



Representing Victims in the EU

TRAINING FOR DEFENCE LAWYERS

Online, 2 June 2026



EXCELLENCE IN
EUROPEAN LAW⁷

Speakers

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Key topics

- The EU legal framework on victims' rights
- The role of victims in criminal proceedings across the EU
- Defence perspectives: procedural balance and fair trial rights
- Practical challenges in cases involving victims
- Cross-border aspects and EU cooperation

Language
English

Event number
326DT053

Organiser
Cornelia Riehle (ERA)



Representing Victims in the EU

Tuesday, 2 June 2026

14:15 Connecting to the videoconference platform

14:30 **Opening of the webinar**

I. EU LEGAL FRAMEWORK ON VICTIMS' RIGHTS

14:35 **EU framework and key instruments**

- The Victims' Rights Directive 2012/29/EU and expectations from its revision
- Compensation of victims of crime
- The European Protection Order
- The next EU Strategy on Victims' Rights (2026-2030).
- Role of the Court of Justice of the European Union
- Interaction with the Charter of Fundamental Rights of the EU (Art. 47)

Diana Ionescu

15:15 Break

II. VICTIMS IN CRIMINAL PROCEEDINGS

15:30 **Procedural role and impact on defence**

- Status of victims in different EU Member States
- Jurisprudence of the ECtHR
- Participation rights and access to proceedings in EU law
- Evidence, disclosure, and victims' examination

Aleksandra Ivankovic

16:15 Break

III. PRACTICAL CHALLENGES & STRATEGIC CONSIDERATIONS

16:30 **Defence practice in victim-centred proceedings**

- Managing victim participation in court
- Interaction with victim representatives and support services
- Avoiding secondary victimisation
- Ethical considerations for defence lawyers
- Vulnerable victims and procedural adaptation

Efthymios Antonopoulos

17:15 Discussion and wrap-up

18:00 End of the webinar

For programme updates: www.era.int

Programme may be subject to amendment.



Times indicated are CEST
(Central European Summer Time)

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Objective

This spring marks the completion of a major EU legislative reform aimed at strengthening victims' access to justice, enhancing support and compensation, and reinforcing protection across Member States.

Set against this evolving legal landscape, this online seminar offers a timely and practice-oriented exploration of the EU framework on victims' rights and its impact on defence practice.

Who should attend?

Lawyers in private practice with an interest in criminal law and victims' rights in the EU and who are citizens of eligible EU Member States participating in the EU Justice Programme (Denmark does not participate), Albania, Bosnia and Herzegovina, Kosovo*, Moldova and Ukraine.

* This designation is without prejudice to positions on status and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo declaration of independence.

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Training for Defence

This online seminar is part of a broader project on European Criminal Law for Defence Lawyers supported by the European Commission. Further information about the European Criminal Law for Defence Lawyers project: training-for-defence.era.int

Terms and conditions of participation

- No registration fee.
- Participation is only open to lawyers in private practice from eligible EU Member States (Denmark does not participate in the EU Justice Programme) Albania, Bosnia and Herzegovina, Kosovo* and Ukraine.
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REPRESENTING VICTIMS IN THE EU

European Criminal Law for Defence Lawyers in a Transforming Digital Landscape

Online, 2 June (326DT053e)



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Background documentation

The table of contents below is hyperlinked, with each entry taking you to the respective document on the web.

A.) Main EU legislation

A1	Revision of the victims' rights acquis: Legislative train
A2	Victims of crime: improved legal protection and support systems (21 May 2026)
A3	Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence
A4	Proposal for a Directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support,

	and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA (COM/2023/424 final, 12 July 2023)
A5	Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA
A6	Regulation (EU) No 606/2013 of the European Parliament and of the Council of 12 June 2013 on mutual recognition of protection measures in civil matters
A7	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
A8	Directive 2011/99/EU of the European Parliament and of the Council of 13 December 2011 on the European protection order
A9	Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA
A10	Council Directive 2004/80/EC of 29 April 2004 relating to compensation to crime victims
A11	European Convention on the Compensation of Victims of Violent Crimes (Strasbourg, 24.XI.1983)

B.) Other documents

B1	Joint Report on the European Protection Order – Perspectives from the judiciary and support services (Eurojust / European Institute for Gender Equality, February 2025)
B2	FRA Report: “Underpinning victims’ rights: support services, reporting and protection”, 22 February 2023
B3	European Commission, EU Strategy on victims' rights (2020-2025), COM (2020) 258 final, Brussels, 24 June 2020
B4	Factsheet – EU Strategy on Victims’ Rights (2020-2025), 24 June 2020
B5	Website of the European Union Agency for Fundamental Rights (FRA) – Victims’ rights
B6	Victim Support Europe
B7	European Commission: Victims’ Rights Platform

B8	EC Coordinator for victims' rights
B9	Victims of crime in the EU: the extent and nature of support for victims
B10	Stepping up the response of crime: FRA's findings on challenges and solutions
B11	Violence against women: an EU-wide survey- Main results

C.) CJEU – relevant cases

C1	C-239/24 – Aurnois
C2	C-284/24 - LD v Criminal Injuries Compensation and Others
C3	C-126/23 - UD and Others v Presidenza del Consiglio dei Ministri and Ministero dell'Interno, Request for a preliminary ruling from the Tribunale Ordinario di Venezia, Italy
C4	C-603/19 - Criminal proceedings against TG and UF, Request for a preliminary ruling from the Špecializovaný trestný súd
C5	Case C-129/19- Presidenza del Consiglio dei Ministri v BV. Request for a preliminary ruling from the Corte suprema di cassazione, Italy
C6	C-38/18, Criminal procedure against Massimo Gambino and Shpetim Hyka, Request for a preliminary ruling from the Tribunale di Bari, Italy
C7	C-122/13 - Paola C. v Presidenza del Consiglio dei Ministri, Request for a preliminary ruling from the Tribunale ordinario di Firenze, Italy
C8	C-112/07 - Commission of the European Communities v Italian Republic
C9	Case C-404/07- György Katz v István Roland Sós, Reference for a preliminary ruling: Fővárosi Bíróság, Hungary
C10	Case C-467/05- Criminal proceedings against Giovanni Dell'Orto, Reference for a preliminary ruling from the Tribunale di Milano, Italy
C11	Case C-105/03 – Criminal proceedings against Maria Pupino, Reference for a preliminary ruling: Tribunale di Firenze, Italy

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REPRESENTING VICTIMS IN THE EU

EU Framework and Key Instruments

ERA Training for Defence Lawyers

Online | 2 June 2026

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Introduction

This lecture

Explores the EU legislative framework for victims' rights and explains what EU law covers in this area.

Following lectures

Guide you through practical aspects of the exercise of victims' rights.

Name of the Lecture: EU Framework and Key Instruments

Diana Ionescu | Babeş-Bolyai University, Cluj-Napoca, Romania | Criminal lawyer

Why This Training?

- **Victims' Rights Directive (VRD) Article 25: training of practitioners is a specific obligation**
- The application of EU law depends on the knowledge practitioners have
- Legal knowledge is at the very core of a lawyer's day-to-day work
- Acting as a lawyer for suspects/defendants OR for victims requires knowledge of victims' rights
- The quality of legal assistance is key to an effective exercise of victims' rights
- **Keeping abreast of legal matters is a challenge**

Objectives of This Lecture

- 1 Identify the EU law applicable to a specific case
- 2 Identify the CJEU case-law applicable to a specific case
- 3 Support the applicability of EU law in a specific case
- 4 Identify issues of interpretation of EU law
- 5 Request referrals to the CJEU

Lecture Overview

I. EU law on victims' rights

II. The 2012 VRD

III. Revision of the 2012 VRD

IV. Compensation Directive

V. European Protection Order (EPO) Directive

VI. Interaction with the Charter of Fundamental Rights (Art. 47)

VII. The next EU Strategy on Victims' Rights (2026–2030)

Case Scenario

Jessica — 34-year-old Spanish national, living in France with her Italian husband Marco. Subjected to repeated physical and psychological violence over three years. After a serious assault, she files a complaint with the French police and retains **Julius**, a French criminal defence lawyer. Marco is represented by **Oskar**, also a French lawyer.

During the investigation: Jessica remains in France, participates actively with Julius's assistance. A *contrôle judiciaire* is imposed on Marco (no contact, minimum distance).

After charges are filed: Jessica wants to return to Spain for one month to be with her family. She wishes for the protection measure to be enforceable also in Spain.

After the trial ends with a final conviction of Marco: Jessica wants to access state compensation.

We will follow Jessica through the EU legal framework applicable to victims' rights.

I. EU Law on Victims' Rights. I.1. Legal Framework

SECTION I

- **The EU legal framework is complex and fragmented**
 - Coexistence of instruments with both horizontal and sectorial scope
 - Both approximation and mutual recognition objectives
- **Art. 82(2) TFEU — legal basis for minimum rules on victims' rights**
- The role of the victim is determined by national law (no EU approximation on this issue)
- Importance of national law: as lawyers, we work within our national systems

EU Primary and Secondary Law

SECTION I

Primary Law Secondary Law

- Art. 47 and Art. 52(3) Charter
- Directives

Scope of Secondary Law

- Harmonisation (minimum standards): VRD
- Mutual recognition: EPO Directive (2011/99/EU)

HORIZONTAL INSTRUMENTS

2012 VRD (currently under revision) (2012/29/EU)

Compensation Directive (2004/80/EC)

SECTORIAL INSTRUMENTS

Violence against Women Directive (2024/1385)

Human Trafficking Directive (as amended) (2011/36/EU)

Terrorism Directive (2017/541)
Child Sexual Abuse Directive (2011/93/EU)

I.2. The Role of the CJEU

SECTION II

Preliminary reference mechanism under Article 267 TFEU

The CJEU does not adjudicate criminal cases. Its main role is interpretive — national courts refer questions when interpretation of EU law is required.

For the lawyer representing the victim

May request the national court to refer a question to the CJEU when interpretation of EU law is necessary/national law appears incompatible with EU law on victims' rights.

For defence counsel

May do the same when a victim protection measure appears to encroach upon the accused's fundamental rights (Art. 47–48 Charter).

Understanding when a preliminary reference is appropriate is an essential competence for any lawyer in this area.

I.2. CJEU Case Law on Victims' Rights — Overview

SECTION II

FD 2001/220

Pupino (C-105/03, GC, 2005)

Established obligation of consistent interpretation of national criminal procedural law with the FD (indirect effect)

2012 VRD

TG and UF (C-603/19, 2020) | Gambino and Hyka (C-38/18, 2019)

Definition of 'victim' (natural persons only); balancing VRD rights with Arts. 47–48 Charter (immediacy vs. victim protection).

Compensation Dir.

BV (C-129/19) | Burdene (C-126/23) | LD (C-284/24)

Scope of Art. 12(2); definition of victim in homicide; 'fair and appropriate' standard — pain and suffering must be covered; specific criteria must be met

II. The 2012 VRD. II. 1 Objectives

SECTION I

LEGISLATIVE LEVEL	PRACTICAL APPLICATION
Provide guarantees to victims of crime [Art. 1(1) VRD]	Victims treated in a respectful, sensitive, tailored, professional and non-discriminatory manner at all contacts with victim support, restorative justice services, or competent authority
Information, support and protection	Special scope for child victims: child's best interest and child-sensitive approach
Procedural rights — active participation in criminal proceedings	
<i>Minimum standards — MS may introduce higher standards</i>	

II.2. Definition of 'Victim' under the VRD

SECTION II

- **Victims can only be NATURAL PERSONS** [Art. 2(1) VRD; C-603/19, *TG and UF*, judgment of 1 October 2020]
 - who have suffered harm, including physical, mental or emotional harm or economic loss
 - which was DIRECTLY caused by a criminal offence
- **ALSO includes family members of a person whose death was directly caused by a criminal offence and who suffered harm as a result**
- 'Family members' defined as:
 - Spouse / person living with the victim in committed intimate relationship, in joint household, on stable and continuous basis
 - Relatives in direct line, siblings and dependants of the victim
- **Legal persons and the State are excluded — even if national law grants them 'injured party' status [C-603/19]**

II.3. Rights of Victims — Two Limits

SECTION III

The VRD sets out a series of rights that victims must benefit from in national criminal proceedings.

1

Role in the domestic criminal justice system

Rights under the VRD can be exercised only in accordance with the victim's role in the national system [Recitals 20, 34; Arts. 4(1)(b), 6(2), 7(1)(3), 9(1)(a), 11(1), 14, 24(1)(b)].

Recitals 20, 34 | Arts. 4, 6, 7, 9, 11, 14, 24

2

Without prejudice to the rights of the defence

Rights under the VRD can be exercised only if their exercise does not prejudice the rights of the defence [Recitals 12, 58; Arts. 7(2), 18, 20, 23(1)].

Recitals 12, 58 | Arts. 7, 18, 20, 23

II.4. Rights of Victims — Areas and Categories

SECTION IV

3 Areas of Rights

Information
& Support

Participation in
Criminal
Proceedings

Protection
Measures

3 Categories of Victims

ALL VICTIMS

Rights under Chapters 2, 3 and 4 (Articles 18-21) apply

VICTIMS WITH SPECIFIC NEEDS

Chapter 4 (Articles 22-23): Individual Assessment (IA) required. Duly considered: terrorism, trafficking, gender-based violence, sexual violence, close-relationship violence, hate crime, victims with disabilities.

CHILD VICTIMS

Chapter 4 (Article 24): audiovisual recording, special representative, legal advice in own name, child-sensitive approach.

II.4.I. Information and Support — Chapter 2 VRD

SECTION I

RIGHT	ART.	KEY CONTENT
To understand and be understood	Art. 3	Simple/accessible language; right to be accompanied
To receive information from first contact	Art. 4	Support, procedure, protection, legal aid, compensation, translation, remedies
When making a complaint	Art. 5	Confirmation of submission; language the victim understands
To receive information about the case	Art. 6	Decisions to dismiss; trial details; final judgment; offender release
Interpretation & translation	Art. 7	At all interviews; court hearings; essential documents; right to challenge refusal
Access to victim support services	Arts. 8–9	Information; emotional/psychological support; advice; shelters; targeted support

II.4.II. Participation in Criminal Proceedings — Chapter 3 VRD

SECTION II

RIGHT	ART.	KEY CONTENT
Right to be heard and to provide evidence	Art. 10	The procedural rules for this right shall be determined by national law
Right to a review of a decision not to prosecute	Art. 11	The procedural rules for such a review shall be determined by national law
Right to safeguards in restorative justice services	Art. 12	The victim's free and informed consent; the offender has acknowledged the basic facts of the case
Right to legal aid	Art. 13	The conditions or procedural rules under which victims have access to legal aid shall be determined by national law
Right to reimbursement of expenses and return of property	Arts. 14-15	The conditions or procedural rules for these rights shall be determined by national law
Right to a decision on compensation from the offender within a reasonable time	Art. 16	Victims are entitled to obtain a decision on compensation by the offender, within a reasonable time
Rights of Vs resident in another MS	Art. 17	Right to have recourse to videoconferencing and telephone conference based on the 2000 Convention on Mutual Assistance in Criminal Matters (CMA)

II.4.III. Protection of Victims — Chapter 4 VRD

SECTION III

ALL VICTIMS

- Art. 18 — Right to protection from secondary/repeat victimisation, intimidation, retaliation
- Art. 19 — Right to avoid contact between victim and offender
- Art. 20 — Right to protection during criminal investigations: interview without unjustified delay, right to be accompanied, minimum interviews & medical examinations
- Art. 21 — Right to protection of privacy

VICTIMS WITH SPECIFIC NEEDS

- Art. 22 — Individual Assessment (IA) to identify specific protection needs
- Art. 23(2) — During investigations: dedicated premises, trained staff, same interviewer, police interviewer – same sex as the victim
- Art. 23(3) — During court proceedings: no visual contact; hearing without presence in court; no questioning on private life; no public

CHILD VICTIMS

- Art. 24 — Audiovisual recording of interviews usable as evidence; special representative; legal advice

III. Revision of the VRD. III.1.Stages

SECTION I

2022

Evaluation of the VRD

Overall successful but
punctual amendments
needed for effectiveness.

**12 July
2023**

Commission proposal to amend the VRD

Based on 2022 Evaluation
findings.

**21 May
2026**

**EP vote: 440 in favour, 49
against, 84 abstentions**

Endorsed by MEPs. Council
vote pending.

2028

Transposition deadline

Once adopted, Member
States have two years to
implement.

III.2. Objectives of the Revision

SECTION II

Access to Information & Reporting

- EU 116006 helpline
- Dedicated website
- Online crime reporting
- Reporting for people in detention / irregular migrants

Protection Measures

- IA at first contact with authorities
- Cooperation via protocols (support services, law enforcement, judiciary)
- Physical protection measures added to Art. 23 VRD

Specialist Support

- Barnahus model for child victims
- Multi-agency, integrated approach on same premises
- Free psychological support for as long as necessary (all vulnerable victims)

Participation & Compensation

- Right to be accompanied also during court proceedings
- Right to challenge decisions breaching victims' rights
- Mandatory State upfront payment of compensation immediately after the final judgment; then reimbursement from the offender

IV. Compensation Directive. IV.1.Scope of Application

SECTION I

The Compensation Directive and VRD are complementary but operate on different planes.

VRD	Compensation Directive	Key difference
Procedural rights in criminal proceedings Support and protection measures	State financial compensation for damages resulting from violent intentional offences	No harmonised compensation scheme — each MS operates its own; the Compensation Directive creates the cross-border access mechanism

Scope of Application

- Cross-border cases — primary objective of the Directive
- Domestic cases — Art. 12(2), as interpreted by CJEU (GC) in BV (C-129/19, 16 July 2020):
 - obligation to ensure a 'fair and appropriate' compensation scheme applies also to purely internal situations

IV.2. The 'Fair and Appropriate' Standard — Art. 12(2)

SECTION II

No definition in the Directive. Member States have a margin of appreciation. CJEU has gradually tightened this standard through three key judgments.

1 | BV (GC, C-129/19, 16 July 2020)

Question: How should the discretion given to Member States be exercised?

Ruling: A fixed rate of compensation cannot be classified as 'fair and appropriate' if it is set without taking into account the seriousness of the consequences for the victims of the crime committed, and therefore does not represent an appropriate contribution to the reparation of the material and non-material harm suffered [para. 69].

IV.2. The 'Fair and Appropriate' Standard — continued

SECTION II

2 | Burdene (C-126/23, 7 November 2024)

Can a national scheme exclude parents and siblings by 'tiered' succession-based priority?

Ruling: Art. 12(2) precludes legislation that, in homicide cases, makes compensation to parents conditional on the absence of a surviving spouse/children, and compensation to siblings conditional on the absence of parents — without any regard for the actual harm suffered.

3 | LD (C-284/24, 2 October 2025)

Can a national scheme categorically exclude compensation for pain and suffering?

Ruling: Art. 12(2) precludes a national scheme that, as a matter of principle, excludes any compensation for pain and suffering. 'Fair and appropriate' requires account to be taken of the seriousness of the consequences for the victim & of the reparation that victims may obtain on the basis of the tortious liability of the offender

V. The EPO Directive. V.1. Scope of Application

SECTION I

Mutual recognition instrument — guarantees protection to victims who move or travel to another Member State

Requirements for issuing an EPO:

- A protection measure was issued by a judicial or equivalent authority of the issuing MS
 - Examples: prohibition to enter certain localities; prohibition to contact the protected person; obligation to maintain a prescribed distance
- The victim is moving from the issuing MS to another MS

Jessica's case: The *contrôle judiciaire* imposed on Marco can travel with Jessica to Spain.

EPO is issued on the basis of a pre-existing protection measure, previously adopted and in force in the issuing MS. It does not create new protection measures — it transfers existing ones.

V.2. EPO — Interaction with Other Mutual Recognition Instruments

SECTION II

EPO Directive 2011/99/EU

Criminal law measure. Protection of victims who move between MS. Based on pre-existing protection measures in the issuing MS.

Regulation 606/2013

Civil law measure. Direct mutual recognition of protection orders issued as civil measures. Separate legal basis from EPO Directive.

FD 2008/947/JHA

Convicted persons: probation and alternative sanctions. Restrictive measures similar to EPO but for post-conviction phase.

FD 2009/829/JHA

Suspects awaiting trial under non-custodial supervision. Protection of victims during proceedings; restrictive measures on suspect.

V. 2. EPO — Interplay Between Framework Decisions and EPO Directive

SECTION II

INSTRUMENT	PHASE	BENEFICIARY	CROSS-BORDER MECHANISM
EPO Directive 2011/99/EU	Pre-trial & trial (criminal)	Victims moving between MS	Recognition of criminal protection measure in executing MS
Regulation 606/2013	Civil proceedings	Victims moving between MS	Direct recognition of civil protection measure
FD 2008/947/JHA	Post-conviction	Victims (indirect)	Transfer of probation measures / alternative sanctions
FD 2009/829/JHA	Pre-trial	Victims (indirect)	Transfer of non-custodial supervision measures for suspects

VI. Interaction with the Charter. VI. 1. Article 47

SECTION I

Article 47(2) Charter — Right to an effective remedy and to a fair trial

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

Article 48(2) Charter — Right of the defence: Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

For the VICTIM

Art. 47 is the constitutional anchor for victim access to justice. It applies whenever MS implement EU law — including when transposing and applying the VRD.

For the DEFENDANT

The same Art. 47, read with Art. 48, guarantees the right to a fair trial and rights of the defence — including examination of witnesses.

→ The need to balance the fair trial requirement for both victim and defendant is the central tension of the EU framework.

VI.2. C-38/18 Gambino and Hyka, 29 July 2019 — Facts & Ruling

SECTION II

Factual Scenario

Italian criminal proceedings for fraud and money laundering. Victims testified before a first-instance panel composed of three judges. One judge was subsequently replaced. Defence requested re-examination of victims under the Italian principle of immediacy (Art. 525 CPP). Referring court asked whether Arts. 16, 18, and 20(b) VRD precluded re-examination.

The Core Legal Tension

VICTIM'S INTEREST

Protection from secondary victimisation, psychological harm, and unnecessary repetition of testimony [Arts. 18, 20(b) VRD]

DEFENDANT'S INTEREST

Right to a fair trial, principle of immediacy, right to examine witnesses before the judges who will decide on the charge [Arts. 47, 48 Charter; Art. 6 ECHR]

VI.2. C-38/18 Gambino and Hyka — The Court's Ruling

SECTION II

Ruling: Arts. 16 and 18 VRD do NOT preclude re-examination

- Art. 20(b) — minimum number of interviews — applies only to the criminal investigation stage, NOT court proceedings
- Art. 18 guarantees protection 'without prejudice to the rights of the defence': the VRD does not limit examination to a single occasion during judicial proceedings
- The principle of IMMEDIACY (ECtHR: Dan v. Moldova, Lorefice v. Italy, Doorson v. Netherlands, Beraru v. Romania, Cutean v. Romania): judges deciding guilt must personally hear decisive witnesses
- Member States should examine whether the victim's testimony is likely to be decisive for the defendant's trial
- If re-examination is ordered → competent authorities must conduct INDIVIDUAL ASSESSMENT (Art. 22 VRD) and apply PROTECTION MEASURES (Arts. 23–24 VRD)

VI.2. C-38/18 Gambino and Hyka — Main Thesis

SECTION II

Main thesis — para. 53:

The EU legislature establishes in the VRD **rights for victims**, the exercise of which **does not undermine the right to a fair trial or the rights of defence of the defendant** as provided for in the second paragraph of Article 47 and Article 48(2), respectively, of the Charter.

Rights of the defence prevail...

When victim protection measures would encroach upon the defendant's right to examine witnesses and the principle of immediacy.

...but victims remain protected

If re-examination is required, individual assessment (Art. 22) and protection measures (Arts. 23–24) must be applied.

VII. The Next EU Strategy on Victims' Rights (2026–2030)

Strategy 2020–2025 has ended. A successor framework for 2026–2030 is anticipated but not yet formally published at the time of this seminar.

Expected pillars of the new Strategy:

Revised VRD	Sectorial Connection	Access to Justice
Build upon the revised Directive and ensure coherent implementation across MS.	Connect revised VRD with other sectorial directives (trafficking, gender-based violence, terrorism, child abuse).	Reinforce access to justice for victims, including digital access and cross-border cases.
Crisis Situations	Civil Society	
Consolidate MS response in crisis and emergency situations with multiple victims.	Consolidate coordination with civil society organisations and NGOs active in victim support.	

Thank you for your attention

Questions are welcome

ERA Online Seminar | 2 June 2026

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Victims in criminal proceedings

The role of victim support

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Who is VSE?



Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of **all victims of crime**, no matter what the crime, no matter who the victim is.

Founded in **1990**

Network of +/- **85 organisations**: NGOs, State, Individuals, Universities in **40+ Countries**

5000+ staff and volunteers

3 million+ victims supported by members per year

Carries out: **advocacy, policy development, capacity building, training** in Europe and globally

EU Centre of Expertise for victims of terrorism
VSE Training Academy



Rights of victims of crimes



Name at least three rights of victims of crimes that you are aware of

If victims have all these rights, why do they hesitate to report crimes?



Why do victims hesitate to report crimes?

Reasons why people do not report crimes

Type of
crime

Sex and
gender

Migration
and
residence
status

Relationship
with the
offender

Age

It's too small / important

It is too embarrassing

Concerns about reputation

Concerns about the reputation of others

Concerns about not being able to prove it

Previous negative experience with the justice system

Concerns about media exposure

Distrust for the criminal justice system

Needs of victims

Responding to victimisation – support based on rights, driven by needs



Acting on the needs of victims

What are the needs of victims?

- ★ Respect and recognition
- Support (incl. information)
- ★ Access to justice
- ★ Protection
- Compensation and restoration

For ALL victims

By ALL actors

Who should address them?

- Police
- Prosecution
- Judiciary
- Prison and probation
- Victim support services



According to Article 22 of the Victims' Rights Directive, what do the victims need to be protected from? (select all that apply)

Article 22 of the VRD

1. Member States shall ensure that victims receive a **timely and individual** assessment, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures in the course of criminal proceedings, as provided for under Articles 23 and 24, due to their particular vulnerability **to secondary and repeat victimisation, to intimidation and to retaliation.**
2. The individual assessment shall, in particular, take into account:
 - (a) **the personal characteristics of the victim;**
 - (b) **the type or nature of the crime; and**
 - (c) **the circumstances of the crime.**
3. In the context of the individual assessment, particular attention shall be paid to victims who have suffered considerable harm due to the severity of the crime; victims who have suffered a crime committed with a bias or discriminatory motive which could, in particular, be related to their personal characteristics; victims whose relationship to and dependence on the offender make them particularly vulnerable. In this regard, **victims of terrorism, organised crime, human trafficking, gender-based violence, violence in a close relationship, sexual violence, exploitation or hate crime, and victims with disabilities** shall be duly considered.
4. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article.
5. The extent of the individual assessment may be adapted according to the severity of the crime and the degree of apparent harm suffered by the victim.
6. Individual assessments shall be carried out with the close involvement of the victim and shall take into account their wishes including where they do not wish to benefit from special measures as provided for in Articles 23 and 24.
7. If the elements that form the basis of the individual assessment have changed significantly, **Member States shall ensure that it is updated throughout the criminal proceedings.**

Access to (criminal) justice



What % of EU women are victims of sexual violence p.a.?

A victim's journey

15% of EU citizens are victims of crime every year!
= 70+ million victims in 2024

FRA - 2% of women in EU
victims of sexual violence in
12 months
= **5,2 million** victims

215,000 sexual crimes
reported (4%)

16,500 convictions for
sexual violence (0,3%)

In 2021, more than 22 million people experienced physical
violence in one year in the EU-27 (FRA)

In practice this means...

5,2 million victims of sexual violence

16,500 convictions for sexual violence in 2015 (0,3%)

Conviction rate

Not secure | <http://appsso.eurostat.ec.europa.eu/nui/submitViewTableAction.do>

eurostat

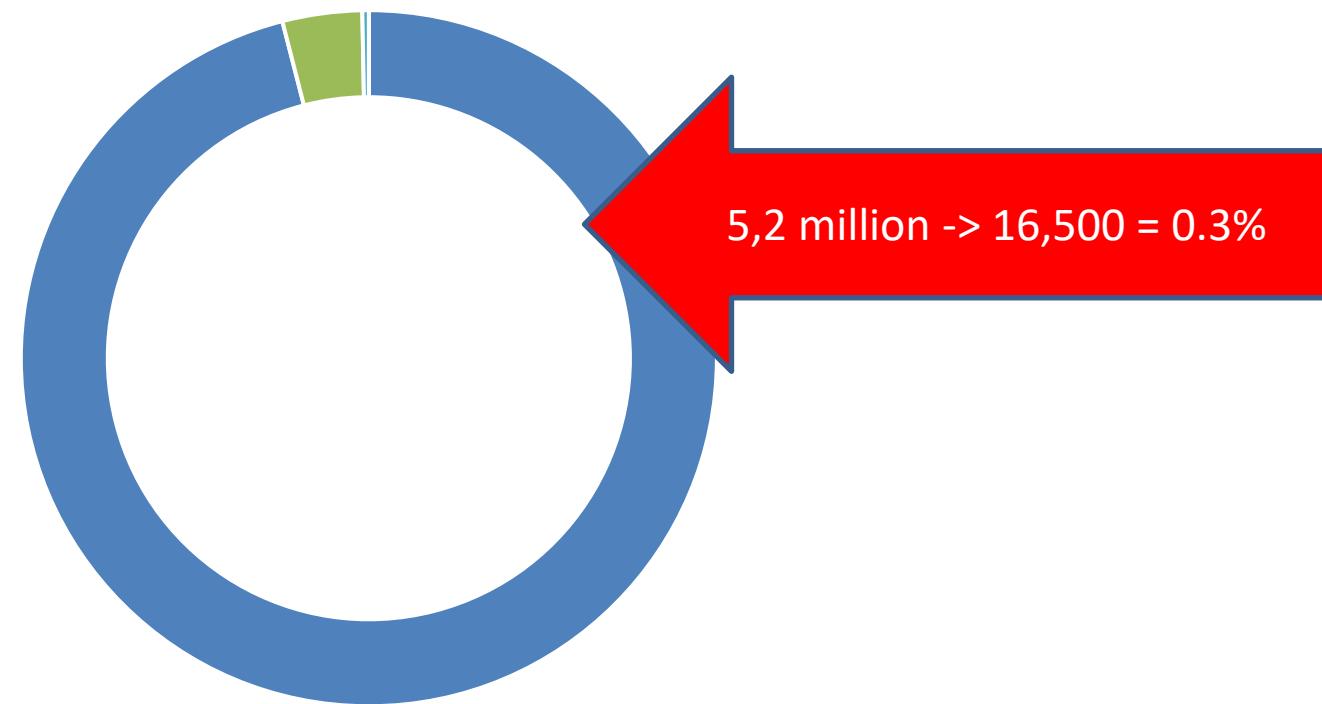
Prisoners by offence category and sex - number and rate for the relevant sex group

Last update: 08-06-2022

Table Customization [show](#)

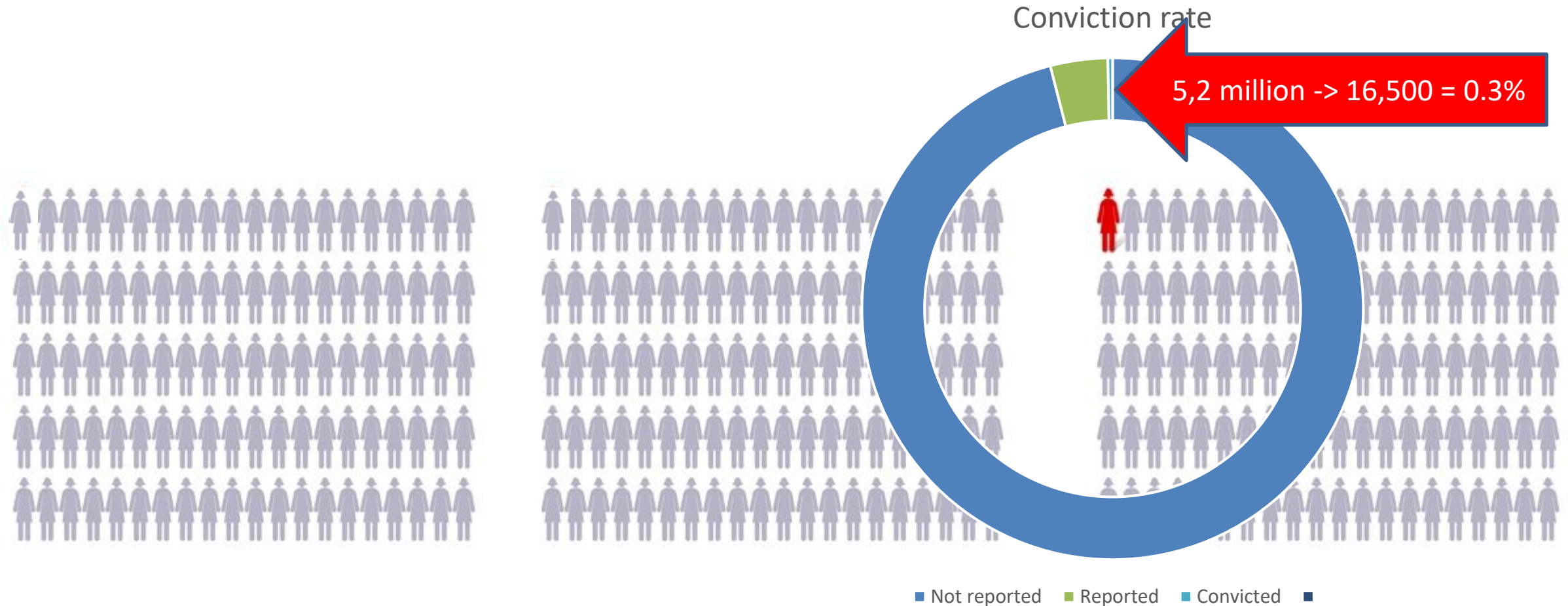
SEX: [dropdown] ICCS: [dropdown]
TIME: 2015 UNIT: Number

	Total Rape	Total Sexual assault	Males Rape	Males Sexual assault	Females Rape	Females Sexual assault
Belgium	:	:	:	:	:	:
Bulgaria	246	176	245	175	1	1
Czechia	503	181	496	175	7	6
Denmark	65	96	63	0	0	2
Germany (until 1990 former t	1,260	2,455	1,250	2,436	10	19
Estonia	90	17	90	17	0	0
Greece	139	136	137	133	2	3
Spain	2,248	957	2,230	915	18	42
France	:	:	:	:	:	:
Croatia	91	134	91	133	0	1
Italy	:	:	:	:	:	:
Cyprus	:	:	:	:	:	:
Latvia	132	121	132	120	0	1
Lithuania	314	111	314	109	0	2
Luxembourg	22	5	22	5	0	0
Hungary	269	82	266	82	3	0
Malta	5	21	5	21	0	0
Austria	403	257	399	257	4	0
Poland	1,561	783	:	:	:	:
Portugal	204	324	204	324	0	0
Romania	1,932	164	1,916	162	16	2
Slovenia	23	73	:	:	:	:
Slovakia	144	221	144	219	0	2
Finland	:	133	:	131	:	2
Sweden	377	11	374	11	3	0
Iceland	:	:	:	:	:	:



■ Not reported ■ Reported ■ Convicted ■

Only 1 in ~300 cases will result in a conviction



Obstacles for accessing criminal justice

Lack of reporting

Insufficient evidence

Inadmissible evidence

Non-availability of perpetrator

Difficulties to establish criminal liability of the perpetrator

Length of proceedings

Concerns about media exposure

Distrust for the criminal justice system

SECONDARY VICTIMISATION

Impact of criminal proceedings on the victim

[T]he Court observes that while the decision of the Chief Investigator to discontinue the investigation and the decision of the Attorney General not to reopen it were largely based on alleged inconsistencies in the applicant's statements, they failed to consider the circumstances under which those statements had been made. The first statement was made not long after the alleged rape. The authorities **failed to consider the psychological effect** that the alleged rape might have had on her at the time. There is no evidence that they considered the possibility that at the time of her first statement **she could still have been intoxicated** by alcohol or cocaine or affected by sedatives administered to her by her friend [...] In addition, it is not clear whether the applicant **was given time to sleep or rest** between the alleged rape and her first and second statements. At **3.33 a.m.** she was at the hotel doctor's office[...]. The police then transferred her to a police station and officially recorded her complaint at **6 a.m.** This was followed by a two-hour interview starting at **7.30 a.m.**, immediately after which she was transferred to the Famagusta General Hospital, where she underwent a forensic examination **by a male doctor** and then gave blood and urine samples to a nurse, followed by the female police officer accompanying her taking cheek swabs. It appears that she was finally transferred back to the police station for her second statement, which she gave at **5.20 p.m.** [...].

The Court observes that the applicant, who at the time was **eighteen years old and a foreigner, alone in Cyprus**, was only referred to a psychologist on 19 July 2019 [NB, two days later], and even though she had been interviewed by a female police officer for her first two statements, that was done in **the absence of a lawyer, a psychologist, or the social welfare services** [...]. **Her third statement** was given to a male police officer, in the presence of the female police officer who had previously interviewed her and an officer from the social welfare services. Following **six hours of investigation** in the evening of 27 July 2019 [NB, ten days later], the applicant **retracted her complaint [at 1:15 AM]**. She was arrested at 1:35 AM].

[T]here is force in her argument that it was the long and repeated interviews which had led to the retraction.

European Court of Human Rights, X. v. Cyprus, Case No. 2733/22, judgment of 27 February 2025

Access to justice for victims of crimes

Cr

CRIMINAL JUSTICE
≠
JUSTICE FOR VICTIMS OF
CRIMES

How can victim support help?

A victim's story

How would you define empathy?
Why is empathy important?





The skills of empathy

- Skill #1: See the world as the others see it
- Skill #2: Understand the other person's feelings
- Skill #3: Be non-judgmental (acknowledge your biases)
- Skill #4: Communicate your understanding of the other person's feelings



DISCUSSION

Questions?
Thoughts?



The End



Victim Support
Europe



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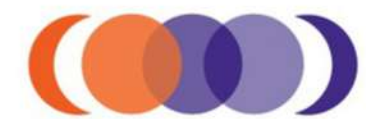
THANK YOU!

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Victim Support
Europe

DEFENCE PRACTICE IN VICTIM-CENTRED PROCEEDINGS

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ABOUT VICTIM SUPPORT EUROPE

Victim Support Europe (VSE) is the leading European umbrella organisation advocating on behalf of all victims of crime, no matter what the crime, no matter who the victim is. VSE represents 80 member organisations in 36 countries, providing support to around 3 million people affected by crime every year. Founded in 1990, VSE has been working for 35 years for a Europe, and a world, where all victims have strong victims' rights and services, whether they report the crime or not. We work towards this mission through advocacy to improve European and International laws, through research and knowledge development and through capacity building at national and local level.

WHAT WE DO



Advocacy & policy



Research and knowledge creation



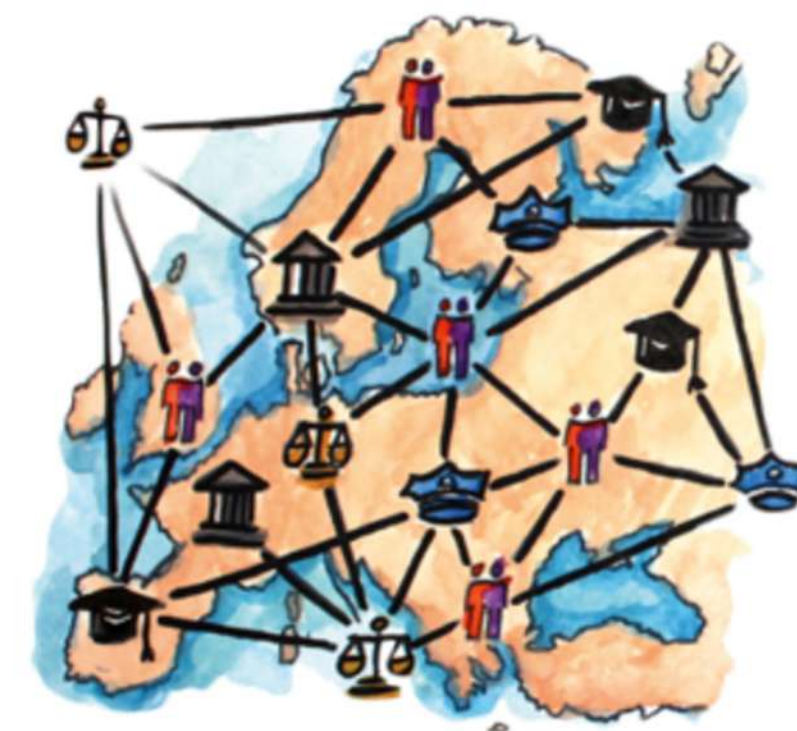
Capacity-building and training



Cooperation Projects



Awareness-raising



VICTIM-CENTRIC APPROACH – UN DEFINITION

“a way of engaging with victim(s) that prioritizes listening to the victim(s), avoids retraumatization, and systematically focuses on their safety, rights, well-being, expressed needs and choices, thereby giving back as much control to victim(s) as feasible and ensuring the empathetic and sensitive delivery of services and accompaniment in a non-judgmental manner.”

A victim-sensitive approach ensures victim-centric priorities exist, are effective and are not inferior to defence rights, and guarantee respectful treatment, victim empowerment, well-being and safety.

THE IMPACT OF CRIME AND THE NEEDS OF VICTIMS



FOCUS AREAS

- Fair trial rights
- Victim participation
- Trauma-informed questioning
- Ethical defence practice
- Child-sensitive and gender-sensitive standards

The central balance

Victim-centred proceedings and fair trial rights

Victim-centred proceedings do not remove defence rights

Defence rights

- Presumption of innocence
- Effective legal assistance
- Access to and challenge of evidence
- Examination of witnesses
- Equality of arms
- An impartial and fair hearing

Victims' rights

- Dignity and respectful treatment
- Information and participation
- Protection from intimidation
- Privacy and data protection
- Access to support
- Protection from secondary victimisation

Managing victim participation

A practical test for defence interventions

- Is the intervention necessary for the defence case?
 - Is it relevant to a disputed issue?
 - Is it proportionate to the point being tested?
 - Can the same objective be achieved in a less harmful way?
 - Does the intervention risk relying on stereotypes rather than evidence?
 - Would the application remain convincing if framed neutrally before the court?
-

Working with the wider victim support environment

Interaction and cooperation in practice

Who may be involved?

- Victim representatives or civil party lawyers
- Victim support workers
- Court-based support officers
- Psychologists and social workers
- Child protection authorities
- Interpreters and communication specialists

Defence approach

- Communicate through formal channels
- Respect professional boundaries
- Cooperate on scheduling and practical arrangements
- Challenge procedures through the court, not through personal confrontation
- Distinguish support from evidential coaching
- Raise fairness concerns in a targeted way

Avoiding secondary victimisation

Reducing avoidable harm throughout proceedings

What can cause secondary victimisation?

Common risks in criminal proceedings

- Humiliating or repetitive questioning
 - Victim-blaming language or assumptions
 - Unnecessary or forced confrontation with the accused
 - Disclosure of private information without clear relevance
 - Unnecessary delays and repeated adjournments
 - Lack of empathy and compassion, e.g. failing to acknowledge the emotional toll a crime may pose on the victim, and/or aggressive behaviour outside or inside the courtroom
 - Questioning based on myths about sexual violence, trafficking, abuse or trauma
-

TRAUMA INFORMED APPROACH

It aims to ensure trauma is:

- Understood
- Recognised
- Responded to appropriately,
and
- Re-traumatisation is avoided



Trauma and testimony

Implications for credibility and communication

- Trauma may affect chronology, memory and emotional presentation.
 - A victim may appear calm, detached, confused, angry or inconsistent.
 - Delayed reporting does not automatically indicate fabrication.
 - Fragmented memory does not automatically make testimony unreliable.
 - Inconsistencies may still matter, but they should be assessed carefully.
 - Trauma awareness supports better questioning and better evaluation of evidence.
-

Trauma-informed communication and questioning

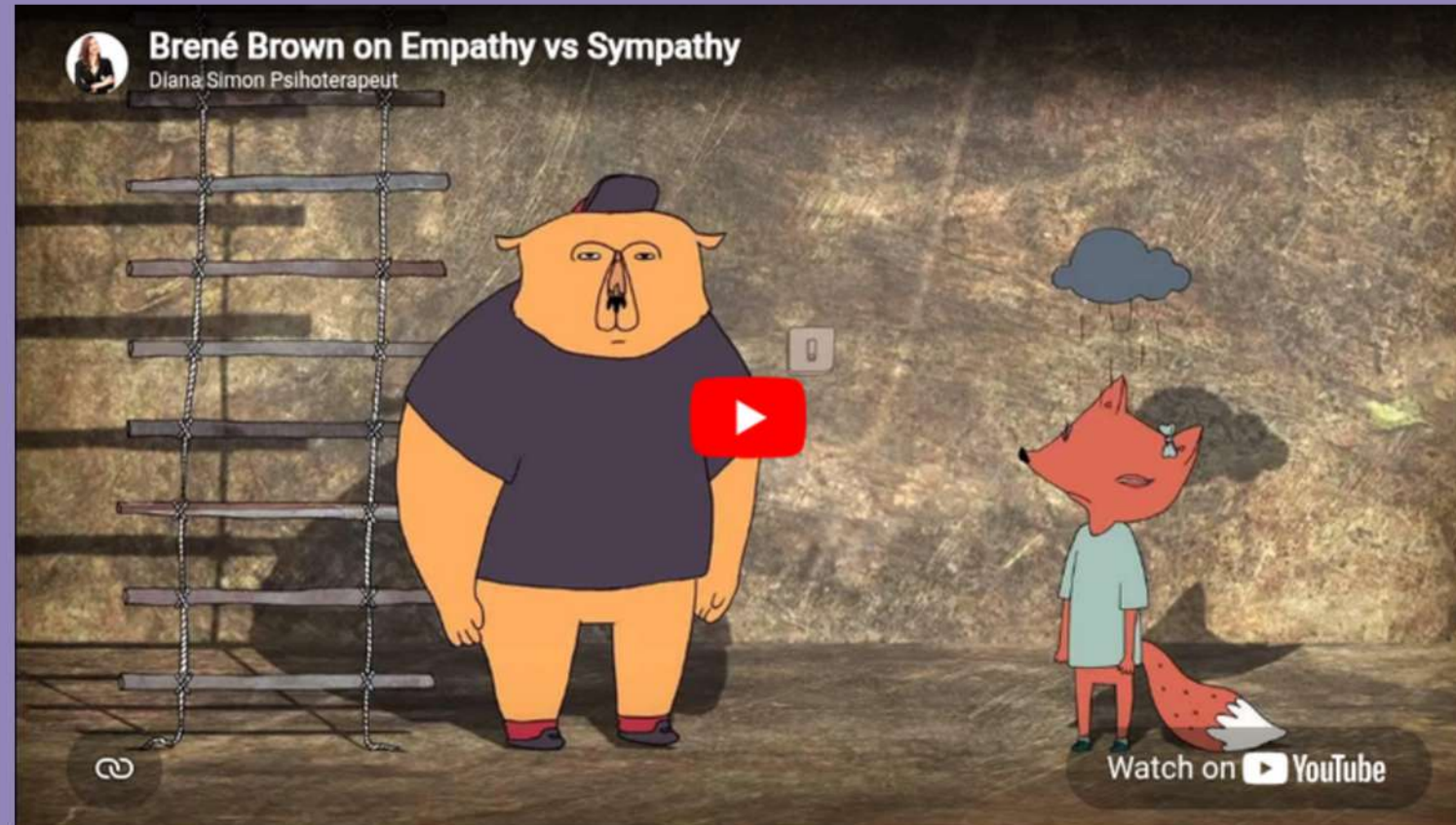
Strong questioning without unnecessary harm



OVERCOMING COMMUNICATION CHALLENGES

- Empathy
- Rapport Building
- Effective communication

WHAT IS EMPATHY



Definition: understanding a person from their own frame of reference rather than one's own, or vicariously experiencing that person's feelings, perceptions, and thoughts.

Essential to establish and maintain rapport, increase co-operation, identify needs and address trauma and wellbeing issues

Principles for trauma-informed questioning

✓ Use clear, short questions

✓ Use a calm and professional tone

✓ Avoid compound and confusing formulations

✓ Avoid sarcasm, ridicule and moral judgment

✓ Ask only what is relevant to the defence case

✓ Respect breaks and communication adaptations

✓ Group questions by issue

✓ Challenge evidence, not dignity

Questioning: less harmful alternatives

Avoid	Consider instead
Why didn't you leave?	What options did you believe were available to you at that time?
Why didn't you report immediately?	What factors affected the timing of your report?
You changed your story.	I would like to ask about differences between your earlier statement and today's evidence.
You kept texting him, so you were not afraid.	Can you explain the nature of the contact after the incident?
You chose to go with them.	What did you understand would happen if you refused?

Ethical defence in vulnerable victim cases

Professional responsibility, privacy and proportionality

Ethical considerations for defence lawyers

Strong defence should remain disciplined defence

- Challenge evidence through facts, not humiliation.
- Avoid irrelevant attacks on character, sexuality, migration status or family life.
- Request private material only where it is specific, relevant, necessary and proportionate.
- Avoid direct victim contact where this may be intimidating or procedurally inappropriate.
- Do not use delay or repeated applications where there is no legitimate defence purpose.
- Be alert to vulnerability, dependency, trauma, disability, age and fear of retaliation.

Balancing rights in procedural decisions

Legitimate defence concern

- Need to challenge testimony
- Need to test credibility
- Need to access relevant records
- Need to object to unfair restrictions
- Need to present alternative explanations

Victim-sensitive response

- Use adapted but effective questioning
- Focus on concrete inconsistencies
- Make specific disclosure requests
- Challenge measures through the court
- Avoid stereotypes and moral judgments

Child-sensitive and gender-sensitive proceedings

Sexual violence, trafficking and abuse

Child-sensitive approach

Proceedings involving child victims

- Children are not simply smaller adults.
 - Use age-appropriate, concrete and simple language.
 - Ask one question at a time.
 - Avoid sarcasm, intimidation and abstract legal language.
 - Respect intermediaries, support persons and child-friendly arrangements.
 - Avoid unnecessary repetition of traumatic events.
 - Focus on issues genuinely in dispute.
-

Gender-sensitive approach

Sexual violence, trafficking and abuse

- Avoid assumptions about how a “real victim” should behave or look like.
- Delayed reporting, continued contact or lack of physical resistance do not automatically undermine credibility.
- Trafficking victims may appear to cooperate because of coercion, dependency, fear or control.
- Domestic abuse victims may return, withdraw complaints or maintain contact for complex reasons.
- Examine behaviour carefully, but avoid simplistic or stereotyped interpretations.
- Protect privacy, especially in relation to intimate material and sexual history.

Courtroom implementation checklist

✓ Identify protection needs before the hearing

✓ Review limits on questioning and disclosure

✓ Prepare focused and proportionate questions

✓ Use formal channels for procedural concerns

✓ Respect separate waiting areas and protective measures

✓ Avoid unnecessary adjournments

✓ Protect sensitive personal information

✓ Record fairness objections clearly and specifically

Victim-sensitive defence practice is not weaker defence. It is disciplined defence.

Focused, lawful, ethical and compatible with fair trial rights.

Thank you for your attention!

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