

**Association of the European Network on Victims’ Rights**

**ENVR 2022 SPRING CONFERENCE 23-24 MAY STRASBOURG, FRANCE**

**Compensation Workshop II - methods of registering and analyzing compensation cases**

**Discussion Paper**

**EU Legal Framework**

**The 2004 Compensation Directive[[1]](#footnote-1)** deals with state compensation. It requires Member States to set up national compensation schemes and give access to all victims who suffered intentional violent crime, committed in their territories. The Directive also sets up a Union-wide cooperation system to enhance victims’ access to compensation in cross-border situations.

**The 2012 Victims' Rights Directive[[2]](#footnote-2)** provides for right to access to information about victims' rights, including on how and under what conditions victims can access compensation (Article 4) and for rights to legal aid – although limited to victims who have the status of parties to criminal proceedings and under conditions determined by national law (Article 13). Also, the victims' right to access general and specialist support services (Articles 8 and 9) is relevant in the context of facilitating victims' access to compensation.

**The EU Strategy on victims’ rights (2022-2025)[[3]](#footnote-3)** dealt with the effectiveness of compensation and stated that “victims are often exposed to secondary victimisation during criminal proceedings and when claiming compensation. Those who become victims of crime when travelling abroad find it even more difficult to access justice and compensation. […] In many Member States, victims’ access to compensation is difficult. […] All relevant actors should take steps, within their respective competences, to improve victims’ access to compensation. […] Under the Victims’ Rights Directive, Member States shall also ensure that victims are informed from the first contact with the competent authorities how and under what circumstances they can access compensation. The Commission will encourage Member States to go beyond these minimum standards and ensure that victims are better informed about national schemes of compensation also by other means – such as general informative campaigns about victims’ rights and inter-active websites”.

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**The concept of the workshop**

The workshop intends to reveal in general

* the Member States’ mechanisms to register (domestic and cross-border) compensation cases
* the type of the registered data and the available statistics related to the registered compensation cases (e.g. statistics based on the type of crime, on the characteristics of the victim)
* if there are studies / methodologies developed on the basis of the statistics in order to reach out to specific groups of victims (e.g. groups of victims who are under-represented in the statistics)
* the best practices to reach out to victims, both domestic and cross-border victims (the way of providing information to the potential applicants)
* if there is any information available on the usual / typical reasons of rejecting applications

The workshop moreover intends to discuss in the context of cross-border cases

* the proportion of cross-border cases comparing to the total case numbers
* the possible reasons of lower number of cross-border cases
* ideas for the solution, any good practice of managing concrete cross-border cases (e.g. effective communication with applicants, measures to increase the number of cross-border cases, recognition of other countries’ medical documentation, etc.)

 Co-funded by the

European Union’s Justice Programme

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1. Council Directive 2004/80/EC relating to compensation to victims of crime [↑](#footnote-ref-1)
2. Directive 2012/29/EU establishing minimum standards on rights support and protection of victims of crime [↑](#footnote-ref-2)
3. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0258&from=EN> [↑](#footnote-ref-3)