be conducted to take account of the personal characteristics of the victim; type or nature of the crime and circumstances of the crime. Article 23 provides for special measures to be made available where assessment has determined a need, subject to the rights of the defence and any potential prejudice to proceedings. The following measures shall be made available: interviews in adapted premises; carried out by specifically trained professionals; and by the same person; same sex interviewer where requested in cases of sexual violence; at trial – measures to avoid visual contact and for the victim to be heard without being present including communication technology; to prevent unnecessary questioning concerning their private life and to exclude the public.

Article 24 requires specific measures for children – audiovisually recorded interviews that may be used as evidence; the appointment of a special representative where parents cannot assist; where they have the right to a lawyer, to act in their own name where there is a conflict with the parent. Article 12 provides for specific safeguards to prevent victimisation in the context of restorative justice.

¹⁷ Ibid.

3) Support

The Commission Communication explains: *Crime can have a devastating and debilitating effect on victims, who may be traumatised or unable to cope with practical issues as a consequence of the crime. If the crime is reported, the victim will need to negotiate their way through the complexities of the legal system. Appropriate and timely support is therefore essential to help victims overcome emotional, practical, administrative and legal obstacles and to recover. Despite the work done by existing victim support services, such assistance is currently not always easily accessible.*¹⁸

The Directive provides at article 7 a right to interpretation for all questioning and hearings and a right to translation of all essential information, free of charge. This shall include at least a decision to end proceedings, and upon request, reasons for this (unless provided by a jury). Upon request a victim can seek information about the trial to be translated and that a particular document be deemed 'essential'. The assessment of need for interpretation and translation must be capable of review.

Article 8 requires member states to ensure that all victims (and to some extent their families) have access to confidential victim support, free of charge, during and for an appropriate time after the proceedings. Specialist support services must also be made available. Access to the service must not be dependant upon the making of a formal allegation. Article 9 specifies that victim support services must as a minimum provide: information, advice and support about the rights of victims, including to compensation and about their role in the proceedings; information or direct referral to specialised services; emotional and psychological support; financial and practical information relevant to the crime; and, where appropriate, advice about victimisation. Specialist support services, unless provided elsewhere, must develop interim accommodation when victims need a safe place to prevent victimisation, and trauma support and counselling.

4) Access to Justice

The Commission Communication explains: *Victims have a legitimate interest in seeing that justice is done. They should be given effective access to justice, which can be an important element in their recovery. Information for victims on their rights and on key dates and decisions is an essential aspect of participating in the proceedings, and it should be given in a way that victims understand. Victims should also be able to attend the trial and follow their case through. As a matter of fact, victims across the EU do not always get access to these basic elements of justice.*

¹⁸ Ibid

Chapter three of the Directive concerns participation in criminal proceedings. Article 10 provides a right to be heard and to provide evidence. Article 11 requires that victims have the right to review a decision not to prosecute, in accordance with their status in national law. Article 13 states that where the victim has a status as a party in criminal proceedings, they must have access to legal aid. Where the victim is from another Member State, article 17 provides that measures must be adopted to ensure that a statement is taken immediately after the complaint, or where this is not possible, can be taken in the Member State of residence and transmitted to the Member State where the offence took place as soon as possible; and further that video and telephone conferencing is used to the extent possible for hearing evidence where the victim is resident abroad, in accordance with the Convention on Mutual Legal Assistance in Criminal Matters 29th May 2000¹⁹ (soon to be replaced by the European Investigation Order²⁰).

5) Compensation and Restoration

The Commission Communication explains: *Persons who have suffered harm because of the acts of others often expect to get some form of financial compensation, whether from the State or the offender. Compensation aims at repairing immediate and longer-term financial damage. It may also act as a form of acknowledgement through a symbolic payment.*

*Restorative justice, which is a relatively new concept in criminal proceedings, goes beyond purely financial compensation to focus on the recovery of the victim. As an alternative to, or in combination with formal justice, it aims to restore victims to the position they had before the crime by giving them, if they so wish, an opportunity to confront their offenders face to face and for the offenders to take responsibility for their acts.*²¹

The Directive provides the right to reimbursement of expenses at article 14, the right to return of property seized during the course of criminal proceedings at article 15 and to right to obtain a decision about compensation from the offender within a reasonable period of time at article 16. The requirement is not as demanding as some of the early obligatory articles: ‘Member States shall

¹⁹ OJ C 197, 12.7.2000, p. 3.

²⁰ Initiative of the Kingdom of Belgium, the Republic of Bulgaria, the Republic of Estonia, the Kingdom of Spain, the Republic of Austria, the Republic of Slovenia and the Kingdom of Sweden for a Directive of the European Parliament and of the Council regarding the European Investigation Order in criminal matters (2010/C 165/02), OJ C 165 (24.06.2010) pp 22-38 (pending)

²¹ Ibid p 6

promote measures to encourage offenders to provide adequate compensation.’ Despite the emphasis on restorative justice in the Communication, there is no requirement to implement such a system.

The final provisions of the Directive in chapter five refer to training of professionals, coordination of services and exchange of best practice. There is much to be welcomed in this initiative; it is ambitious with many mandatory provisions, and for many Member States will require significant resources in order to comply. However, there a number of areas where measures are qualified by a recourse to national law, both in the application of the right at all, and in the procedure to be adopted to achieve it. Whilst standards will be raised across the EU, they will therefore continue to vary dependent upon the legal system engaged. Whilst the Court of Justice of the European Union will have jurisdiction over the application of this measure, and the enhancement of its provisions to comply with the Charter, it may be reluctant to expand the provision of rights where the Directive clearly excludes the possibility.²² There may be some difficulty with the terminology adopted in the course of litigation – the Directive uses the terms ‘victim’ and ‘offender’, yet intends their application at a time prior to conviction. Member States implementing the Directive could accordingly seek to limit its impact to a later stage in the proceedings. Member States also have until the 16th November 2015 to implement the Directive, which means it will be some time before its effects are known.

Future EU action in the field of victims’ rights

Where might further protection be afforded to victims through EU law? The Commission Communication from May 2011 identified that it would review compensation to victims under the 2004 Council Directive which provides for the creation of a compensation scheme where crimes have occurred in another member state,²³ and Regulation Rome II²⁴ to address the issue of limitation periods in road traffic cases across borders. Further review and action on victims is intended, in particular in relation to specific categories such as victims of terrorism, organised crime and gender-based violence, including female genital mutilation, with a view to improving the situation of such victims, though it is not clear what ‘situation’ means, either in terms of substantive or procedural law. Soft law measures are also intended to ensure rights are effective in practice. This will include training and capacity building, exchange of good practice, prevention of crime and violence (such as raising awareness and providing information), data collection and research. Financial support under

²² See Case C-507/10 *Criminal proceedings against X* (21st December 2011) (unreported, available at www.curia.europa.eu) and Case C-105/03 *Criminal proceedings against Maria Pupino* ECR [2005] I-05285.

²³ See note 11 above.

²⁴ Regulation (EC) no 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II), OJ L 199 (31.7.2007) pp 40-49.

existing financing programmes will continue in order to promote issues relevant to victims' rights and needs. The Fundamental Rights Agency is currently engaged in EU-wide surveys concerning victim support services and gender-based violence against women²⁵ which may provide further evidence and best practice examples to support Commission engagement.

Certainly focus must be engaged on training and provision of support services. The Commission engaged in public consultation prior to the proposal for the Directive and the Bar Council of England and Wales submitted a response, to which I contributed as a member of the EU Law Committee, followed by a joint response of JUSTICE and the Criminal Bar Association to the proposal for a Directive. Our concern was to highlight the needs of witnesses in the criminal process, not only those of victims. Witnesses can often need the same protections and support to avoid becoming victimised by the process themselves. Sadly the legal basis may not yet be there for this action. We also focussed on the need for specific support services for vulnerable victims and witnesses, and appropriately qualified professionals at all stages of the criminal process to interact with them. We also thought the Directive was a good opportunity to introduce a 'letter of rights' for victims, something which has recently been achieved for suspects. Such a letter would make clear the role of the victim in proceedings, what rights they have, and how to access them. These suggestions were not included in the Directive, but there is certainly impetus to continue to raise standards for victims amongst the EU Institutions.

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²⁵ To report in 2014 <http://fra.europa.eu/en/project/2012/victim-support-services-eu-overview-and-assessment-victims-rights-practice> and 2013 respectively <http://fra.europa.eu/en/project/2012/fra-survey-womens-well-being-and-safety-europe>