



STRENGTHENING VICTIMS' RIGHTS: FROM COMPENSATION TO REPARATION

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IN SUMMARY

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The EU has adopted a set of rules on victims' rights. In particular, the 2012 Victims' Rights Directive provides victims with a right to be recognised and treated in a respectful, sensitive and professional manner. The 2004 Directive on Compensation lays down a right to access national compensation schemes for victims of violent intentional crime independently where in European Union the crime took place. This Directive also facilitates access to state compensation in cross border cases by setting up a network of national contact points that should assist victims in cross-border cases.

Nonetheless, in many Member States victims' access to justice and to compensation is still often difficult. In particular, too often victims are exposed to risks of secondary victimisation when claiming compensation. In this context, President Juncker appointed in October 2017, Joëlle Milquet, former Belgian vice-Prime Minister and former Minister-President of the Belgian French Community, as his Special Adviser on compensation to victims of crime. The mandate included the preparation of a report on how to improve victims' access to compensation in European Union. The Milquet Report takes a holistic approach to compensation. It is not limited to financial aspects of compensation, but aims at tackling the causes underlying the problems that victims face when claiming compensation. The report is an independent document that does not necessarily reflect the position of the European Commission or its President.

The report shows that victims' difficulties in accessing justice and compensation are often due to a lack of information, insufficient support, and overly restrictive eligibility criteria or procedural hurdles. For persons who become victims of crime when travelling to another EU country, it can be even more difficult to receive compensation – especially if they do not know the country and do not reside there.

The Milquet Report proposes 41 specific recommendations on how to improve victims' access to justice and compensation. The recommendations are divided into 6 thematic blocks: strengthening cooperation, access to information, training, state compensation, offender compensation and access to support services. The report includes specific chapters on victims of terrorism, victims of trafficking in human beings and victims of gender-based violence. The report takes into account the views of various stakeholders including victims of crime and victim associations.

The full report is available online here:

https://ec.europa.eu/info/policies/justice-and-fundamental-rights/criminal-justice/victims-rights_en

THE REPORT BASED ON HUMAN RIGHTS APPROACH

This report is founded **on a human rights-based approach** to criminal justice. It is based on the assumption that victims of crimes against the person have a right to justice and that criminal justice serves to redress – to ‘right’ – the wrong done to victims.

MAIN RECOMMENDATIONS

The report takes stock of what works well for victims in different Member States and at EU level and proposes a new victims’ rights strategy that builds on that. The scale of problems and their cross-cutting nature require **a new strategic approach**. The proposed strategy is composed of **41 detailed recommendations**.

In the area of **cooperation and coordination**, the recommendations include the adoption of national strategies on victims’ rights and national coordinators for victims’ rights. At EU level, the Special Adviser calls for a nomination of an EU Coordinator for victims’ rights and for setting up of an EU multidisciplinary centre for victims of all crime. The Special Adviser also calls for an EU solidarity fund for victims of terrorism. When it comes to recommendations related to **access to information**, a set of actions is proposed including measures to oblige prosecutors/judges to verify victims’ awareness of their right to claim compensation during criminal proceedings. Mandatory **training** for all persons meeting victims are recommended. In addition, the EU should take actions to set up victims-friendly websites and provide for awareness-raising campaigns.

As for recommendations to **improve state compensation**, the most important recommendations focus on compensation that goes beyond simple cash payments and include free of charge **multidisciplinary victims support services** (such as resilience centres) and personal navigators/assistants for victims of the most serious crime. Member States should set up national compensation funds and single compensation contact points for victims. It is also recommended to specify the definition of “victims eligible for compensation” and “intentional violent act”. A further important recommendation is to facilitate victims’ access to compensation through mandatory emergency and upfront payment by the state. Cross-border victims should be able to access state compensation in their country of residence.

The major recommendations to improve **offender compensation schemes** (within the criminal proceeding) include the introduction of a possibility for criminal judges to impose compensation measures in a form of accessory penalties. The Special Adviser also pleads for better access to legal aid for victims of crime and better enforcement measures.

The Special Adviser concludes her report with a call to act swiftly in order to reaffirm and reinforce the EU and national commitments to strengthening victims’ rights. According to the Special Adviser, it is important to show Europeans that they are living in a Humanistic Europe that protects, cares, repairs, connects, supports and offers a new beginning for everybody.