

Recommendation CM/Rec(2023)2
of the Committee of Ministers to member States
on rights, services and support for victims of crime

*(Adopted by the Committee of Ministers on 15 March 2023
at the 1460th meeting of the Ministers' Deputies)*

Preamble

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Aware of the fact that criminal victimisation is a daily phenomenon affecting the lives of citizens throughout Europe;

Bearing in mind the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, 1950), the European Convention on the Compensation of Victims of Violent Crimes (ETS No. 116, 1983), the Council of Europe Convention on the Prevention of Terrorism (CETS No. 196, 2005), the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197, 2005), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201, 2007) and the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, 2011);

Having regard to Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims and Recommendation Rec(85)11 of the Committee of Ministers to member States on the position of the victim in the framework of criminal law and procedure;

Noting that, since the adoption of Recommendation Rec(2006)8, several recommendations have been adopted by the Committee of Ministers and significant developments have occurred in the field of victim rights, including developments in national and international legislation and practice, a better understanding of victims' needs and new research;

Bearing in mind the standards developed by the European Union and by the United Nations with regard to victims;

Noting with appreciation the achievements of non-governmental organisations in assisting victims;

Aware of the need for co-operation between member States, particularly to assist victims of terrorism and other forms of transnational crimes;

Understanding the need of victims to receive appropriate information, support and protection and being sensitive to their need to participate in criminal and other relevant legal proceedings;

Aware of the need to ensure that victims are recognised and treated in a respectful, sensitive, tailored, professional and non-discriminatory manner, in all contacts with victim support or restorative justice services or a competent authority, operating within the context of criminal and other relevant legal proceedings;

Supporting a more holistic approach to victim rights in seeking to further develop and expand victim rights and services beyond the context of the criminal procedure by not only promoting victim rights in the context of criminal proceedings, but also before, after or irrespective of such proceedings;

Understanding victims' needs and aiming to achieve a cultural change so that justice and support processes are designed and delivered in a manner that is sensitive to victims' needs, autonomy and agency;

Noting the need for updated and more detailed guidance on the development and practical implementation of victim rights;

Aware of the need to carefully balance victim rights with the rights of those suspected or accused of having committed a crime, as well as with the need for the proper administration of justice,

Recommends that the governments of member States disseminate and be guided in their internal legislation and practice by the principles set out in the appendix to this recommendation which replaces Recommendation Rec(2006)8 of the Committee of Ministers to member States on assistance to crime victims.

Principles regarding rights, services and support for victims of crime

Article 1 – Definitions

For the purpose of this recommendation:

1. "victim" means:
 - a. a natural person who has suffered harm, including physical, mental, emotional or economic harm, directly caused by a criminal offence;
 - b. family members of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death;
2. "family members" means the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in the direct line, the siblings and the dependants of the victim. Member States are encouraged to use an inclusive definition of "family members" that includes civil partners and unmarried partners in a durable relationship;
3. "repeat victimisation" means a situation in which the same person is a victim of more than one criminal offence over a specific period of time and includes, in particular, situations in which the person is a victim of criminal offences committed by the same offender and situations in which the person is a victim of criminal offences of a similar nature committed by different offenders;
4. "secondary victimisation" is victimisation that occurs not as a direct result of the criminal offence but as a result of the response of public or private institutions and other individuals to the victim;
5. "child" means any person below 18 years of age. Where the age of a victim is uncertain and there are reasons to believe that the victim is a child, the victim should, for the purposes of this recommendation, be presumed to be a child;
6. "restorative justice" refers to any process which enables those harmed by crime and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party;
7. "criminal proceedings" refers to the legal proceedings that enable the adjudication of substantive criminal law. They include the moment when a formal complaint is made and situations in which authorities initiate criminal proceedings *ex officio*. They end once a final decision on a suspect's criminal liability has been rendered.

Article 2 – Principles

1. Crime is a wrong against society and a violation of the individual rights of victims. Member States should, therefore, ensure the effective recognition of, and respect for, the rights of victims with regard to their human rights; they should, in particular, respect the liberty, security, property, dignity, private and family life of victims and recognise the negative effects of crime on victims.
2. Member States should ensure that the measures set forth in this recommendation are made available to victims without discrimination on any ground such as sex, gender, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, gender identity, age, state of health, disability, marital status, migrant, resident or refugee status. The measures should also apply to victims with a criminal record and – to the extent possible – victims who are suspected of having committed a crime and/or are currently subjected to a criminal penalty.
3. Member States should ensure that victims who are particularly vulnerable, either through their personal characteristics or through the circumstances of the crime, can benefit from specific measures best suited to their situation.
4. Member States should ensure that in the application of this recommendation, where the victim is a child, the best interest of the child should be a primary consideration. Such a child-sensitive approach, taking due account of the child's age, disability, maturity, views, needs and concerns, should be assessed on an individual basis.
5. The provision of the services and measures set forth in this recommendation should not depend on the identification, apprehension, prosecution or conviction of the perpetrator of the criminal offence. The provision of these services and measures should only be made contingent on the filing of a formal complaint by the victim, the familial relationship between the victim and offender, or the formal role of the victim within the criminal justice procedure, where appropriate.
6. Member States should ensure that the services and measures set forth in this recommendation are respectful of victims' needs, agency and autonomy. As a general rule, the wish of victims as to whether or not to make use of any of the services and measures covered in the provisions of this recommendation should bind the competent authorities, unless over-riding considerations relating to the proper administration of justice or victims' safety require such measures.
7. Wherever reference is made to "other legal proceedings" in this recommendation, the rights granted to victims do not affect or limit the fundamental principles of these types of proceedings in national law, for instance the principle of equality in civil proceedings, and should be interpreted in accordance with these principles.

8. Victims encounter different authorities empowered to make decisions and/or to offer services. Such "competent authorities" include agencies in law enforcement, criminal justice and, where applicable, elsewhere in the public sector. As a general rule, wherever reference is made to "competent authorities", competence refers to both material and territorial competence, except where the purpose of the provision is to allow co-operation, communication and referral between authorities with different territorial competences in the case of cross-border victims.

CHAPTER I – ACCESS TO JUSTICE, INDIVIDUAL ASSESSMENT, INFORMATION AND SUPPORT

Article 3 – Barriers to access to justice and support

1. In order to improve access to justice and encourage victims to contact competent civil, criminal and other relevant judicial authorities and support organisations, member States should investigate barriers, if present, that prevent victims from contacting those authorities or support services or making a formal complaint and reduce any such barriers to the largest extent possible.

2. Member States should improve and take advantage of the possibilities offered by information and communication technology to ensure sufficient access to justice and support. This applies throughout this recommendation, but as a priority to:

- a. the right to notify authorities and make a formal complaint (Article 7);
- b. the right to information (Article 6) and information about the case (Article 8);
- c. the right to be heard (Article 10);
- d. the right to protection (Article 15);
- e. the rights of cross-border victims (Article 20).

3. Member States are encouraged to investigate and address possible barriers that prevent witnesses from alerting the competent authorities and support services of the occurrence of a crime.

Article 4 – Individual assessment of the needs and vulnerabilities of the victim

1. Member States should ensure that victims are individually assessed, from the first appropriate moment they come into contact with criminal justice authorities, in accordance with national procedures, to identify specific protection needs and to determine whether and to what extent victims can make effective use of or need the generic rights and specific measures set forth in this recommendation concerning the protection of victims.

2. The individual assessment should, in particular, take into account:

- a. the personal characteristics of the victim;
- b. the type or nature of the crime; and

the circumstances of the crime.

While particular attention can be paid to victims belonging to certain vulnerable groups, the individual assessment remains decisive in establishing the need for specific measures.

3. Individual assessments should be carried out with the close involvement of the victims and should take into account their wishes, including where they do not wish to benefit from specific measures or participate in the individual assessment.

4. If the elements that form the basis of the individual assessment change significantly, member States should ensure that it is updated throughout the criminal proceedings.

5. When a victim is involved who is not, or to a lesser extent, able to understand and to participate effectively in criminal proceedings due to age, mental or physical conditions or disabilities, due account should be taken of this person's vulnerability, and specific measures need to be put in place in order to strengthen this person's access to and effective use of procedural rights.

6. The individual assessment should at least be conducted in criminal justice proceedings and in relation to the victims' protection needs, but member States are encouraged to investigate and apply a similar strategy to other procedural needs and in other legal proceedings, as well as in support and restorative justice programmes.

Article 5 – Right to understand and be understood

1. Member States should take appropriate measures to assist victims to understand and to be understood from the first appropriate contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings, other legal proceedings, support services and restorative justice programmes, including where information is provided by that authority.

2. Member States should ensure that communications with victims in the context of criminal proceedings are given in simple and accessible language. Such communications should take into account the personal characteristics of the victim, including the victim's knowledge of the language used to provide information, age, maturity, intellectual and emotional capacity, literacy and any mental, physical or other disability which may affect the ability to understand or to be understood. Limitations to a victim's ability to communicate information should equally be taken into account. Information should be provided orally or in writing, and member States are encouraged to take into account the victims' preferences in relation to the manner in which information is communicated, whenever possible.

3. Unless contrary to the interests of the victim or unless the course of criminal or other legal proceedings would be prejudiced, member States should allow the victim to be accompanied by a person of their choice in the first contact with a competent authority where the victim requires assistance to understand or to be understood.

Article 6 – Right to receive information

1. Member States should ensure that victims are offered *ex officio* the following information, without unnecessary delay, from their first appropriate contact with a competent criminal justice authority, in order to enable them to access the rights set out in the appendix to this recommendation:

- a. the type of support they can obtain and from whom, including, where relevant, basic information about access to medical support, any specialist support, including psychological support, and alternative accommodation. If applicable in national law, they should also be informed of the possibility that victim support services will approach them if the victim consents;
- b. if the victims reside in a member State other than that where the criminal offence was committed, any specific measures, procedures or arrangements that are available to protect their interests in the member State where the first contact with the competent authority is made;
- c. how and under what conditions they are entitled to interpretation and translation;
- d. how and under what conditions they can obtain protection, including protection measures;
- e. the procedures for making formal complaints with regard to a criminal offence and the role of the victim in such procedures;
- f. how and under what conditions they can access legal advice, legal aid and any other sort of advice;
- g. how and under what conditions they can receive information about the criminal proceedings instituted as a result of the criminal offence suffered by them;
- h. the contact details for communications about their case;
- i. the available restorative justice services;
- j. how and under what conditions they can access compensation;
- k. the available procedures for lodging objections where their rights are not respected by the competent authority operating within the context of criminal proceedings, as far as possible and without legal advice being given in individual cases;
- l. how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

2. The information referred to in paragraph 1 should be given in a manner which can be understood by the victim. Information should be provided orally or in writing, and member States are encouraged, whenever possible, to take into account the victims' preferences regarding the question whether the information is provided orally or in writing.

3. The extent or detail of information referred to in paragraph 1 may vary depending on the specific needs and personal circumstances of the victim and the type or nature of the crime. Additional details may also be provided at later stages depending on the needs of the victim and the relevance, at each stage of proceedings, of such details.

4. Member States are encouraged to extend the obligation to provide the information referred to in paragraph 1 to other relevant organisations as well, such as victim support, social or healthcare services. They are furthermore encouraged not only to limit themselves to the types of information referred to in paragraph 1, but also to include information on other legal proceedings, such as information to access compensation or protection measures via civil, administrative or other proceedings.

CHAPTER II – LEGAL PROCEEDINGS

A. Criminal proceedings

Article 7- Rights of victims to make a formal complaint and to notify authorities

1. Member States should ensure that victims have the right to make a formal complaint to the competent authority. This right does not affect any applicable discretionary powers of the authorities to pursue the case and/or dismiss cases at a later stage.

2. Member States should ensure that victims receive written acknowledgement of their formal complaint to the competent authority, stating the basic elements of the criminal offence concerned. Member States should ensure sufficient safeguards to overcome the difficulties faced by victims who do not understand or speak the language of the competent authority.

3. Where possible under national law, member States should also ensure that victims have the right to notify authorities without making a formal complaint and should ensure that victims are informed of the distinction between notifying authorities and making a formal complaint.

Article 8 – Rights of victims to information concerning their case

1. Member States should ensure that victims are notified without unnecessary delay of their right to receive, as a result of their formal complaint and upon request, the following information about the criminal proceedings instituted as a result of the criminal offence suffered by them and that they receive such information without unnecessary delay:

- a. any decision not to proceed with or to end an investigation, or not to prosecute the offender, including, where appropriate, the reasons for this decision;
- b. the time and place of the trial and the nature of the charges against the offender.

2. Member States should ensure, in accordance with their role in the relevant criminal justice system, that victims are notified without unnecessary delay of their right to receive the following information, upon request and as a result of their complaint with regard to the criminal offence suffered by them:

- a. any final judgment in a trial, including any out-of-court settlement, and, where appropriate, the reasons for this decision;
- b. information enabling the victim to know about the state of the criminal proceedings, including, where available under national law, inspection of the case file, unless the proper handling of the case may be adversely affected by such notification;
- c. if restorative justice proceedings are available under national law, any decision to refrain from referral to restorative justice processes, where the victim has requested such referral in conformity with national law;
- d. any decision concerning compensation from the offender (Article 13) and protection (Article 15), including, where appropriate, the reasons for this decision.

3. Member States should ensure that victims are notified without unnecessary delay of available possibilities to make information requests concerning the state of the proceedings instituted as a result of the criminal offence suffered by them, in accordance with their role in the relevant criminal justice system.

4. Member States should ensure that victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released or escapes from detention. The victim should receive the information referred to in this paragraph, at least upon request, in cases where there is a danger or an identified risk of harm to them. In the decision to provide this information, member States should assess any identified risk to the offender that may result from this notification. Furthermore, member States should ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender. They are encouraged to allow victims to be heard regarding any such protection measures.

5. The wish of victims as to whether or not to receive the types of information referred to in paragraphs 1 to 3 should, in conformity with the conditions set out therein, bind the competent authority, unless that information must be provided due to the entitlement or obligation of the victim to active participation in the criminal proceedings or due to the threat of immediate harm to the victim. Member States should allow victims to modify their wish at any moment and should take any such modification into account.

Article 9 – Right to interpretation and translation

1. Member States should ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, upon request, with interpretation, free of charge, in accordance with their role in the relevant criminal justice system in criminal proceedings, at least during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and should allow victims to participate actively in interim court hearings in accordance with the role of the victim in the relevant criminal justice system.

2. Member States should ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, in accordance with their role in the relevant criminal justice system in criminal proceedings, upon request, with translations of information essential to the exercise of their rights in criminal proceedings in a language that they understand, free of charge, to the extent that such information is made available to victims. Member States are encouraged to consider the information in Article 6, Article 7.2 and Article 8 as "essential" information that at least ought to be translated.

3. Member States should ensure that victims who are entitled to information about the time and place of the trial, and who do not understand the language of the competent authority, are provided with a translation of the information to which they are entitled, upon request.

4. Victims should be allowed to submit a reasoned request to consider a document or parts of a document as essential for their active participation in criminal proceedings.
5. Notwithstanding paragraphs 2, 3 and 4, an oral translation or oral summary of essential documents should be allowed to be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings. Communication technologies such as videoconferencing, telephone or internet may be used, unless the physical presence of the interpreter is required in order for the victims to properly exercise their rights or to understand the proceedings.
6. Member States should ensure that the competent authority assesses whether victims need interpretation or translation as provided for under paragraphs 2, 3 and 4. Victims may challenge a decision not to provide interpretation or translation. The procedural rules for such a challenge should be determined by national law.
7. Interpretation and translation and any consideration of a challenge of a decision not to provide interpretation or translation under this article should not unreasonably prolong the criminal proceedings.

Article 10 – Right to be heard

1. Member States should ensure that victims may be heard and may provide evidence during criminal proceedings.
2. Member States are encouraged to allow victims to be heard also during post-trial proceedings.
3. In accordance with national law, member States are encouraged to allow for the provision of evidence to be at the initiative of the victim and not to restrict it to an obligation to testify during the investigation or the trial.
4. To the extent possible, and in accordance with the rights of the defendant, member States are encouraged to consider the victims' availability in planning and postponement of court and post-trial proceedings.
5. In accordance with national law, member States are encouraged to ensure that this right to be heard concerns any decision which can be assumed to have a considerable impact on the victims' interests. This encouragement could particularly concern:
 - a. any decision concerning the provision of information to and by the victim, including, *inter alia*, the right to interpretation and translation;
 - b. if applicable, any decision to refrain from referral to restorative justice processes, in those cases where the victim has requested such referral;
 - c. any decision not to prosecute an offender;
 - d. if applicable, any decision to resort to forms of out-of-court settlement;
 - e. any decision concerning compensation awards to the victim during the course of criminal proceedings;
 - f. any decision to receive State compensation;
 - g. any decision concerning the protection of the victim.
6. The procedural rules under which victims may be heard and may provide evidence and the extent to which the victims' right to be heard should be taken into account by authorities are determined by national law.

Article 11 – Right to reimbursement of expenses and return of property

1. Member States should afford victims who participate in criminal proceedings the possibility of reimbursement of expenses incurred as a result of their active participation in the proceedings. This reimbursement will occur in accordance with the victims' role in the relevant criminal justice system and should concern, at a minimum, expenses concerning actions which a victim is obliged to undertake, such as giving evidence as a witness.
2. Member States should ensure that, following a decision by a competent authority, recoverable property which is seized in the course of criminal proceedings is returned to victims without undue delay, unless required for the purposes of the criminal proceedings. The conditions or procedural rules under which such property is returned to the victims should be determined by national law.

Article 12 – Right to legal aid

1. Member States should ensure that victims have access to legal aid, at least where they have the status of parties to criminal proceedings. They are encouraged to ensure access to free legal aid for victims concerning all decisions where the interests of justice so require.
2. The conditions and procedural rules under which victims have access to legal aid should be determined by national law.

B. Criminal and other proceedings

Article 13 – Right to compensation from the offender

1. Member States should ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time. When claiming compensation from the offender in the course of criminal proceedings is irreconcilable with the national legal system, member States should provide for alternative ways through other legal proceedings to structurally safeguard the victims' right to obtain such a decision.

2. Member States should ensure that advice, support and, where appropriate, legal aid are available to victims in securing and enforcing such a decision.

3. Member States should encourage offenders to provide compensation to victims. Where appropriate and where national law so allows, the following could be envisaged:

- a. the payment of compensation in prosecution and sentencing decisions;
- b. the payment of compensation in relation to financial penalties;
- c. other non-monetary forms of reparation.

4. If victims prefer civil proceedings over claiming compensation in the course of criminal proceedings, they should have the choice to obtain a decision on compensation from the offender in civil proceedings.

Article 14 – Right to State compensation

1. Member States should adopt a State compensation scheme for victims of crimes committed on their territory – which is independent from criminal proceedings, provided that the damage has occurred as a result of a crime – and may require a formal complaint to have been made. The potential beneficiaries of such a scheme should be determined by national law, but include, as a minimum, victims of intentional, violent crimes, including sexual violence.

2. Member States should ensure that applications for compensation can be made free of cost and that compensation is granted without undue delay, at a fair and appropriate level. The level of the compensation award should be determined by national law and take into account, at a minimum:

- a. costs relating to treatment and rehabilitation for physical and psychological injuries;
- b. loss of income;
- c. funeral expenses and loss of maintenance for dependants.

3. Member States could ensure that the scheme operates under a principle of subsidiarity by awarding compensation for damages not covered by other sources, *inter alia*, by the offender, insurance and/or health and social services.

4. Member States are encouraged to allow for advance payment, before a final decision on State compensation or compensation through other sources is made, in particular in cases where the victim urgently requires State compensation. Advance payments do not affect the subsidiarity mentioned in Article 14, paragraph 3.

5. Member States should ensure that negative decisions on compensation can be subject to review. The conditions and procedural rules through which such a review is undertaken should be determined by national law.

6. Member States are encouraged to ensure that the victims' nationality or residence status does not restrict their eligibility for compensation.

7. In case of cross-border victims, the competent authorities of each member State are encouraged to give the maximum possible assistance and to co-operate to enable victims to claim compensation from the State in which the crime occurred by applying to a competent authority in their own country. Member States are encouraged to have such a system of transmission of compensation claims in place.

Article 15 – Right to protection

1. Member States are encouraged to ensure that measures are available to protect, as far as possible, victims and their family members from secondary and repeat victimisation, from intimidation and retaliation and from violations of their privacy and dignity.

2. Protection measures available to victims should include, but need not be limited to:

- a. measures to avoid secondary victimisation of victims as a result of their participation in criminal proceedings. In particular, the victims' right to be interviewed without unjustified delay after the formal complaint with regard to a criminal offence has been made to the competent authority; the right to have the number of interviews of victims kept to a minimum; the right to be interviewed in the accompaniment of a legal representative and/or a person of their choice, unless a reasoned decision has been made to the contrary; and the right to have medical examinations kept to a minimum need to be ensured. In the case of victims with specific protection needs, the member States also need to ensure that interviews with victims are being carried out in premises designed or adapted for that purpose and that interviews with victims are carried out by or through professionals trained for that purpose. Unless contrary to the good administration of justice, all interviews with victims with specific protection needs are also conducted by the same person and all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, and provided that the course of the criminal proceedings is not prejudiced, are conducted by a person of a certain sex or gender if the victim has expressed a preference in that regard. During court proceedings, member States need to have measures in place for victims with specific protection needs that help avoid visual contact between victims and offenders during the giving of evidence; that allow the victim to be heard in the

courtroom without being present; that avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; and that allow a hearing to take place without the presence of the public. Further measures to make criminal investigations and trial hearings more victim friendly need to be duly considered;

b. measures to avoid, where possible, contact between victims and their family members and the offender, including separate waiting areas in new court premises. In case of existing court premises, member States are encouraged to create separate waiting areas or multiple uses of rooms. Measures to avoid contact during court proceedings are required, unless such contact is required in the context of the criminal proceedings;

c. procedures established under national law for the physical protection of victims and their family members. When relevant, victims should be advised on the risks of repeat victimisation, intimidation and retaliation and on the means of reducing these risks. Victims should also receive assistance in implementing the measures proposed;

d. measures to protect, in an appropriate way, privacy and dignity, including personal characteristics, data, images or the public dissemination of other information that could lead to the identification of vulnerable victims and their family members. Member States should at least encourage the media to take self-regulatory measures to this effect.

3. The measures mentioned in paragraph 2 need to be implemented at least in the context of criminal proceedings, but member States are encouraged also to apply them, where relevant and appropriate, in restorative justice, other proceedings and the post-trial phase.

4. Member States are encouraged to take the necessary legislative or other measures to ensure that, where necessary and proportionate, appropriate restraining, protection or emergency barring orders are available to victims. These orders should be:

ideally available in different fields of law or dedicated procedures;

available at all stages of the applicable procedures;

available for immediate protection and without undue financial or administrative burdens placed on the victim;

issued for a specified period or until modified or discharged;

where necessary and appropriate, issued on an *ex officio* basis which has immediate effect;

available irrespective of, or in addition to, other legal proceedings;

allowed to be introduced in subsequent legal proceedings.

5. Member States should take the necessary legislative or other measures to ensure that breaches of restraining or protection orders issued pursuant to paragraph 4 above should be subject to effective, proportionate and dissuasive criminal or other legal sanctions.

6. Member States are encouraged to ensure that advice, support and, where appropriate, legal aid are available to victims in securing and enforcing the measures set forth in paragraphs 2, 3 and 4 above.

Article 16 – Right to remedy

1. Victims may need to seek appropriate civil remedies to protect their rights following a crime. Member States should ensure that victims have effective access to relevant and appropriate civil remedies, and within a reasonable time, through:

- the right of access to competent courts or other authorities; and
- legal aid in appropriate cases.

The conditions and procedural rules under which access to civil remedies is ensured should be determined by national law.

2. For the provisions of this recommendation that are transposed into national law, member States should ensure that victims have, where appropriate, access to an effective remedy before competent authorities. The conditions and procedural rules under which victims have access to such a remedy should be determined by national law.

CHAPTER III – OTHER PROVISIONS

Article 17 – Insurance

1. Member States should encourage equal access to private and public insurance for all residents, to the extent possible.

2. Member States are encouraged to promote the principle of insurance that is available to as many people as possible. Insurance should be available to cover the person's belongings, as well as their physical and psychological integrity.

3. Member States are encouraged, to the extent possible, to promote the principle that insurance policies do not exclude damages caused by acts of terrorism or other forms of intentional crimes. Member States are also invited to encourage insurance companies or services, if appropriate, to try to recover the insured payment from the offender.

Article 18 – Restorative justice

1. Restorative justice should be a service that is generally available. Restorative justice services should have sufficient capacity to provide safe and effective services to all victims who may benefit. The type and seriousness of the offence, or its geographical location, should not in themselves, and in the absence of other considerations, preclude restorative justice from being offered.

2. Member States should ensure that restorative justice providers conform with Committee of Ministers' Recommendation CM/Rec(2018)8 to member States concerning restorative justice in criminal matters. This in particular concerns:

- the consideration of victims' needs and interests, the need for protections and safeguards, adequate training and the means to mitigate potential risks;
- the voluntary nature of participation in restorative justice. The process will only take place if the parties freely consent, having been fully informed in advance of the nature of the process and its possible outcomes and implications, including what impact, if any, the restorative justice process will have on future criminal proceedings. The parties should be able to withdraw their consent at any time during the process;
- ensuring that victims are given the information and support necessary to enable them to make a free and informed choice to participate in restorative justice and, where appropriate, to initiate restorative justice;
- considering the extent to which restorative justice principles can inform the ways in which victims are engaged, and the design and delivery of victim services.

Article 19 – Right to victim support

1. Member States should ensure that victims, in accordance with their needs, have access to confidential victim support services, which are free of charge and act in their interests.

2. Member States are encouraged to ensure national coverage of such services and should ensure that such services at a minimum:

- provide victims with free emotional and, where available, psychological support;
- provide victims with information, advice and support relating to financial and practical issues arising from the crime;
- provide victims with information, advice and support on their rights, including on accessing national compensation schemes and their role in criminal proceedings, and on the services available;
- refer victims to other services when necessary;
- respect confidentiality when providing services;
- are fully capable of dealing with the problems faced by the victims they serve.

3. Member States should ensure that such services are accessible irrespective of whether the victim made a formal complaint and are available before, during and for an appropriate time after the investigation and any judicial proceedings.

4. Member States should ensure that the police and other criminal justice authorities identify the need of victims for referral to support services and, if the victims consent, make referral to such services possible. This initial referral can be passive or active and can be to generic support services, which can, in turn, help the victims access specialised support in accordance with their needs.

5. Where appropriate, member States should also facilitate the referral of victims to victim support services by other relevant entities in contact with victims, such as hospitals, schools, embassies, consulates, welfare or employment services.

6. Member States are encouraged to support the setting-up or the maintenance of specialised centres for victims of crimes such as sexual and domestic violence and to facilitate access to these centres.

7. Member States should have support services addressing the specific needs of victims of terrorism in place, in accordance with Directive (EU) 2017/541 of the European Parliament and of the Council on combating terrorism, which are available to victims immediately after a terrorist attack and for as long as necessary. These services are offered in addition to, or as an integrated part of, general victim support services. Member States are encouraged to consider also establishing or maintaining comparable services for victims of other crimes of mass victimisation.

8. Member States are encouraged to set up or to support free telephone help lines and websites for victims at the national level.

9. Member States should take steps to ensure that the work of services offering assistance to victims is co-ordinated on the level that is most appropriate to guarantee that:

- a comprehensive range of services is available and accessible;
- standards of good practice for services offering help to victims are prepared and maintained;
- appropriate training is provided and co-ordinated;
- services are accessible to government for consultation on proposed policies and legislation.

Article 20 – Cross-border victims and international co-operation

1. Member States should ensure that their competent authorities can take appropriate measures to minimise the difficulties faced when the victim is a resident of a State other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings. To do so, the authorities in the State where the criminal offence was committed should be in the position to:
 - a. take a statement from the victim immediately after the formal complaint with regard to the criminal offence is made to the competent authority;
 - b. have, at a minimum, recourse to videoconferencing and telephone conference calls for the purpose of hearing victims who reside abroad.
2. Member States are encouraged to extend similar possibilities as under paragraph 1.b to other rights laid down under Chapter II of the appendix to this recommendation.
3. Member States are encouraged to ensure that victims of a criminal offence committed in another State than where they reside may make a formal complaint to the competent authorities in the State of residence, if they are unable to do so in the State where the criminal offence was committed or, in the event of a serious offence, if they do not wish to do so. In these cases, member States should ensure that the competent authority to which the victim makes a formal complaint transmits it without delay to the competent authority of the State where the criminal offence was committed.
4. Member States are encouraged to ensure that the country of residence does not restrict victims' eligibility for State or offender compensation (Articles 14 and 13), protection (Article 15) and victim support (Article 19) in the State where the crime was committed.
5. Member States are encouraged to participate in international networks aiming to facilitate cross-border co-operation in meeting victims' needs. This should include, as a priority, meeting the needs of victims of international and transnational crimes.

Article 21 – Co-operation and co-ordination

1. Member States should ensure, to the extent feasible, the development and maintenance of structures that support and co-ordinate policy and practice.
2. To this end, member States should ensure that:
 - to the extent feasible, all agencies involved in the delivery of services and measures set forth in the appendix to this recommendation work together to ensure a co-ordinated response to victims;
 - additional procedures are created to deal with mass victimisation situations, together with comprehensive implementation plans including the identification of lead agencies.

Article 22 – Confidentiality

1. Member States should require all agencies, whether statutory or non-governmental, in contact with victims, to adopt clear data protection standards by which they may collect, store and disclose to a third party information received from or relating to a victim on condition that:
 - the victim has explicitly consented to such disclosure;
 - there is a legal requirement or authorisation to do so.
2. In these two cases of exception, clear rules should govern the disclosure procedures.
3. Procedures should be in place and published to deal with alleged breaches of the rules.

Article 23 – Selection and training of staff

1. Member States should ensure that officials likely to come into contact with victims, such as the police, court staff, emergency services or others attending the scene of a major incident, receive general and specialist training.
2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the member States, they should request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims. With due respect for the independence of the legal profession, member States should furthermore recommend that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.

3. Through their public services or by funding victim support organisations, member States are also encouraged to assist victim support services to enable those providing victim support and restorative justice services to receive general and specialist training in order to ensure that such assistance is delivered in accordance with professional standards.

4. Member States are encouraged to make general and support training available to other practitioners who may come into contact with victims, such as relevant staff in health, housing, social security, education and employment services.

5. The practitioners mentioned in paragraphs 1 to 4 should receive general and specialist training to a level appropriate to the nature and extent of their contact with victims, and in accordance with the duties involved. The goal is to enable practitioners to recognise victims, to increase awareness of the needs of victims and to enable them to deal with victims in an impartial, non-discriminatory, respectful and professional manner.

6. General training should, as a minimum, include:

- awareness of the negative effects of crime on victims and the effects of crime on a victim's attitude and behaviour, including verbal behaviour;
- skills and knowledge required to assist or professionally interact with victims;
- awareness of the risk of causing secondary victimisation and the skills to minimise this risk.

7. For those responsible for conducting the individual assessment referred to in Article 4 and for referring victims to specialised support services, the general training should also include:

- awareness of how to conduct the individual assessment and how to select appropriate measures to address particular protection needs;
- the availability of services providing information and support specific to the needs of victims and the means of accessing these services.

8. Specialised training should at least be provided to all staff working with child victims and victims of certain categories of crime, for example domestic or sexual violence, terrorism, crimes motivated by racial, religious or other prejudice, as well as to families of murder victims.

Article 24 – Raising public awareness of crime victimisation

1. Member States should contribute to raising public awareness of the needs of victims, encouraging understanding and recognition of the effects of crime in order to prevent secondary victimisation and to facilitate the rehabilitation of victims.

2. This could be achieved through government funding, publicity campaigns, using all available modern media and through education.

3. The role of the non-governmental sector in focusing public attention on the situation of victims should be recognised, promoted and supported.

Article 25 – Research and data collection

1. Member States should promote, support and, to the extent possible, fund or facilitate fund-raising for victimological research, including comparative research by researchers from within or outside their own territory.

2. Research could, *inter alia*, focus on:

- criminal victimisation and its impact on victims;
- prevalence and risks of criminal victimisation including factors affecting risk;
- the effectiveness of legislative and other measures for the support, compensation and protection of victims of crime;
- the effectiveness of available interventions by criminal justice authorities, victim services and restorative justice programmes.

3. Member States should take into consideration the current state of victimological research in developing evidence-based policies towards victims.

4. Member States should encourage all governmental and non-governmental agencies dealing with victims of crime to share their expertise with other agencies and institutions nationally and internationally.

Article 26 – Monitoring and implementation of this recommendation

1. This recommendation, the principles annexed to it and their implementation should be assessed regularly in the light of any significant developments in victim's rights and victimological research in member States and, if necessary, should be revised accordingly.

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