

**Joint United Nations Comments on  
The European Commission Proposal for a  
Directive establishing minimum standards on the rights, support  
and protection of victims of crime**

In our capacities as the Regional Representative for Europe of the UN High Commissioner for Human Rights, the Director of the Bureau for Europe of the UN High Commissioner for Refugees (UNHCR), the Director of the UNICEF Brussels Office, Relations with the EU Institutions, the Head of the UN Office on Drugs and Crime (UNODC) Liaison Office with the EU Institutions, and the Director of the UN Women Brussels Office, we are pleased to present our comments regarding the European Commission's proposal for a Directive establishing minimum standards on the rights, support and protection of victims of crime by the European Commission on 18 May 2011, COM(2011) 275 (hereinafter the "Directive").

We value the efforts and the interest of the European Commission and the EU Member States in ensuring that the protection of victims of crime and the development of minimum standards receive priority attention in the ongoing efforts under the Stockholm Programme. In this context, we welcome the proposal for a Directive, in particular its human rights perspective as well as the focus on the support for and protection of the victims.

Once adopted, the Directive will represent an important development in the path towards the harmonization of legislation within the EU and the protection of all victims of crime, particularly women victims of gender-based violence, as well as children and other groups facing particular vulnerabilities. In this context, while we strongly welcome the solid focus on the protection of victims' rights, we consider that some adjustments are required in a number of articles so as to ensure full respect of the human rights of victims, in particular those of women, girls and boys under international law.

We also take this opportunity to encourage the European Union to ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence adopted on 7 April 2011 and opened for signature on 11 May 2011.

**Legal basis**

As stated in the proposed Directive, the legal basis for the Directive is derived from Article 82(2) and in particular point (c) of the Treaty on Functioning of the European Union (hereinafter "TFEU") on Judicial Cooperation in Criminal Matters. We welcome the inclusive approach, which is particularly relevant to ensure adequate coverage to all victims of gender-based violence, and in particular violence against women, as noted in Recitals 13, 17 and 18.

On the other hand, extending the legal basis to Article 84 of the TFEU could provide opportunities to work on crime prevention activities as well, beyond the establishment of legislative frameworks, for example through programs in areas which closely link prevention and the protection, in practice, of victims of crime. Victim protection, as required by the scope of the proposed Directive, also falls within the state's obligation to act with due diligence to prevent a crime from being committed and investigate it if it occurs.

As such, we recommend that the Directive clarify that, in accordance with the duty of due diligence, Member States are obligated to act to investigate and where necessary prevent any intention by non-state actors to commit a crime. In this regard, we also recommend a low-threshold approach in line with EU Directive 2011/36/EU on human trafficking Article 11(2) whereby a person is given access to protection and assistance, and treated as a victim, as soon as there is a "reasonable-grounds indication" that the person could be a victim of human trafficking.

### **Consistency with other EU policies and international and regional human rights standards**

While the explanatory memorandum of the proposed Directive recognizes a range of forms of violence against women, the proposed articles mainly refer to victims of sexual violence. Gender-based violence and violence against women and girls need to be recognized as phenomena wider than just sexual violence. This is of particular relevance with regards the list of international and European instruments and policies affirming the need to protect the rights of victims and the commitment to end violence against women and gender-based violence in general.

Therefore we recommend that reference be made in the preamble to the following instruments:

- the European Parliament Resolution of 26 November 2009 on the elimination of violence against women
- the Stockholm Programme of the European Council (2010/C 115/01)
- the European Commission Communication of April 2010 on cooperation in the field of justice and home affairs
- the Women's Charter Declaration by the European Commission (COM/2010/0078 final)
- the Council Conclusions on the eradication of violence against women in the EU, adopted by EPSCO Council on 8 March 2010
- the European Commission Communication on the Strategy for Equality between women and men 2010-2015 presented on 9 September 2010
- the Council Conclusions on the European Pact for gender equality for the period 2011 – 2020, adopted on 7 March 2011
- the European Parliament Resolution of 5 April 2011 on priorities and outline of a new EU policy framework to fight violence against women
- the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence adopted on 7 April 2011 and opened for signature on 11 May 2011
- the Council of Europe Guidelines on Child-Friendly Justice, adopted by the Committee of Ministers of the Council of Europe on 17 November 2010
- Council of Europe Recommendation Rec (2006) 8 on assistance to crime victims adopted by the CoE Committee of Ministers on 14 June 2006

- the Convention on the Elimination of Discrimination against Women, adopted by the UN General Assembly in 1979
- the Convention on the Rights of the Child, adopted by the UN General Assembly in November 1989
- The UN Economic and Social Council Resolution 2005/20 on Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime
- the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly resolution 40/34 of 29 November 1985
- Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, adopted by General Assembly resolution 65/228 of December 2010)
- the *Convention Relating to the Status of Refugees*, adopted by the UN General Assembly on 28 July 1951
- the UN Convention Against Torture and Other Cruel Inhuman and Degrading Treatment adopted in 1985

Consequently, we recommend that Recital 7 also state that the Directive is without prejudice to the 1951 Refugee Convention and the principle of *non-refoulement* and the fundamental right of victims to seek and enjoy asylum where relevant.

### **Objectives**

The Directive adopts a comprehensive approach to ensure protection and support for all victims of crime; this is very much welcomed. “All” in Article 1 should therefore be read as encompassing all victims without discrimination, i.e. regardless of their age, sex, gender, gender identity, sexual orientation, religion, nationality, immigration status, ethnic origin, state of health (including HIV and AIDS) or disability, property, or any other background. A Recital should comment on Article 1 along these lines.

This is particularly relevant since in some articles such as Article 16 the scope is limited to residents from Member States which should be read to mean residents regardless of their nationality.

### **Human Rights Perspective**

As mentioned above, we very much welcome the human rights perspective of the proposed Directive. To further enhance the rights-based reading of the provision, we recommend that references to respectful treatment of the victims (e.g. in Recitals 5 and 10, and Article 1) be further clarified by adding a mention to due respect for the rights of victims. Being treated respectfully is necessary but does not replace the need for the human rights of victims to be given due consideration and full respect.

### **Definitions**

As the draft Directive stands, we note that the family members of a person whose death has been caused by criminal offence are the only family members considered as victims, pursuant to

Article 2(a)(ii). International and regional standards, such as the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by General Assembly Resolution 40/34 of 29 November 1985, and Recommendation Rec (2006)8 of the Council of Europe, consider family members as victims – where appropriate – even if the victim is not dead.

Thus, we recommend that the EU Directive adopt the broader UN and Council of Europe approach in defining victims of crime.

Crime is not defined in the Directive but Recital 13 refers to victims of sexual violence, gender, race or other hate crimes or victims of terrorism. Recital 17 in turn mentions victims of sexual violence and victims of human trafficking, victims of child abuse, sexual exploitation and child pornography. Recital 18 later refers to victims of organized crime, terrorism or bias crimes. We recommend that these lists be harmonized and included in the provisions of the Directive. We very much welcome in this regard the inclusion of race and hate crimes in this list.

Due to the critical importance of terms such as “gender” and “gender-based violence”, and the fact that they are utilized throughout the text of the proposed Directive, we deem it necessary to include a definition in Article 2. In the interest of consistency, we would suggest the use of the definitions used by the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

### **Particularly Vulnerable Persons**

We welcome the focus of the Directive on individuals facing particular vulnerabilities and the risks for secondary and repeat victimization. In order to ensure consistency we recommend the use in the recitals, in particular Recital 17, as well as in the articles, in particular Article 18, of the broader term “victims of gender-based violence, in particular sexual and domestic violence” in order to be as inclusive as possible in the responses to the particular needs of victims of these types of crimes.

The situation of women and girls victims of gender-based violence requires particular attention to ensure their rights are fulfilled and not violated further. The particular vulnerabilities these victims face require them to be clearly identified in Article 18(2) of the proposed Directive. Hence, we suggest rephrasing point 2(a) as: “Victims of gender-based violence, in particular women and girls victims of sexual violence”.

Amongst the groups of persons in especially vulnerable situations to crime because of their legal status are also migrants and refugees, in particular migrant and refugee women, asylum-seekers, stateless persons and children on the move, as well as victims of torture and ill or degrading treatment, and sexual minorities or Lesbians, Gays, Bisexuals, Transsexuals and Intersex persons (hereinafter “LGBTI”). These persons are however not mentioned in the articles of the proposed Directive. These groups are most likely to fall in repeat victimization if the security forces or judicial personnel do not pay particular attention and take due consideration of the particularities of their situation while dealing with them during investigations, judicial proceedings, processes of restitution or through other administrative procedures such as asylum

and immigration or naturalization for stateless persons. Furthermore, victims who are compelled to provide testimony should be considered vulnerable on the mere ground that they are required that they may require additional protection, though neither as a result of their personal characteristics nor for the types of crime of which they are victims.

We therefore recommend that:

- Recital 17 refer in addition to migrants and refugees, and in particular migrant and refugee women whose legal status may depend on that of the perpetrator, asylum-seekers, children on the move, stateless persons, and LGBTI. Recital 17 should also refer to victims who are required to provide testimony.
- “*inter alia*” be added to Article 18(1) to ensure this is not taken to be an exhaustive list.

### **Particular situation of children**

We welcome the particular attention to children as vulnerable victims. As the draft Directive implicitly recognizes, children's level of maturity and dependent (legal) status imply unique needs and therefore should imply unique rights. The international standards child victims are entitled to are set out in the Convention on the Rights of the Child and detailed in the UN Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime.<sup>1</sup> Dealing with children in the justice system is different from dealing with adults and therefore it is particularly relevant to address the specific situation of children throughout the entire proposed Directive. The issue requires more specific attention than adding “including” to generic provisions. This is even more so when the victims are subject to multiple vulnerabilities – such as children, and in particular girls, on the move, asylum-seeking and refugee children, stateless children or children with disabilities. Additional support and protection steps are needed for children and these should be made explicit within the terms of the Directive in order to ensure that the specific requirements are clear to all those involved in supporting child victims, and in order to harmonize standards within EU law to ensure consistency and that children are guaranteed an appropriate level of protection.<sup>2</sup>

While the two provisions in Article 22 are important and very welcomed, they are just a part of the measures that should be put in place. For example, the provision on video recording interviews with children so that they may be used as evidence in criminal trials is crucial to ensure that children do not have to face the accused. However, if the interviews are not carried out in a manner that is appropriate for children - “child-friendly” in line with the European Union’s recent commitment to making the justice systems in the Union more child-friendly -<sup>3</sup>

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<sup>1</sup> UN ECOSOC, Resolution 2005/20, 22 July 2005, annex, at:

<http://www.un.org/docs/ecosoc/documents/2005/resolutions/Resolution%202005-20.pdf>.

<sup>2</sup> Court of Justice (Grand Chamber), Case C-105/03 Maria Pupino, 16 June 2005, at: [http://eur-lex.europa.eu/Result.do?arg0=pupino&arg1=&arg2=&titre=titre&chlang=it&RechType=RECH\\_mot&Submit=Cercare](http://eur-lex.europa.eu/Result.do?arg0=pupino&arg1=&arg2=&titre=titre&chlang=it&RechType=RECH_mot&Submit=Cercare).

<sup>3</sup> European Commission Communication, An EU Agenda for the Rights of the Child, (COM (2011) 60, 15.2.2011, at: [http://ec.europa.eu/justice/policies/children/docs/com\\_2011\\_60\\_en.pdf](http://ec.europa.eu/justice/policies/children/docs/com_2011_60_en.pdf).

children are at risk of being re-victimized. As a further step, for example child friendly communication should be used throughout the procedures, at each step, and that may require the use of testimonial aids and the appointment of psychologists and other specialists, among other areas requiring particular attention. It also requires specialized units and screened personnel to be in charge of contact with and support to child victims throughout the criminal justice process. Member States could be encouraged to draw on experience in the region using multidisciplinary approaches, in particular such as the Children's Houses, which provide benefits both for the administration of justice and for the protection of child victims, and are not necessarily more costly than traditional approaches.

We therefore recommend that:

- the same provisions as are in Article 18 and Article 19 of the Directive on Combatting the Sexual Abuse, Sexual Exploitation of Children and Child Pornography, repealing Framework Decision 2004/68, be incorporated in the Directive. These articles provide more specific guidance on “child-friendly justice” in line with recent EU commitments and there is no objective reason why from a child rights perspective, some child victims should have access to child friendly procedures while others do not.

In the alternative, we suggest the following changes:

- Add “where in all matters involving child victims, the best interest of the child shall be a primary consideration” in Article 18(1)(a) on children to reflect the commitment made in Recital 20.
- In Articles 3 and 5 ensure that information to be conveyed is in a language and manner the child can understand, taking account of the age and other characteristics of the child victim, and conveyed using child-sensitive communication techniques. Article 5 should make clear that the obligation is to ensure that individual victims are able to understand and be understood, taking into account their individual circumstances. As the current provision is drafted – referring to victims more generally, this is not clear.
- In Article 4 we propose to add the following provisions:
  - (d) The availability of health, psychological, social and other relevant services as well as the means of accessing such services along with legal or other advice or representation, compensation and emergency financial support, where applicable;
  - (e) The procedures for the adult and juvenile criminal justice process, including the role of (child) victims, the importance, timing and manner of testimony, and ways in which interviews will be conducted during the investigation and trial;
  - (f) The existing support mechanisms for the victim when making a complaint and participating in the investigation and court proceedings;

(g) The availability of protective measures;

(h) The existing opportunities to obtain reparation from the offender or from the State through the justice process, alternative civil proceedings or other processes.<sup>4</sup>

- Article 6 should take into account, where pertinent, that the victim is a child and the age of the victim, including with regard to access to intermediaries or communicators.<sup>5</sup>
- In addition, age should not be a barrier to a child’s right to participate fully in justice proceedings, as set out in Article 3 of the UN Convention on the Rights of the Child. We therefore recommend an addition to Article 9 setting out that:

“Every child should be treated as a capable witness, subject to examination, and his or her testimony should not be presumed invalid or untrustworthy by reason of the child’s age alone as long as his or her age and maturity allow the giving of intelligible and credible testimony, with or without communication aids and other assistance”.

- In Recital 13 and Article 7(4) we propose to refer to children specifically regarding specialized support services.
- In addition, differentiated measures and specialized professionals and services should be considered based on the age and gender of the child, including attention to child sexual abuse, and the particularities and special vulnerabilities to gender-based violence faced by adolescent girls.
- With regard to legal aid under Article 12, we recommend the inclusion of the following provisions in line with the Council of Europe Guidelines on Child-Friendly Justice:
  - Children should have the right to their own legal counsel and representation, in their own name, in proceedings where there is, or could be, a conflict of interest between the child and the parents or other involved parties. Children should have access to free legal aid, under the same or more lenient conditions as adults.
  - Legal aid providers should be encouraged to provide specialization in victim support and representation of child victims.
- The UN Guidelines on Justice in matters involving Child Victims and Witnesses of

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<sup>4</sup> UNODC-UNICEF, Guidelines Justice in Matters Involving Child Victims and Witnesses of Crime, Op. Cit.

<sup>5</sup> UNODC-UNICEF, *Handbook for Professionals and Policymakers on Justice in matters involving child victims and witnesses of crime*, 2009, p. 78, at [http://www.unodc.org/documents/justice-and-prison-reform/hb\\_justice\\_in\\_matters\\_professionals.pdf](http://www.unodc.org/documents/justice-and-prison-reform/hb_justice_in_matters_professionals.pdf).

Crime provisions should be comprehensively included in legislation, and that their implementation should be ensured, before the elaboration of the above-mentioned specific list of changes.

### **Right to receive information from first contact with competent authorities and confidentiality**

The information to victims of crimes regarding the proceedings and their rights, including their right to international protection where relevant, is a critical aspect to ensure the enjoyment and fulfillment of rights. Particularly relevant for example in ensuring protection for women victims of gender-based violence (not only victims of sexual violence) is the right to make a complaint as well as information on access to protection and support measures. Information on who to turn to for protection (beyond support) also needs to be included in Article 3(b). The right to appeal is equally found missing in this article and its inclusion under point (i) would be particularly relevant to ensure that the Directive address victims as subjects of rights. Finally, the concept of confidentiality in criminal investigations and proceedings, and in particular for cases of gender-based violence as well as protection of child victims is essential. Therefore we recommend that reference be made in this article to ensuring the confidentiality of information, including regarding children, prohibiting the publication of any information that could lead to the identification of the child, such as for instance, information regarding his or her parents.

### **Right to receive information about their case**

We note that women victims of gender-based violence may remain at risk of further violence once the perpetrator has been released either from custody or has completed his sentence. It is therefore recommended to ensure, in the context of Article 4, a special protection measure for these victims upon the release of the perpetrators. This would also be consistent with the right to protection in Article 17 of the Directive.

### **Right to interpretation and translation**

Under Article 6(4), it is recommended that information on the availability of victim support services and how to access these be included in the type of information that may be translated should the victim wish so.

### **Right to access victims support services**

We welcome the effort in establishing a minimum set of services for victims and their family members, and in particular the provision for free psychological support, information on state compensation schemes and financial and practical issues following the crime. Nevertheless, in order for this provision to be in line with other internationally accepted standards to protect victims of gender-based violence and in particular violence against women, including the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (para. 14) and the legally-binding Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, we recommend the inclusion of additional services that would ensure the full protection of such victims.



These services, often including life-saving measures and immediate support, include but are not limited to: 24-hour emergency hotlines, immediate police protection, health care for treatment of injuries, post-rape care, counseling and shelter and alternative safe housing. In addition, we recommend that the mention of the need for support during the proceedings and in the long term is not limited to the explanatory memorandum but is also made explicit in the text of Article 7.

A reference to the Council Conclusions on the eradication of violence against women in the EU, adopted by EPSCO Council on 8 March 2010 could be of relevance here, as it calls on the European Commission to devise a European Strategy for preventing and combating violence against women by establishing a general framework of common principles and appropriate instruments, *inter alia* by providing “assistance and protection to victims, including, insofar as possible and appropriate, information, medical, psychological and social assistance, help in finding employment, and legal aid”. By enacting in law victims’ right to access support services, States contribute to fulfill their due diligence in protecting victims of gender-based violence.

In this regard, we recommend that:

- In line with other relevant international instruments, such as the UN Declaration of Basic Principles and the Recommendation Rec (2006)8 of the Council of Europe, the concepts of “material support and social care” be included under Article 7(2)(c).

We welcome the clarification in the explanatory memorandum of Article 7 on the need to provide immediate support to all victims irrespective of whether the offence has been reported to the police, as this is critical in the cases of domestic violence and gender-based violence.

Fundamental rights to personal safety and protection should be provided to all victims of crime, regardless of their nationality or legal status, including undocumented migrants, domestic workers, refugees and asylum-seekers.

Access to free legal aid is critical for all victims of crime and in particular in cases of gender-based violence. We therefore welcome the provision on the rights to legal aid in criminal proceedings included in Article 12. However, we suggest not making this provision conditional on the victim’s status of party to criminal proceedings, as it can exclude victims of domestic violence or marital rape in countries where such offences are not included in the criminal law as it is the case in Hungary for the former and in Lithuania for the latter. With regards to children, access to legal aid should exist independently from any financial conditions.

Regarding children, a reference to access to support services provided by specially trained professionals is recommended. This may include assistance and support services such as financial, legal, counseling, health, social and educational services, physical and psychological recovery services and other services necessary for the child’s reintegration. All such assistance should address the child’s needs and enable him or her to participate effectively in all stages of the justice process.

In assisting child victims and witnesses, professionals should make every effort to coordinate support so that the child is not subjected to excessive interventions. Child victims and witnesses should receive assistance from support persons, such as child victim/witness specialists, commencing at the initial report and continuing until such services are no longer required. In addition measures to improve the referral of children to social services and/or improve coordination between the justice sector and the social welfare sector could be recommended.

### **Right to safeguards in the context of mediation and other restorative services**

The reference to restorative justice and safeguards included in Article 11 and in particular the emphasis on avoiding repeat victimization is particularly welcome. However, this article poses the most serious challenges regarding in particular the protection of women victims of gender-based violence. Mediation in cases of gender violence not only has particularly negative effects in the restoration of justice for the victims, but places women at risk of continued and exacerbated violence and abuse.

Therefore, in addition to suggesting consideration of deletion of “mediation” from the title of this article and revising the paragraph, we highly recommend stronger language (*in italics*) in the proposed Directive including in the explanatory memorandum regarding Article 11, as follows:”

(...) ***shall*** [in lieu of “should”] therefore have as a primary consideration the ***rights***, interests and needs of the victim (...) further harm. ***Mediation efforts in cases of gender-based violence, and in particular in cases of violence against women and girls should be avoided, and where such services exist, they should ensure guarantees of the rights of the victim to personal security and safety (...).***It also means that factors such as power imbalances, ***gender biases and inequality***, and the age, maturity (...).”

The article should clearly state that these services shall not be used in the context of crimes related to gender-based violence.

Further, we suggest aligning the definition of “restorative justice services” in the preamble to language used in Article 2, as well as Recital 16 in line with the above paragraph and/or to the following definition contained in the UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters:

2. “Restorative process” means any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles.

### **Right to protection**

The notion of “further victimization” in Article 17(1) is not very clear. If “secondary victimization” is meant, then this latter terminology should be used.

Furthermore, in addition to calling on States to have measures available to protect the safety of victims, we recommend that the Directive call on States to ensure that appropriate information on the availability of such measures is provided to victims and their families.

It is important to stress in this article that the development of policies to identify and combat “repeat victimization” should be a priority for States as a measure to ensure the protection of victims. In particular, States should ensure that all personnel in contact with victims should receive adequate training on the risks of repeat victimization and on ways to reduce such risks, and advise victims accordingly.

### **Right to protection of vulnerable victims during criminal proceedings**

The particular needs of victims of gender-based violence, in particular of sexual and domestic violence, should be strengthened in the context of Article 21. While we welcome the emphasis on the gender-sensitive approach in paragraph 2(d), we consider it critical to ensure that the interviewer is well-trained and has the right attitude to deal with these types of victims to ensure their full wellbeing during the interviews and no further harm is done as a result of the interview process. In addition, we recommend that the term “offered” in paragraphs 2 and 3 be replaced with the term “provided”.

### **Right to protection of privacy**

Certain victims, such as victims of gender-based violence, could be particularly at risk when they provide information during criminal investigations and in court proceedings. In this regard, we recommend that Article 23 be extended to ensure guarantees of protection of privacy for victims of crime who are particularly at risk, such as victims of gender-based violence, during criminal investigations as well as court proceedings. Furthermore, we stress that the protection of privacy should be mandatory when the victim involved in the process is a child, in particular through restricting disclosure of information that may lead to the identification of a child who is a victim in the justice process.

### **Training of practitioners**

Translating intentions into actions requires sustainable investment in strengthening the capacities of the institutions directly dealing with victims of crimes to ensure the maximum levels of respect and fulfillment of victim’s rights, regardless of age, sex, gender, gender identity, sexual orientation, race, ethnicity, national origin, immigration status, disability or other socio-economic background or factors. Professionals exposed to victims who are children or victims of gender-based violence including sexual and domestic violence require specific techniques not only to ensure the protection of victims but also to personally face difficult situations and build resilience without impacting negatively on the victim. Since there are significant differences among Member States in the levels of recognition of the rights and special situations of victims of gender violence and in particular sexual violence, we consider it vital to include in Article 24 a specific mention to the training of professionals for the provision of specialized services for victims of gender-based violence as well as children. Member States should also be encouraged to provide specialized training on how to work with different categories of victims. It is

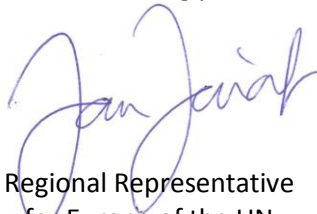
recommended that emergency services and other relevant health staff, as well as staff in housing, social security, education and employment services be included in the list of practitioners who should be receiving training. Likewise, staff in asylum reception centres need to be made aware of the increased risks of gender-based violence and in particular, sexual violence against women and children, in the context of collective housing, the stress due to flight and changed circumstances, and be trained to respond with due diligence to such cases. Under paragraph (4) of Article 24, “skills, knowledge and attitude required to assist victims” should be included among the topics covered by training.

### **Additional Comments**

We also suggest that provisions be included on the need for research activities that States could undertake in this field with a view to improve the capacity and services to assist and protect victims of crime.

Furthermore, the current draft of the Directive does not address the right for the victim to seek civil remedies to protect their rights following a crime. In this regard, Article 7.1. of Recommendation Rec (2006)8 of the Council of Europe should provide good guidance.

We hope that these suggestions will be of help to the Council of the European Union, the European Parliament and the European Commission as they engage in the formalization of minimum rules for the protection of victims of crime. We would like to express our readiness and willingness to continue our collaboration with the European Union institutions in the further development of a rights-based response to the situation of victims of crime and to the situation of victims facing particular vulnerabilities within our respective mandates and areas of expertise.



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