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# Legal and practical barriers in free movement of crime victims in Europe

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## Practical significance of the research

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- *International visitors in Europe → 25.3 million in 1950 to 717 million by 2020*
  - *Every year 75 million people fall victim to crime across the European Union*
  - *Over 2 million holiday tourists become victim of crime every year in the EU*
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## The scope of the research

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**Free movement of crime victims** in Europe is supported by criminal law :

- *„when EU law guarantees a natural person the freedom to go to another MS, **the protection** of that person (...), on the same basis as that of nationals and persons residing there, **is a corollary of that freedom of movement**”*

*(Cowan-judgment of ECJ: 2.02.1989, C-186/87).*

- ***If people can trust that their rights are respected, in all EU countries, (...) they are more likely to use their right to live, work or study in another EU country***

*(European Commission)*

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## Council of Europe's victim regulations

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### Council of Europe's provisions on cross-border victims:

- European Convention on Compensation of Victims of Violent Crimes (1983)
- Recommendation No. 8 on assistance to crime victims (2006)
- Convention on Preventing & Combating Violence against Women & Domestic Violence / Istanbul Convention (2011)

### Problems:

- CoE's conventions on victims' rights
    - have often **limited scope** (e.g. refer only to women & victims of domestic violence)
    - most often do **not** predict **individual complaint mechanism** to international body
    - lack practical relevance due to internal **(financial) reasons**
  - CoE's recommendation on victims' rights is... only a **(not binding)** recommendation.
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## EU: Victim's access to justice & support

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### European Union's provisions on cross-border victims:

- **The Treaties** (TEU, TFEU) & ChFR → free movement of persons & services
- **Directives** (need implementation to domestic legal orders of EU Member States):
  - Victims' Rights Directive 2012 (Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, replacing Council Framework Decision 2001/220/JHA) → **access to justice & victims' support**
  - Compensation Directive 2004 (Council Directive 2004/80/EC relating to compensation to crime victims) → **state compensation** for cross-border victims
  - EPO Directive 2011 (Directive 2011/99/EU on the European protection order) → mutual recognition of **protection orders**
- **Regulation** (is directly binding in EU Member States):
  - EPM Regulation 2013 (Regulation No. 606/2013 on mutual recognition of protection measures in civil matters) → automatically recognizable **protection certificates**



## Summary: legal & practical barriers

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### Problems:

- Equal treatment in EU of victims of crimes
  - in principle refers to **nationals & residents of EU** Member States
  - some provisions **solely** concern **cross-border situations**
  - victim support services are not on the same level in all EU Member States
- Cross-border victims often **don't report crimes & seek protection**
  - practical barriers of: language, limited time, practical difficulties, no information, etc.
  - particularly vulnerable victims are **migrants** (esp. the undocumented ones)
- **Lack of** sufficient funding, cooperation mechanisms, data & knowledge & experience
- Right **implementation** of the Directives by Member States
  - infringement proceedings for incomplete transposition (of Victims' Rights Directive)



## EU Strategy on victims' rights (2020-2025)

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The European Commission will:

- ✓ **provide EU funding** to:
  - national VSOs & community-based organisations → support for victims **in EU**
  - promote victims' rights & ensure access to justice → **in partner countries**
- ✓ assess **legal & practical tools** to improve reporting & access to support services → **for all** (including migrant) **victims**
- ✓ strengthen **cooperation** with 3rd countries & international partners:
  - access to justice, support & protection for **EU citizens** victimised in 3rd countries
  - promote high standards for victims' rights, including **migrant victims**
- ✓ new Victims' Rights Platform (<https://envr.eu/>) & EC Coordinator for Victims' Rights



## Conclusions

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**Effective** support of cross-border victims shall be based on:

- clear & enforceable legal regulations
    - based on common standards
  - reliable financial basis securing support
    - regardless of victim's legal status
  - existing & effective **monitoring** system
    - preferably including **judicial control**
  - information & effective support
    - immediate, free of charge & easily accessible, based on victims' confidence
  - effective **coordination** between cooperating states
    - common databases & interstate training
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**Thank you for your attention!**

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