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REPORT

on the Commission communication to the Council, the European Parliament and the Economic and Social Committee on crime victims in the European Union: Reflexions on standards and actions
(COM(1999)349 – C5-0119/1999 – 1999/2122 COS))

Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

Rapporteur: Patsy Sørensen

CONTENTS

	Page
PROCEDURAL PAGE	4
MOTION FOR A RESOLUTION	5
EXPLANATORY STATEMENT	10
OPINION OF THE COMMITTEE ON CULTURE, YOUTH, EDUCATION, THE MEDIA AND SPORT	14
OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET	20
OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES	26

PROCEDURAL PAGE

By letter of 16 July 1999, the Commission forwarded to Parliament a communication to the Council, the European Parliament and the Economic and Social Committee on crime victims in the European Union: Reflexions on standards and actions (COM(1999) 349 - 1999/2122(COS)).

At the sitting of 13 September 1999 the President of Parliament announced that she had referred the communication to the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs as the committee responsible and the Committee on Culture, Youth, Education, the Media and Sport, the Committee on Women's Rights and Equal Opportunities and the Committee on Legal Affairs and the Internal Market for their opinions (C5-0119/1999).

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs had appointed Patsy Sørensen rapporteur at its meeting of 29 July 1999.

It considered the Commission communication and the draft report at its meetings of 28 September 1999, 3 April 2000 and 19 April 2000.

At the last meeting it adopted the motion for a resolution unanimously.

The following were present for the vote: Graham R. Watson, chairman; Enrico Ferri, vice-chairman; Patsy Sørensen, rapporteur; Rolf Berend (for Hartmut Nassauer pursuant to Rule 153(2)), Michael Cashman, Charlotte Cederschiöld, Ozan Ceyhun, Carlos Coelho, Thierry Cornillet, Gérard M.J. Deprez, Giuseppe Di Lello Finuoli, Raina A. Mercedes Echerer (for Sylvia-Yvonne Kaufmann pursuant to Rule 153(2)), Markus Ferber (for Hubert Pirker pursuant to Rule 153(2)), Bertel Haarder, Anna Karamanou, Timothy Kirkhope, Dieter-Lebrecht Koch (for Bernd Posselt pursuant to Rule 153(2)), Ole Krarup, Alain Krivine, Baroness Sarah Ludford, Minerva Melpomeni Malliori (for Anna Terrón i Cusí), William Francis Newton Dunn (for Mary Elizabeth Banotti), Arie M. Oostlander (for Rocco Buttiglione), Elena Ornella Paciotti, Ingo Schmitt (for Marcello Dell'Utri), Martin Schulz, Sérgio Sousa Pinto, Joke Swiebel, Maurizio Turco, Anne E. M. Van Lancker (for Margot Keßler), Christian von Boetticher and Brigitte Wenzel-Perillo (for Ewa Klamt pursuant to Rule 153(2)).

The opinions of the Committee on Culture, Youth, Education, the Media and Sport, the Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities are attached.

The report was tabled on 25 April 2000.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session/is ... on

MOTION FOR A RESOLUTION

European Parliament resolution on the Commission communication to the Council, the European Parliament and the Economic and Social Committee on crime victims in the European Union: Reflexions on standards and actions (COM(1999)349 final – C5-0119/1999 – 1999/2122 (COS))

The European Parliament,

- having regard to the Commission communication to the Council, the European Parliament and the Economic and Social Committee on crime victims in the European Union: Reflexions on standards and actions (COM(1999)349 final – C5-0119/1999),
 - having regard to the United Nations Declaration of Basic Principles on Justice for Victims of Crime and Abuse of Power (United Nations General Assembly Resolution 40/34 1985),
 - having regard to the European Convention on the Compensation of Victims of Violent Crimes by the Council of Europe of 24 November 1983,
 - having regard to the recommendation on assistance to victims and the prevention of victimisation by the Council of Europe of 17 September 1987,
 - having regard to the conclusions of the European Council of Tampere of October 1999 and in particular paragraphs 5, 10, 31 and 38 thereof,
 - having regard to Rule 47(1) of its Rules of Procedure,
 - having regard to the report of the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs and the opinions of the Committee on Culture, Youth, Education, the Media and Sport, the Committee on Legal Affairs and the Internal Market and the Committee on Women's Rights and Equal Opportunities (A5-0126/2000),
- A. emphasising that millions of people throughout the world suffer harm as a result of crime, whether it is organised or not, particularly terrorism, trafficking in human beings and child abuse, and that the rights of these victims must be the subject of more effective and fairer legislative recognition – both in the Member States and the European Union,
- B. believing that a uniform and agreed definition of victims across the European Union is a pre-condition for ensuring justice,
- C. stressing that certain social groups such as women, children, migrants, homosexuals or minorities in general are more vulnerable to being victimised,

- D. stressing the fact that there are certain groups which are using violence instead of democratic procedures to try to enforce their objectives,
- E. affirming the need to adopt measures in the preventative field, in assistance to victims, in victims' access to and standing in their own trial, in victims' access to compensation and in information, language and training,
- F. stressing that each victim has to have the possibility of making a complaint and of taking legal action,
- G. recalling that the European Union is based essentially on the fundamental rights defined by the European Court of Human Rights and, in particular, its Articles 5, 6 and 7 embodying the 'right to a judge',
- H. stressing that since they are concerned with both civil and criminal proceedings the Treaties afford the European Union instruments for strengthening protection of the victims of crime on its territory,
- I. whereas, in particular, measures for protecting victims during criminal proceedings may be based on Article 31(a) TEU which is concerned with joint action in the field of judicial cooperation in relation to proceedings and the enforcement of decisions,
- J. whereas, moreover, Article 65 ECT is concerned with measures in the field of judicial cooperation in civil matters having cross-border implications, to be taken insofar as necessary for the proper functioning of the internal market; whereas letter (c) of that article concerns measures for 'eliminating obstacles to the good functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedures applicable in the Member States',
- K. whereas if protection for crime victims from a state other than the one where they have suffered damage is inadequate, this shortcoming is not only an infringement of human rights, but it is in effect an obstacle to the proper functioning of the internal market and hence to the freedom of movement of persons,
- L. whereas Article 66 ECT permits the taking of measures to ensure cooperation between the relevant departments of the administrations of the Member States in the areas concerning civil proceedings and the compatibility between national rules for civil proceedings,
- M. whereas the scoreboard presented by the Commission for reviewing progress on creating an area of freedom, security and justice¹ should be modified in order to guarantee and speed up the legislative response to the present communication and to take account of the importance of strengthening the 'cross-border' dimension of the protection of victims of crime in the context of the area of freedom, security and justice,
- N. deploring the fact that the different initiatives needed in order to ensure justice for

¹ COM(2000)167, 16 March 2000.

victims depend on the goodwill of one Member State, as unanimity in the Council is still required, both in Article 65 ECT and Article 34 TEU,

- O. calling on the next Intergovernmental conference to amend the Treaties in this respect,
1. Welcomes the Commission communication which aims at opening a discussion on the treatment of crime victims and calls for measures to improve the situation of victims, including the victims of terrorism; would like to see, however, that without exception every person staying on the territory of the Union falling victim to a crime will be covered irrespective of their status;
 2. Stresses that a lot of victims suffer harm twice, first as victims of a crime and afterwards as victims of a system, due to lack of adequate protection;
 3. Welcomes the intention in the initiative of the Commission to require Member States to exchange best practices concerning measures intended to prevent victimisation and calls on the Commission, in cooperation with Member States and applicant countries, to assess safety aspects in spatial planning in general and urban planning in particular and to develop policies aimed at preventing unsafe conditions as created by abandoned buildings, office buildings or areas that are dark at night, for example garages;
 4. Insists, nevertheless, that the Commission should not be content with calling on the Member States to exchange best practices and that it should have recourse to the forms of action afforded by the Treaties in this respect;
 5. Is disturbed at the fact that the measures aimed at improved access to the courts and, in particular, those concerned with aid to crime victims, are not intended to come into effect until 2004 in point 3.1. of the scoreboard; while stressing that aid to victims cannot be confined to mere financial compensation, calls on the Commission to modify the scoreboard:
 - firstly, by announcing with regard to the 'Drawing up of minimum standards for protection of victims' initiatives based on Articles 65(c) and 66 ECT and Article 31(a) TEU or other relevant provisions;
 - secondly, by submitting in 2001 instead of 2004 a proposal for a decision corresponding to the action 'Further instruments on approximation of victim's compensation mechanism';
 6. Expects from the Commission that the initiatives called for in the previous paragraph are essentially concerned, without prejudice to the rights of suspects or offenders, with measures in the following areas:
 - (a) recognition of the family or dependants of victims and witnesses as victims, too;
 - (b) the right to be assisted by an interpreter competent in their mother tongue or dialect;
 - (c) the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and individual means;
 - (d) respect and attention to religion and specific cultural aspects;
 - (e) training courses including language courses and information campaigns for police,

- prosecutors, judicial authorities and public services staff involved;
- (f) structures for cooperation between and within police units and judicial services on the one hand and public services on the other;
 - (g) attention to specific aspects of victims from a foreign country including their residence statute (tourist, worker, refugee, asylum seeker etc.) and the period of residence;
 - (h) informing the victims in their mother tongue of their rights concerning the availability of health and social services and other relevant assistance and providing easily accessible information channels and structures;
 - (i) drawing up action plans which include the necessary measures to ensure that victims obtain sufficient legal assistance and are informed of their rights such as, for example, easily recognisable, first line aid, 'antennas' installed in order to make clear to victims where to find a safe place to lodge a complaint; a network of help centres manned by staff trained specifically to provide multilingual information and assistance services to the public;
 - (j) setting up or adaptation of judicial mechanisms to enable victims to have access to courts concerning the harm they have suffered, through fair, inexpensive and easily accessible procedures, in the Member State country where they suffered harm or in the Member State where they are resident;
 - (k) measures aimed at protecting the privacy and anonymity of victims and witnesses and ensuring their safety at each step of the process, including the area of terrorism, whereby the separation of victims and offenders is an absolute requirement;
 - (l) measures concerning the manner in which the media makes public the involvement of citizens in legal cases, pending criminal proceedings, and thereafter, with the aim of avoiding any action which constitutes a violation of personal integrity and the rights of the individual in general;
 - (m) measures required, in instances where the victims of crime are minors, to ensure that sanctions are imposed on those responsible for the publication of information concerning privacy, either in the form of financial compensation to the victims or by withdrawing authorisation to pursue their profession (in the case of natural persons) or by withdrawing the media operating licence;
 - (n) structures in order to inform victims of their rights and to give them the opportunity to be informed about each step in their trial and their role;
 - (o) possibility of victims of a crime in a Member State of the EU – regardless of their status, even when they are not legally resident - having access to the same courts and having the same opportunities as EU Member States' citizens;
 - (p) right of victims to be questioned in their mother tongue and to obtain translations into their mother tongue;
 - (q) obligation to register the questioning of minors on video, so that they are not obliged to be confronted more than once with a traumatic experience;
 - (r) programmes providing compensation for harm to victims and their family or

- dependants who become physically or mentally incapacitated as a result of having been a victim of the crime against them;
- (s) the setting up of a European network of funds for the benefit of crime victims, including the victims of terrorism;
 - (t) in the case of cross-border crime where it is not obvious how the confiscated funds or goods will be divided between those states concerned in the confiscation, redistribution to the victims through a coordinated network of compensation schemes situated in all Member States;
7. Urges the Commission to devote special attention to the need for training of police and judicial officials with regard to sex offences, abuse and trafficking in persons; calls on the Commission and the Member States also to establish a coordinated European system of victim services programmes, providing legal, psychological and physical protection services to victims of rape, domestic violence, stalking, genital mutilation and assault;
 8. Calls on the Member States, as a matter of urgency, to strengthen forthwith, in cooperation with the NGOs active in this field, the protection of victims of crimes as indicated above pending the introduction of a harmonised system of cross-border protection of victims at Union level; in this context, calls on the candidate countries to act in the same way in synergy with the Commission and the Member States.
 9. Calls on the Commission and Council to promote ways of rehabilitating offenders (particularly juvenile offenders), so as to prevent them from reoffending and thereby causing further damage to society;
 10. Requests the ratification of the 1983 European Convention on the compensation of victims of violent crimes by those Member States which still have not ratified, namely Austria, Belgium, Greece, Ireland, Italy, Portugal and Spain;
 11. Instructs its President to forward this resolution to the Commission, the Council and the parliaments and governments of the Member States and the candidate countries.

EXPLANATORY STATEMENT

Background

In its communication COM (1999)349 the Commission points out that an area of freedom, justice and security within the European Union must include adequate legal protection for individuals. The Commission seeks to create criteria for improving the plight of victims.

In December 1998² the Council and the Commission drew up an Action Plan on how best to implement the provisions of the Treaty of Amsterdam on an area of freedom, justice and security. The Commission is afraid that the focus will be more on compensating the victims of crime and less on their rights.

In the light of the Council's deliberations in Tampere (15 and 16 October 1999), the communication stresses the importance of crime prevention and the periods preceding compensation. The Commission's communication seeks to launch a discussion on the following subjects:

1. Prevention of victimisation
2. Assistance to victims
3. Access of victims to criminal proceedings and their standing in such proceedings
4. Compensation for victims
5. Establishing a framework for information, language and education

Evaluation

Prevention of victimisation

Member States are requested to exchange best practices on crime prevention. This initiative is the first step towards crime prevention, but given the increase in organised cross-border crime the initiative should be directed towards a joint programme of prevention at European and international level. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs stresses that it is important, in this respect, to draw a distinction between different forms of crime.

² OJ C 19, 23.1.1999

Assistance to victims

As the Commission says, it is important to establish European standards and criteria both for nationals and for foreigners - of whatever nature. Material, medical, psychological and social assistance needs to be provided immediately and free of charge to the victim. Victims should be informed of the availability of the various forms of assistance. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs would like to add that the assistance should be available on a 24-hour basis.

The Commission calls for the setting up of a hotline or network of hotlines connecting the assistance services and for the possibility of assistance in all European languages. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs would stress that these measures should not be voluntarily, but compulsory in nature. Here, too, it is extremely important for specialist assistance to be available, depending on the nature of the crime. It is also important to do away with a number of prejudices: some forms of crime are regarded more seriously in some countries than in others. There is also evidence of a discriminatory response to victims reporting crime. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs proposes that the Member States should be obliged to set up special police units for crime victims.

Access of victims to criminal proceedings and their standing in such proceedings

The most important points during criminal proceedings and in the preliminary stages are, in the Commission's opinion, respecting the privacy and safety of victims, the availability of third parties, opening up the possibility of making statements in advance or from the victim's home country and additional research into the needs of the victims. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs appreciates the attention devoted to the importance of protecting and supporting the victims of crime: treating victims with understanding and dignity plays a preventive role. The proper treatment of victims will help destigmatise them and enhance their role.

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs would point out that even after returning to their country of origin victims must be kept informed of progress in their cases. Victims with a temporary residence permit must have the permit extended for at least the duration of the trial. Here, too, a distinction based on the nature of the crime is needed so that if necessary measures can be taken to protect victims before, during and after the trial. The time when the victim appears as a witness is often the turning point when pressure from the criminal *milieu* on the victim increases. Existing structures do not always provide a solution to this problem, whereas special police units for victims could be trained to pursue the 'mechanisms of crime'. Special attention is also needed for certain groups of victims; the costs of criminal proceedings must not act as a deterrent to lodging a complaint. The less well-to-do should have not only the same rights, but also the same opportunities for asserting those rights. In divorce cases, for example, women are often the victims.

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs draws attention to the importance of a legal basis for, and harmonisation of, the measures. The study carried out under the Grotius programme (A. Wergens, *Crime Victims in the European Union*. A

survey of legislation and support to crime victims in the fifteen Member States of the European Union, a cooperation project between the Crime Victim Compensation and Support Authority and the Swedish Ministry of Justice) provides the requisite basic information. The useful experience available in respect of existing measures in certain Member States can play an important role in harmonising measures or drawing up a common package of measures.

Compensation for victims

The Commission wants all Member States to ratify the Convention on Compensation to Victims of Violent Crimes (1983). It stresses that victims must be able to claim compensation as soon as possible, if necessary through advance payments. Cooperation between Member States is needed here in order not to discourage victims. The procedure must be flexible and victims must have the opportunity of making an application in their own country. Here, too, the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs stresses the importance of a legal basis for, and harmonisation of, the measures. The study by A. Wergens referred to above provides the requisite basic information in this respect. Experience shows that while persons who have been found guilty do make payments into the fund that has been set up for victims, victims do not automatically claim compensation from the fund.

Creating a framework for information, languages and training

The Commission wants to survey travellers, through existing financing programmes, on their experience of crime. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs regrets that this survey is to be confined to travellers, since they are only one category of victims. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs calls for appropriate funds to be made available so that the planned framework for training and education in the relevant sectors is a success. Providing information via Europe Direct and the Dialogue with Citizens must not be optional. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs regrets that this initiative is being implemented in different ways by the Member States and that there are no binding European rules.

Conclusions

In this communication the Commission has certainly demonstrated its willingness to make a tangible contribution towards improving the position of crime victims. The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs feels that a number of the proposed measures are too much dependent on the goodwill of individual Member States and it calls for rules at a European level.

Victims must not suffer twice: firstly from a crime and secondly from the system. The rights of victims and their status need to be clarified. The proposed measures appear to be geared exclusively towards victims from one Member State in another Member State, or third country victims legally resident in one Member State in another Member State.

The Committee on Citizens' Freedoms and Rights, Justice and Home Affairs calls for the

package of measures to take account of Member State victims in third countries and third country citizens illegally resident in a Member State. The status of a victim should not have any effect on or on the possibility of acquiring such rights. In the context of the enlargement of the European Union the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs would like particular attention to be paid to the treatment of victims from the candidate countries.

In conclusion, while regretting the current application of the unanimity rule in this particular case, the committee stresses that since they are concerned with both civil and criminal procedures the Treaties afford the European Union instruments for increasing the protection of crime victims on its territory.

It therefore believes that the scoreboard submitted by the Commission for reviewing progress in implementing the area of liberty, security and justice should be modified in such a way as to guarantee and speed up the legislative follow-up to the present communication in the context of implementing the area of freedom, security and justice.

OPINION OF THE COMMITTEE ON CULTURE, YOUTH, EDUCATION, THE MEDIA AND SPORT

(Rule 162)

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee: Crime victims in the European Union – reflexions on standards and action (COM(1999) 349 - C5-0119/1999 - 1999/2122(COS)) (report by Patsy Sørensen)

Draftsman: Giuseppe Gargani

PROCEDURE

At its meeting of 12 October 1999 the Committee on Culture, Youth, Education, the Media and Sport appointed Mr Gargani draftsman.

It considered the draft opinion at its meetings of 6 December 1999 and 11 January 2000.

At the last meeting it adopted the following conclusions unopposed, with 3 abstentions.

The following were present for the vote: Gargani, chairman and draftsman; Graça Moura and Iivari, vice-chairmen; Andreasen, Aparicio Sánchez, De Veyrac, Efthymiou (for Ruffolo), Esclopé (for Okking), Fraisse, Gröner, Heaton-Harris, Hieronymi, Klamt (for Ridruejo), Lynne (for Formentini), Martens, Mauro, Mennea, Pack, Perry, Prets, Roure, Stockton (for Sgarbi), Taylor, Van Brempt, Vander Taelen, Vattimo (for Veltroni), Zabell Lucas and Zissener.

1. INTRODUCTION

The entry into force of the Amsterdam Treaty, which brought within the Community sphere areas such as the right of asylum, external borders, immigration and judicial cooperation in civil matters, has focused attention on the issues of the free movement of persons and the creation of a European judicial area.

In accordance with the new powers of initiative assigned to it by the Amsterdam Treaty, in July 1999 the Commission submitted a communication on standards and action concerning crime victims.

The situation and rights of crime victims had already been discussed in Council, and were referred to in the action plan on how best to implement the Amsterdam Treaty provisions on an area of freedom, safety and justice, which was adopted in December 1998.

In March 1999 the European Parliament endorsed the creation of a Community area based on

the rule of law, in which victims of crimes are entitled to compensation (see sittings document A4-0133/99³).

Furthermore, the communication was presented to the Justice and Home Affairs Council of 4 October 1999⁴ (under 'other business' on the agenda) by Commissioner Vitorino, and elicited a positive response from the national delegations.

At the Tampere summit of 15 and 16 October 1999, the Heads of State or Government considered the general issue of the area of freedom, security and justice. Without specifically referring to the situation of crime victims, they acknowledged that citizens had a right to expect the Union to take appropriate action to protect them from criminal activities within the Community.

2. THE COMMISSION PROPOSAL

The Commission adopted the above communication in July 1999, during the period between the entry into force of the Amsterdam Treaty and the start of the EP's new parliamentary term. It is a non-legislative document that seeks to prepare the ground for a discussion on how to ensure that victims of crimes committed on EU territory may obtain legal redress.

The communication was drawn up by the Justice and Home Affairs Task Force in the Commission Secretariat on the basis of information gathered under the Grotius Community programme and the work carried out by a group of experts.

The document is divided into five sections covering prevention, assistance to victims, the status of victims in criminal proceedings, compensation for damage caused, and other general issues. The measures proposed in each section are summarised below (a full list is given in the Annex to COM (1999) 349).

A. As regards prevention, the proposed measures cover the exchange of best practice between the Member States in respect of:

1. information on risks, cultural habits and traditions, etc.;
2. the integration of prevention mechanisms in infrastructure used in particular by travellers;
3. the training of relevant personnel.

B. As regards assistance, the Commission considers that action should be taken to:

1. make it easier for domestic and foreign victims to gain access to assistance services offering immediate and free material, medical, psychological and social support;
2. set up a telephone hotline, or a network of hotlines, bringing together assistance services in the EU, in order to make all relevant information available in several languages.

C. As regards the status of victims during criminal proceedings, the Commission suggests

³ Minutes of the sitting of 13 April 1999.

⁴ Press release 288 – No 1128/99.

that:

1. the privacy and safety of victims should be protected;
2. victims and witnesses should receive the necessary assistance during trials, and action should be taken to prevent any collusion or threatening behaviour by the accused;
3. it should be made easier for foreign victims to take part in trials;
4. stolen property should be returned to victims as quickly as possible;
5. attempts should be made to promote mediation between offenders and victims (with due account being taken of victims' interests).

D. As regards compensation, the communication proposes that:

1. the Council of Europe Convention of 24 November 1983 on the Compensation of Victims of Violent Crimes be ratified;
2. victims be compensated as soon as possible, possibly by means of advance payments;
3. victims be helped to collect the damages to which they are entitled;
4. cooperation be established between the Member States with a view to enabling crime victims to apply for compensation directly to the relevant authorities in their home countries.

E. Lastly, as regards general issues, the Commission puts forward the following suggestions:

1. a survey could be carried out with a view to gaining a better understanding of the security problems experienced by victims and, in general, by those travelling within the Union;
2. cooperation between the Member States on specialised training schemes could be stepped up;
3. multi-lingual assistance could be provided to victims through information channels such as Europe Direct and the Dialogue with Citizens initiative.

3. REMARKS

The Committee on Culture has a keen and direct interest in the full implementation of an area of freedom, security and justice in Europe. Any strengthening of the instruments intended to ensure legal certainty throughout the Union will enhance the Community spirit and further the process of European integration in cultural and human as well as economic and social terms.

The huge number of cultural and sporting events now held at regional and local level within the Union are attracting an increasingly large number of spectators from other Member States. Similarly, European society will continue to be enriched by exchanges of experience between young people who come together to study, work or enjoy themselves.

However, the 'Europe of cultures', which is built on personal contacts, requires a safe environment in order to be able to perform its discreet, invaluable role. So this communication is of relevance not just to crime victims but to EU society as a whole, in that it reaffirms various fundamental principles of the rule of law, and initiatives such as that taken by the Commission therefore cannot but be welcomed and endorsed.

The Tampere summit has done much to focus attention on the issue of the area of freedom,

security and justice. However, more might perhaps have been expected of it. It will be interesting to see whether the declarations of intent will be followed by carefully-targeted action not just on external borders - however important they may be - but also on internal matters relating to the movement of persons within the Union.

The European Parliament must play its traditional role as a catalyst in this debate, acting as a source of constructive proposals. Your draftsman wishes to contribute to this process by raising a number of general issues and focusing on a few specific matters which come directly within the terms of reference of this committee. These include the role which schools, voluntary organisations and the media can play in action to prevent crime, inform the public and assist crime victims. There is a particular need to improve language skills so as to make travellers feel safer and, by providing relevant training to those directly involved, to ensure that crime victims are afforded more effective assistance. A network of help centres should be set up under EU auspices to provide multi-lingual assistance in high-risk areas and areas in which there is a high density of non-residents, such as in university towns, major business centres and tourist areas.

4. CONCLUSIONS

The Committee on Culture, Youth, Education, the Media and Sport calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following conclusions in its report:

The Committee on Culture:

1. Notes that with the entry into force of the Treaty of Amsterdam the Community has acquired more powers in areas such as the right of asylum, external frontiers, immigration and justice cooperation in civil procedures; encourages, therefore, the governments of the Member States to assert these rights in their efforts to improve the legal position of crime victims in every respect;
2. Considers it essential for due respect to be shown for the privacy and personal dignity of crime victims, in accordance with current Community law, and calls for proper protection to be afforded to such persons, irrespective of their gender, race, culture of origin or adoption, political views, age or religious beliefs;
3. Calls on the Commission to protect victims of crime through the promotion of measures concerning:
 - (a) the manner in which the media makes public the involvement of citizens in legal cases, pending criminal proceedings, and thereafter, with the aim of avoiding any action which constitutes a violation of personal integrity and the rights of the individual in general;
 - (b) the protection and upholding of the principle of respect for privacy, a principle frequently violated by the media;
 - (c) the safeguarding of and respect for the principle of preliminary criminal proceedings, to avoid channelling to the press information which constitutes case material;

In addition, especially in cases where victims of crime are minors, calls on the Commission to take measures:

(d) to prohibit media publication of any information in the private domain which prejudices individual rights and personal integrity and

(e) to impose sanctions on those responsible for the publication of such information either in the form of financial compensation to the victims or by withdrawing authorisation to pursue their profession (in the case of natural persons) or by withdrawing the media operating licence;

4. Notes the outcome of the Tampere summit, where the Heads of State or Government acknowledged that citizens have a right to expect the Union to take concerted action to prevent and combat organised and other forms of crime by means of effective cooperation between the police forces and judicial authorities of the Member States; endorses unreservedly the objective set at Tampere to enhance the compatibility and convergence of the legal systems of the Member States;
5. Believes that the area of freedom, security and justice must be based on the principles of transparency and democratic control; considers that those principles should be upheld inter alia by means of suitable information campaigns involving the relevant authorities and, wherever possible, local authorities, the press and the broadcast media, educational establishments of all kinds and associations whose activities include the provision of assistance to crime victims;
6. Calls on the Commission and the Member States to endeavour to establish all possible synergies between crime prevention measures adopted under the 'third pillar' and the Community programmes concerning culture, youth, education, the media and sport which are already in place or currently being drawn up (or other Community programmes, such as Daphne);
7. Considers improving language skills to be an important means of enhancing the immediate assistance provided to crime victims who do not speak the local language; calls therefore on the Commission and the Member States to make the learning of Community languages easier for those most closely involved in the provision of administrative, legal and moral support to crime victims (police forces, consular staff, professional persons such as lawyers and members of the judiciary, and religious communities and voluntary organisations providing assistance to crime victims); calls furthermore on the Commission and the Council to take account of this specific language training requirement when preparations are made for the European Year of Languages scheduled for 2001;
8. Considers it important for the Union to play its part in establishing help centres for crime victims throughout the EU, particularly in high-risk areas and areas with a particularly high density of non-residents (major business centres, university towns, tourist areas, etc.); proposes therefore that a common assistance framework be established under EU auspices, involving a network of help centres manned by staff trained specifically to provide multilingual information and assistance services to the public;
9. Calls on the Commission and Council to devise, in addition to appropriate forms of cooperation in prevention and enforcement activities, a package of measures seeking to promote ways of rehabilitating offenders (particularly juvenile offenders) and reintegrating them into society, so as to prevent them from reoffending and thereby

causing further damage to society;

10. Calls on the governments of the Member States not to lose sight of the position of the victims, and hopes that the Member States will look into possible ways of minimising the damage suffered by the victims.

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the communication from the Commission to the Council, the European Parliament and the Economic and Social Committee on crime victims in the European Union (reflections on standards and action)(COM(1999) 349 final – C5-0119/1999 - 1999/2122(COS)) (report by Patsy Sörensen)

Draftsman: Charlotte Cederschiöld

PROCEDURE

At its meeting of 21, 22 and 23 September 1999 the Committee on Legal Affairs and the Internal Market appointed Charlotte Cederschiöld draftsman.

It considered the draft opinion at its meetings of 29 and 30 November 1999 and 31 January and 1 February 2000.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Ana Palacio Vallelersundi, chairman; Eduard Beysen and Rainer Wieland, vice-chairmen; Charlotte Cederschiöld, draftsman; Jean-Marie Dehousse, Marie-Françoise Garaud, Malcolm Harbour, Klaus-Heiner Lehne, Donald Neil MacCormick, Luis Marinho, Hans-Peter Mayer, Manuel Medina Ortega, Joke Swiebel, Christos Zacharakis, Stefano Zappalà and Joachim Wuermeling.

BACKGROUND/GENERAL COMMENTS

I. Council and Commission Action Plan of 3 December 1998 on how best to implement the provisions of the Treaty of Amsterdam on the creation of an area of freedom, security and justice.

This Action Plan⁵ was called for by the Heads of State and Government at the Cardiff European Council (June 1998) and was adopted by the Council on 3 December 1998 and then submitted to the Vienna European Council a few days later. The Action Plan defines the priority objectives for the next five years and sets out a timetable of measures necessary for achieving the area of freedom, security and justice envisaged by the Treaty of Amsterdam. The purpose of the Plan is to ensure the free movement of persons whilst at the same time guaranteeing their security by combating crime. It should promote cooperation in the field of justice and home affairs, not only within the EU but also in the countries applying to join it.

Such an Action Plan has implications for the treatment of crime victims as it deals with the

⁵ Official Journal C 19, 23 January 1999, p. 1-5

implementation of an area of security, including combating crime, in particular terrorism, trade in human beings, crimes against children, drug trafficking, arms trafficking, corruption and fraud, and the implementation of an area of justice. Despite differences between the Member States, the Union's objective is indeed to guarantee European citizens equal access to justice and to promote cooperation between the judicial authorities. On criminal matters, judicial cooperation should strengthen the coordination of prosecution and provide a common sense of justice by defining minimum common rules for criminal acts, procedures and penalties. Emphasis is also placed on the specific case of cross-border disputes.

The working structures of the Council in the field of justice and home affairs must then adapt to the changes made by the Amsterdam Treaty and manage measures relating to both the first and third pillars and the Schengen *acquis*. This means setting up a system which provides good overall coordination, prevents overlap and provides the expertise necessary for decision-making.

The main purpose of police cooperation is to guarantee European citizens a high level of protection. To achieve this, the cooperation emerging between the police and the judicial authorities must be developed. As regards judicial cooperation in criminal matters, measures must be taken to simplify mutual assistance between national authorities, extradition between Member States and the mutual recognition of decisions and enforcement of judgments. The harmonisation of criminal law must also be looked into. The exchange, collection and storage of data must be developed to increase the effectiveness of the measures taken.

In its resolution of 13 April 1999⁶ on the action plan, Parliament, among others conclusions:

‘believes that in general the objective of the Union should be to simplify the relationship the citizen and the business sector have with the judicial system and to make the judicial system more effective within an integrated European area, particularly by encouraging the emergence of a common judicial culture(...);’ and

‘(...) stresses (...) that the rights of victims of crime and terrorism must be protected and that an adequate system of compensation for such victims must be guaranteed.’

II. The Commission communication (COM (1999) 349)

The 1998 action plan provided for a comparative analysis of victim compensation schemes and an assessment of the feasibility of taking Union action within five years.

Up to now, little has been done in this field, but it is planned that a survey of compensation schemes and an assessment of the feasibility of taking action within the Union will be addressed within five years, i.e. by 2003.

A joint European response must be provided, in order to offer citizens true access to justice and legal protection as well as measures to improve victims' rights.

The Commission is of the opinion that the rights of victims of crime would only be partially

⁶ Official Journal C 219, 30 July 1999, p. 61

addressed by dealing with the compensation issue in isolation. Prevention of crime and the stages preceding victim compensation - assistance to victims and the standing of victims in the criminal procedure - are equally important and need to be exhausted before the victim comes even close to the compensation systems. Points for consideration in the form of proposals are put forward in the Communication for each stage in this process. This document sets out a discussion framework concerning this aspect of access to justice.

1. Prevention of victimisation

One of the main ways of preventing victimisation is to make information circulate, especially at points throughout the transport infrastructure network (airports, stations, underground stations). Some Member States have set up special services for foreign crime victims. In general, the Commission is advocating the exchange of best practices between Member States and the development of appropriate training for staff.

2. Assistance to victims

Most Member States have services offering some kind of first aid to crime victims. However, travellers may need a broader range of assistance than locals (e.g. language, social and psychological support). Assistance is provided by the police, social services or NGOs. Europe-wide cooperation has increased through associations and the European Forum for Victims' Services has formulated guidelines on victims' rights. The police play an important role as they are often the first contact for victims. Language problems, however, and lack of information may present problems for victims, especially if they wish to lodge a complaint or obtain additional assistance. The Commission suggests introducing minimum standards for the reception of victims to provide information and assistance, if necessary. This could be done by setting up a network of European Union assistance services to deal with problems concerning languages, information and training, which are often related.

3. Standing of victims in the criminal procedure

It is difficult for foreign victims to follow proceedings concerning them at a distance. There are a number of solutions that should be adopted generally, such as fast-track procedures and the acceptance of statements submitted in advance, or from abroad. In general, victims should be able to receive appropriate assistance so that they can follow the progress of the case, be treated with consideration and have the right to protection of their private life. Swifter procedures for the restitution of stolen property should be introduced. In certain cases the development of mediation systems could speed up the process and improve the treatment of complaints.

4. Compensation

This aspect will be looked at in the context of application of the action plan on freedom, security and justice. To reduce disparities between the Member States, the Commission is proposing that they ratify the 1983 European Convention on the Compensation of Victims of Violent Crimes (Council of Europe), and examine ways of speeding up compensation. Other measures could also be adopted to help victims obtain compensation and develop cooperation between Member States with a view to facilitating claims procedures.

5. General issues

The communication makes the point that victims are faced with inter-related problems at every stage: information, training of staff with whom they come into contact, and language. The Commission would like to conduct a survey among travellers who have been victims of crime to highlight potential problems, develop training for the staff concerned, and exchange good practices. Lastly, the Commission is planning to provide multilingual information for crime victims on its Internet site.

The Commission gives example of problems, solutions and initiatives in the Member States in order to start a common reflection of the Member States on assistance to victims at European level.

III. Tampere European Council of 15 and 16 October 1999

The European Council held a special meeting on 15 and 16 October 1999 in Tampere on the creation of an area of freedom, security and justice in the European Union

The European Council announced its determination to develop the Union as an area of freedom, security and justice by making full use of the possibilities offered by the Treaty of Amsterdam.

The European Council decided to place and maintain this objective at the very top of the political agenda. It will keep under constant review progress made towards implementing the necessary measures and meeting the deadlines set by the Treaty of Amsterdam, the Vienna Action Plan and the October 1999 conclusions. The Commission was invited to make a proposal for an appropriate scoreboard to that end. The European Council underlined the importance of ensuring the necessary transparency and of keeping the European Parliament regularly informed. It will hold a full debate assessing progress at its December meeting in 2001.

Regarding crimes victims the following Tampere conclusions are of particular relevance:

‘ V. Better access to justice in Europe

29. In order to facilitate access to justice the European Council invites the Commission, in cooperation with other relevant fora, such as the Council of Europe, to launch an information campaign and to publish appropriate "user guides" on judicial cooperation within the Union and on the legal systems of the Member States. It also calls for the establishment of an easily accessible information system to be maintained and updated by a network of competent national authorities.
30. The European Council invites the Council, on the basis of proposals by the Commission, to establish minimum standards ensuring an adequate level of legal aid in cross-border cases throughout the Union as well as special common procedural rules for simplified and accelerated cross-border litigation on small consumer and

commercial claims, as well as maintenance claims, and on uncontested claims. Alternatively, Member States should also create extra-judicial procedures.

31. Common minimum standards should be set for multilingual forms or documents to be used in cross-border court cases throughout the Union. Such documents or forms should then be accepted mutually as valid documents in all legal proceedings in the Union.
32. Having regard to the Commission's communication, minimum standards should be drawn up on the protection of the victims of crime, in particular on crime victims' access to justice and on their rights to compensation for damages, including legal costs. In addition, national programmes should be set up to finance measures, public and non-governmental, for assistance to and protection of victims.'

CONCLUSIONS

The Committee on Legal Affairs and the Internal Market calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

1. Requests the definition of common criteria for the support to victims of crime, organised or otherwise, in particular terrorism, trade in human beings and crimes against children, who come from an EU Member State other than the country in which the crime took place concerning assistance, information, compensation and the victim's standing in the procedure;
2. Calls on the Member States to set up bench-marking procedures on national schemes on protection of and compensation for crime victims and to exchange best practices between themselves on such matters;
3. Requires each Member State to ensure that, in relation to compensation and in other relevant aspects, equal and non-discriminatory treatment is afforded to all victims of crime committed within their borders;
4. Requests the Member States to give priority to crime prevention and to the investigation and prosecution of crimes which are committed in their territory, without any discrimination based on the distinguishing features of crime victims, and in particular, from terrorism, and to cooperate against cross-border European and international crime;
5. Recalls that the State has an obligation to provide support and assistance for victims of criminal acts of violence under its existing national laws, whereby it must take appropriate action to ensure that, in cases of cross-border legal disputes, victims from other EU Member States have access to the same legal and extra-legal facilities as nationals of the Member State concerned; more extensive support and assistance should if necessary be provided to foreign victims on account of their unfamiliarity with the language and culture of the country;

6. Requests the Member States and the Council to put forward the common action on judicial cooperation in criminal matters as set out in Article 31 of the TEU, with a view, inter alia, to facilitating the compatibility of criminal procedure rules taking into consideration the anonymity that certain witnesses may duly request, without invalidating their testimony, as well as the need to protect such witnesses, while abiding by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
7. Expresses concern that any common action in the field of police cooperation and on judicial cooperation in criminal matters, as set out in Title VI of the TEU, would have no effect should the Member States fail to allocate all requested financial and human resources to the police and judicial administrations in order to enable them to prevent and combat crime more effectively, with due respect for the rule of law;
8. Stresses that victims should be informed of the availability of health and social services and other relevant assistance and be readily afforded access to them;
9. Requests that victims receive the necessary material, medical, psychological and social assistance through governmental, voluntary, community-based and individual means;
10. Recalls that pursuant to Article 15 of the European Council Convention on laundering, search, seizure and confiscation of the proceeds from crime, seized assets are disposed of pursuant to each country's domestic law. However, there are cases of cross-border crime where it is not obvious how the confiscated funds or goods will be divided between those states concerned in the confiscation. Requests, therefore, that such resources are used for the benefit of victims through a coordinated network of compensation schemes situated in all Member States;
11. Recognises that the right to have access to national judicial remedies for trial of the issue of compensation for victims of crime is a fundamental freedom and is as such protected by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
12. Recommends that all Member States introduce a system of funding for the benefit of all victims of crime (in particular terrorism), irrespective of their origin, and calls on the Member States to grant all citizens equal access to such funding, with particular reference to the awarding of legal aid;
13. Calls for the setting up of a European network of funds for the benefit of crime victims, in particular the victims of terrorism;
14. Requests the ratification of the 1983 European Convention on the compensation of victims of violent crimes by those Member States which still have not ratified, namely Austria, Belgium, Greece, Ireland, Italy, Portugal and Spain.

OPINION OF THE COMMITTEE ON WOMEN'S RIGHTS AND EQUAL OPPORTUNITIES

for the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs

on the Communication from the Commission to the Council, the European Parliament and the Economic and Social Committee on 'Crime victims in the European Union - Reflections on standards and action'
(COM(1999) 349 – C5-0119/1999 – 1999/2122(COS)) (Report by Patsy Sørensen)

Draftsperson: Marianne Eriksson

PROCEDURE

The Committee on Women's Rights and Equal Opportunities appointed Marianne Eriksson draftsperson at its meeting of 21 September 1999.

It considered the draft opinion at its meetings of 21 March 2000 and 18 April 2000.

At the latter meeting it adopted the following conclusions unanimously.

The following were present for the vote: Maj Britt Theorin, chairperson; Marianne Eriksson, vice-chairperson and draftsperson; Anne E.M. Van Lancker, vice-chairperson; María Antonia Avilés Perea, Armonia Bordes, Geneviève Fraisse, Fiorella Ghilardotti, Koldo Gorostiaga Atxalandabaso, Lissy Gröner, María Izquierdo Rojo (for Elena Valenciano Martínez-Orozco), Karin Jöns (for Eryl Margaret McNally), Anna Karamanou, Rodi Kratsa, Emilia Franziska Müller, Christa Prets, Olle Schmidt (for Lone Dybkjær), Miet Smet, Patsy Sørensen and Joke Swiebel.

SHORT JUSTIFICATION

At the present time, there is no generally accepted definition of who is regarded as a victim of crime. Swedish legislation uses the term 'injured party' of a person who has been subjected to a crime. An injured party is a person against whom a crime has been committed, a person who has been wronged by a crime or suffered damage. There are other, broader definitions and, in some cases, everyone could be regarded as a victim of crime in some sense. Society as a whole, for example, is affected by a company's unlawful treatment of the environment. Research reveals that it is only when someone has achieved the status of belonging to a group of victims that they can obtain financial, medical, psychological or social assistance and rehabilitation. Women who have suffered rape are an example of a group which was not recognised as victims before they were backed by public opinion built up by the women's movement. Violence against and abuse of women was regarded, and in many respects continues to be regarded, as a private matter.

The same also applies to children who are or have been subjected to physical and sexual abuse, often from people close to them. The specific difficulties and vulnerability of minorities and the disabled should also be given special attention. Particular mention should be made of the victims of trafficking in women and children – a subject which has received an increasing amount of attention in recent years - as victims of crime. The Commission's document on victims of crime offers no such definition. However, the Commission's appeal to the Member States to ratify the Council of Europe's 1983 Convention on the compensation of victims of violent crimes is to be welcomed. Ratification of the Convention should facilitate cooperation at the outset. The Commission's document clearly reveals that the various Member States deal with victims of crime in different ways. The document does not reveal, however, how the treatment of victims of crime is affected by the various insurance companies and their regulations, which the Committee on Women's Rights and Equal Opportunities regrets. The measures proposed by the Commission in its document are, nevertheless, relatively realistic given current conditions - which is to be welcomed - particularly in regard to the position of victims of crime in the judicial process and the awareness of the need for training and information for legal personnel and journalists as well as for crime prevention purposes.

CONCLUSIONS

The Committee on Women's Rights and Equal Opportunities calls on the Committee on Citizens' Freedoms and Rights, Justice and Home Affairs, as the committee responsible, to incorporate the following points in its motion for a resolution:

1. Welcomes the Commission's reflections and proposals on crime victims in the Union; would like to see, however, that without exception every person straying on the territory of the Union falling victim of a crime will be covered irrespective of their status;
2. Considers that access to adequate support and assistance must be guaranteed to all crime victims, irrespective of sex, nationality, religion or any other consideration, in accordance with the same rules as apply to Member States' own citizens;

3. Calls on the Commission to examine the possibility of a broad definition of victims of environmental crimes;
4. Calls on the Member States to sign and ratify the Council of Europe's 1983 Convention on the compensation of victims of violent crimes without delay;
5. Considers that rape, sexual exploitation and abuse of women are not private matters but should be regarded as crimes, wherever they take place in the European Union, and that persons who have been subjected to such acts should be regarded as victims of crime;
6. Considers that physical and sexual abuse of children is not a private matter but should be regarded as crimes, wherever they take place in the European Union, and that children who have been subjected to such acts should be regarded as victims of crime;
7. Regrets that the Commission does not elaborate on the specific gender aspects in the assistance provided to victims; calls on the Member States to provide specific assistance by trained staff to women and children falling victim to sexually related crimes;
8. Is of the opinion that victims of crime within the Union, wherever they are residing, have the right to be informed on request, by the responsible authorities, on all legal actions taken concerning the offender;
9. Calls on the Commission to pay particular attention to the vulnerability of minorities and particularly to vulnerable groups;
10. Considers that joint initiatives to provide assistance to crime victims are particularly important in the case of victims of trafficking in persons, which happens to many women and children each year within the territory of the EU;
11. Urges the Commission to devote special attention to the need for training of police and judicial officials with regard to sex offences, abuse and trafficking in persons;
12. Regrets that there is no reference to the role of insurance companies in regard to victims of crime;
13. Urges the Commission to draw up readily accessible information material and carry out campaigns to increase knowledge of EU measures to provide support and assistance to crime victims;
14. Stresses how important it is for crime victims to receive information in their own language concerning their rights and obligations when residing in another Member State;
15. Notes that victims of crime are defined in different ways in the Member States and calls on the Commission to examine the possibility of a definition of victims of violent

offences and crime valid in all Member States of the Union;

16. Calls on the Commission and the Member States to establish a coordinated European system of victim services programmes, providing legal, psychological, and physical protection services to victims of rape, domestic violence, stalking, genital mutilation, and assault;
17. Calls on the Member States to ensure that law enforcement's interaction with victims is conducted in a gender-sensitive manner, e.g. through the establishment of special female units in police stations;
18. Calls on the Member States to step up their cooperation with non-governmental organisations with the aim of raising public awareness and providing more effective protection for victims, with particular reference to offences having cross-border implications.