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# UN & CoE

## January

3 February – Luxembourg becomes the sixth European Union (EU) Member State to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-ICESCR), which establishes an individual complaints mechanism for the covenant

5 February – Slovenia ratifies the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

20 February – Italy becomes the seventh EU Member State to ratify the OP-ICESCR

## February

16–20 March 2015 – Sub-Committee on accreditation of the international coordinating committee for national human rights institutions recommends accrediting the national human rights institution (NHRI) of Latvia with A status

18 March – France becomes the eighth EU Member State to ratify the OP-ICESCR

## March

9 April – In *A. T. v. Luxembourg* (No. 30460/13), the European Court of Human Rights (ECtHR) clarifies the scope of the right to effective legal assistance in criminal proceedings under Article 6 of the European Convention on Human Rights (ECHR)

17 April – Finland ratifies the Istanbul Convention

24 April – Parliamentary Assembly of the Council of Europe adopts Resolution 2054 (2015) on equality and non-discrimination in the access to justice

27 April – Poland ratifies the Istanbul Convention

29 April – UN Working Group on Arbitrary Detention adopts final text of the ‘Basic principles and guidelines on remedies and procedures on the right of anyone deprived of his or her liberty by arrest or detention to bring proceedings before court’

## April

28 May – in *Y. v. Slovenia* (No. 41107/10), the ECtHR rules that exposing a victim of alleged sexual assault to offensive questioning by the alleged offender violates Articles 3 and 8 of the ECHR, and refers in this context to the Victims’ Rights Directive (2012/29/EU)

## May

## June

23 July – UN Committee on the Elimination of Discrimination against Women (CEDAW) adopts its General Recommendation No. 33 on Women’s Access to Justice

## July

## August

18 September – Committee on Economic, Social and Cultural Rights issues its first decision (Views) in an individual case submitted under the OP-ICESCR (which entered into force on 5 May 2013). The decision finds Spain to be in violation of an individual’s right to housing

## September

20 October – in *Dvorski v. Croatia* (No. 25703/11), the ECtHR rules that the applicant’s inability to make an informed choice of lawyer undermined his defence rights and the fairness of the proceedings as a whole, in violation of Article 6 of the ECHR

## October

18 November – Netherlands ratifies the Istanbul Convention, bringing the total number of EU Member States that have ratified the convention to 12

## November

17 December – UN General Assembly adopts Resolution 70/163 on enhancing the participation and contributions of Paris Principles-compliant national human rights institutions to the work of relevant UN processes and mechanisms

## December

# EU

11 January – Transposition deadlines of Regulation 606/2013 on mutual recognition of protection measures in civil matters and Directive 2011/99/EU on the European Protection Order expire

## January

## February

## March

## April

## May

## June

## July

## August

## September

9 October – European Commission publishes the Roadmap for (a possible) EU Accession to the Istanbul Convention

15 October – In *Criminal proceedings against Gavril Covaci* (C-216/14), the Court of Justice of the European Union (CJEU) clarifies the scope of Directive 2010/64/EU on the right to interpretation and translation and Directive 2012/13/EU on the right to information, of suspects and accused persons in criminal proceedings

22 October – EU signs Council of Europe Convention and Additional Protocol on Prevention of Terrorism

## October

16 November – transposition deadline for the Victims’ Rights Directive (2012/29/EU), setting minimum standards for the rights, support and protection of victims across the EU, expires

## November

16 December 2015 – Regulation 2015/2422 amending Protocol No. 3 on the Statute of the CJEU is adopted. It provides for a progressive increase in the number of judges at the General Court and for the merging of the Civil Service Tribunal with the General Court

## December

# 7

## Access to justice, including rights of crime victims



*With developments in some EU Member States causing concern, the United Nations, Council of Europe and the EU continued efforts to reinforce the rule of law, including judicial independence and justice systems' stability. Several Member States strengthened the rights of accused persons and suspects with a view to transposing relevant EU secondary law. 2015 also marked the deadline for Member States to transpose the Victims' Rights Directive, but more work is required to achieve effective change for crime victims. In the meantime, Member States introduced important measures to combat violence against women, and the European Commission communicated its plans for the EU's possible accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).*

### 7.1. European and international actors continue to push for stronger rule of law and justice

The rule of law is part of, and a prerequisite for the protection of, the fundamental values listed in Article 2 of the Treaty on European Union (TEU), as well as a requirement for upholding fundamental rights deriving from the EU treaties and obligations under international law. Access to justice is an intrinsic part of the rule of law. Various efforts at European and international levels aimed to further strengthen the rule of law in 2015.

On September 25, the UN General Assembly adopted a plan of action called the 2030 Agenda for Sustainable Development.<sup>1</sup> According to the agenda, making sustainable development a reality requires equal access to justice and effective rule of law. The agenda consists of 17 Sustainable Development Goals, which are a universal set of goals, targets and indicators that UN member states are expected to use to frame their agendas and political policies over the next 15 years. Goal 16 refers to the need to promote the rule of law at

the national and international levels and ensure equal access to justice for all.

Highlighting the need for a solid criminal justice response to terrorism, the European Agenda on Security, endorsed by the Council and European Parliament as the EU Renewed Internal Security Strategy for 2015–2020, emphasised the importance of firmly basing all security measures on the rule of law and respect for fundamental rights.<sup>2</sup>

Effective and independent justice systems are essential safeguards of the rule of law. The Commission's EU Justice Scoreboard aims to achieve effective justice by identifying trends in the efficiency, quality and independence of civil, commercial and administrative justice systems across the EU.<sup>3</sup> The information feeds the European Semester, the EU's annual economic policy coordination. Together with individual country assessments, the scoreboard helps identify possible shortcomings and encourages Member States to carry out, where necessary, structural reforms to make their justice systems more effective and thereby contribute to mutual trust, as well as sustainable and more inclusive economic growth.

The 2015 edition of the EU Justice Scoreboard took into account new parameters, such as the use and promotion of alternative dispute resolution methods, including in consumer disputes; the quality of online small claims

proceedings; courts' communications policies; and the proportion of female professional judges. One of the key findings of the 2015 edition is that, although the efficiency of justice systems has improved in Member States, the situation varies significantly depending on the Member State and indicator.

In September, the European Parliament passed a resolution urging the Commission to broaden the EU Justice Scoreboard's scope to include periodical assessments of each state's compliance with fundamental rights and the rule of law. According to the European Parliament, such assessments should be based on indicators reflecting the Copenhagen political criteria governing accession, and the values and rights laid down in Article 2 of the treaties and the EU Charter of Fundamental Rights.<sup>4</sup>

Meanwhile, a report by Thorbjørn Jagland – the Council of Europe's Secretary General – on the state of democracy, human rights and the rule of law in Europe identified judicial weakness as one of the top human rights concerns of the 47 Council of Europe member states in 2015.<sup>5</sup>

*“Honest and decent courts are essential for supporting democracy and maintaining stability, yet over a third of our member countries are failing to ensure that their legal systems are sufficiently independent and impartial.”*

*Thorbjørn Jagland, Council of Europe Secretary General, 29 April 2015*

EU institutions highlighted developments in two Member States as troubling in terms of the rule of law in 2015. Constitutional amendments in Hungary were already subject to criticism for this reason in 2012 and 2013.<sup>6</sup> In 2015, EU institutions again raised concerns about the situation in **Hungary**, and for the first time also with regard to **Poland**.

Referring to a number of amendments adopted by the **Hungarian** Parliament – particularly to the law on asylum, the penal code, the law on criminal procedure, the law on the border, the law on the police and the law on national defence – the European Parliament called on the Commission to:

*“activate the first stage of the EU framework to strengthen the rule of law, and therefore to initiate immediately an in-depth monitoring process concerning the situation of democracy, the rule of law and fundamental rights in Hungary, including the combined impact of a number of measures, and evaluating the emergence of a systemic threat in that Member State which could develop into a clear risk of a serious breach within the meaning of Article 7 TEU.”*<sup>7</sup>

Regarding **Poland**, the Commission announced plans to review the situation in the country in January 2016, following legislative amendments made in 2015 to the composition and powers of its constitutional court as well as

to its media law. The Commission's review uses the 'Rule of Law Framework', adopted in 2014.<sup>8</sup> It was the first time that the Commission applied this new framework, which aims to address threats to the rule of law that are of a “systemic nature”. It is to be activated only when national rule of law safeguards do not seem capable of effectively addressing those threats.<sup>9</sup> The framework precedes the procedure laid down in Article 7 TEU which, among others, allows sanctions against Member States that violate the values shared between the EU and its Member States.

The First Vice-President of the European Commission recommended that the Polish government consult the Council of Europe's European Commission for Democracy through Law – known as the Venice Commission – before enacting the proposed changes to the Law on the Constitutional Tribunal. The Venice Commission provides “constitutional assistance” to member states of the CoE and, in particular, helps states that wish to bring their legal and institutional structures in line with common European standards and international experience in the fields of democracy, human rights and the rule of law. The Polish government requested a legal assessment from the Venice Commission on 23 December, but concluded the legislative process before receiving its opinion.<sup>10</sup>

## 7.2. Progress on EU directives strengthens procedural rights in criminal proceedings

Efforts to strengthen the procedural rights of those suspected or accused in criminal proceedings across the EU continued in 2015, following up on the 2009 Roadmap on procedural rights of suspects and accused persons in criminal proceedings (see [Figure 7.1](#)). On 27 October, the Presidency of the Council of the EU and the European Parliament reached an agreement on the final compromise text for the proposed Directive on the strengthening of certain aspects of the presumption of innocence and the right to be present at trial in criminal proceedings.<sup>11</sup> The presumption of innocence is a fundamental principle of the legal process and one of the most important rights of the defence. The proposed text includes two rights directly linked to the presumption of innocence: the right to remain silent and the right against self-incrimination. The Council and the European Parliament are expected to formally adopt the directive in 2016.

In December 2015, the Council and the European Parliament reached a political agreement on the actual wording of the proposal for safeguards for children. Meanwhile, negotiations on proposals for legal aid continued during 2015.<sup>12</sup> These proposals also form part of the efforts prompted by the 2009 Roadmap.

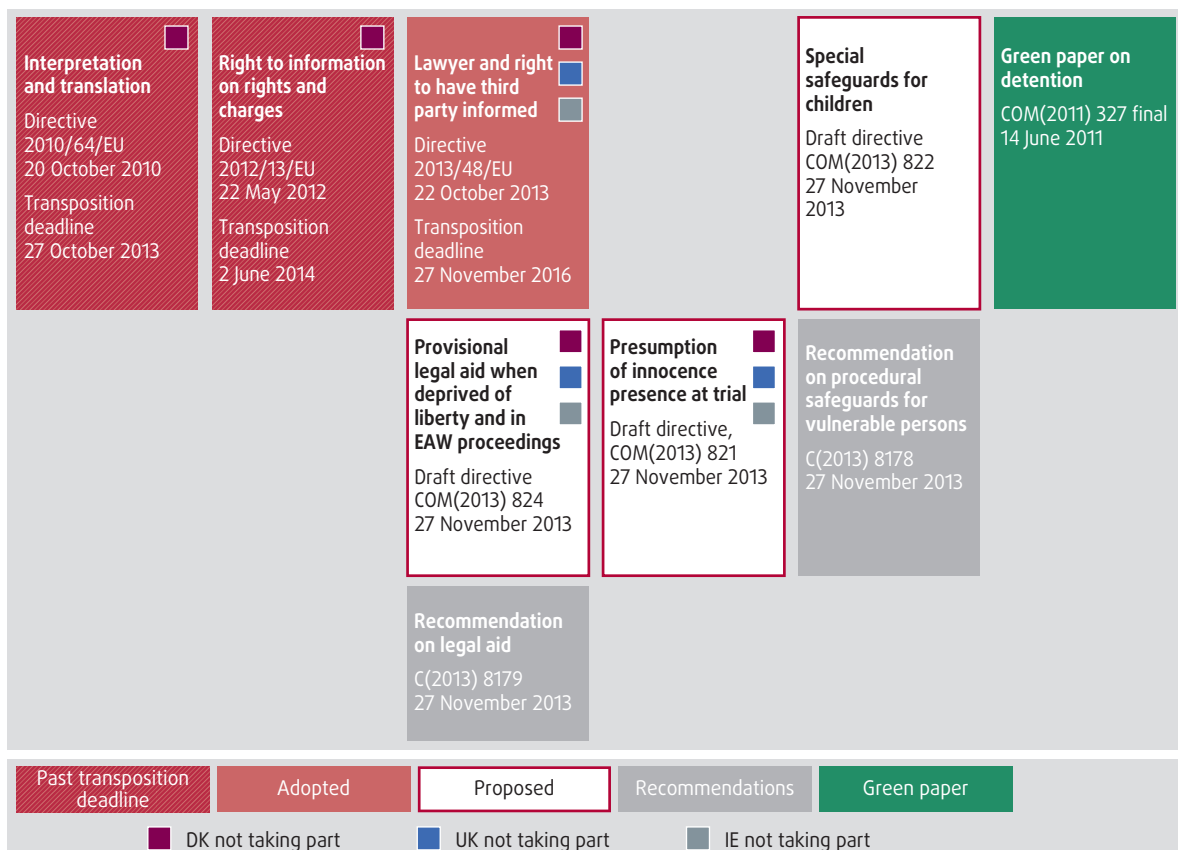
Three EU directives have already been adopted under the roadmap: Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings; Directive 2012/13/EU on the right to information in criminal proceedings; and Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings.<sup>13</sup>

In 2015, the CJEU delivered its first judgment dealing with the first two of these three directives.<sup>14</sup> *Criminal proceedings against Gavril Govaci* (C-216/14) concerned German legal provisions imposing fines for minor offences through written penalties. The CJEU stated that the Directive on the right to interpretation and translation does not prevent national law from requiring the written opposition to such penalty orders to be drafted in the national language, even when the accused person does not speak it – given that the individual could also present the opposition by other means, e.g. orally and through the assistance of an interpreter. With respect to the Directive on the right to information, the CJEU found that provisions requiring the accused to mandate a resident of the Member State in which the offence was committed to receive

notification of the penalty order on the person’s behalf were compatible with this principle. However, the law cannot be read to mean that the two-week term for opposing the order runs from notification; instead, it must be interpreted as meaning that the term runs from the date on which the accused actually became aware of the order to allow the person to benefit from the full two-week term for preparing the defence.

In *A. T. v. Luxembourg* (No. 30460/13), the ECtHR made reference to the Directive on the right to information in the context of addressing arguments on access to the case file. The case involved a person arrested under a European Arrest Warrant (EAW), and centred on the right to a fair trial under Article 6 of the ECHR in the course of criminal proceedings.<sup>15</sup> The ECtHR found that the applicant’s lack of access to the case file prior to his first appearance before the investigating judge did not violate Article 6, because the provision does not guarantee unlimited access to the file in situations where national authorities have sufficient reasons, relating to protecting the interests of justice, not to undermine the effectiveness of their enquiries. However, the ECtHR found that the absence of a lawyer during the

**Figure 7.1: Roadmap on procedural rights of suspects and accused persons in criminal proceedings**



Note: Roadmap for strengthening procedural rights of suspects and accused persons in criminal proceedings (OJ C 295, 4 December 2009), adopted by the Council of the European Union on 30 November 2009 and incorporated into the Stockholm Programme.

Source: FRA, 2015



applicant's initial interrogation by the police, as well as the applicant's inability to communicate with his lawyer prior to his first appearance before the investigating judge, did violate Article 6 ECHR.

The ECtHR issued another important judgment dealing with the right to access a lawyer in *Dvorski v. Croatia* (No. 25703/11).<sup>16</sup> In that case, the police refused to allow a lawyer hired by the applicant's parents to represent him while he was under questioning at a police station on suspicion of multiple murders, armed robbery and arson. The applicant signed a power of attorney authorising another lawyer to represent him, but did not know that the lawyer hired by his parents had come to the police station to see him. He confessed to the offences. The court's Grand Chamber held that the applicant's choice was not an informed one, and that his inability to make such a choice undermined his defence rights and the fairness of the proceedings as a whole.

The deadlines for EU Member States to transpose Directive 2010/64/EU on the right to interpretation and translation and Directive 2012/13/EU on the right to information expired in 2013 and 2014, respectively. Due to its specific opt-out regime, **Denmark** is not bound by either directive.<sup>17</sup> The rights to interpretation, translation and information in criminal proceedings allow suspects and accused people to follow and actively participate in judicial proceedings, in accordance with existing international standards, in particular those arising from the right to a fair trial under Article 47 of the EU Charter of Fundamental Rights and Article 6 of the ECHR.

**Spain** adopted legislation with a view to transposing both directives in 2015.<sup>18</sup> While still awaiting the final adoption of the national laws implementing both EU instruments,<sup>19</sup> the Prosecutor General of **Luxembourg** issued a circular note indicating that the provisions of the Directive on the right to interpretation and translation were to be directly applied.<sup>20</sup> This followed a 2014 Court of Appeal decision that referred to established CJEU case law and confirmed that private individuals can directly rely on EU directive provisions when these are sufficiently precise and unconditional.<sup>21</sup>

The vast majority of EU Member States already adopted various legislative measures with a view to transposing both directives in previous years. In 2015, many of these EU Member States proposed amendments to their original implementation laws to clarify certain mechanisms put in place by them, address omissions or issues that arose from their practical implementation, or redefine their scope of application.

**Estonia** further delimited the extent to which it will provide translation and interpretation services to suspected and accused persons.<sup>22</sup> **Hungary**, among other amendments, further specified details on the content of the letter of rights and the extent of access to information

about the case upon detention.<sup>23</sup> **Latvia** considered more detailed rules concerning the deadline for providing a person who is under arrest with information about the case.<sup>24</sup> Legislative amendments in the **Netherlands** concerned the list of authorities and bodies obliged to use a sworn interpreter or translator in the course of criminal proceedings.<sup>25</sup> In **Poland**, the Ministry of Justice adopted a regulation on the model letter of rights.<sup>26</sup>

Amendments to the laws of several other Member States addressed the quality of translation and interpretation services in criminal proceedings. **Romania** drafted amendments addressing the conditions for getting certified as a translator or interpreter, their obligation of confidentiality and the specific written format in which to provide suspects and accused persons with information about their rights.<sup>27</sup> **Portugal** further discussed the issue of establishing an official register of independent translators and interpreters,<sup>28</sup> while **Finland** officially set up a register of legal interpreters.<sup>29</sup> **Slovakia** introduced new modes to examine official translator and interpreter candidates registered on the list of the Ministry of Justice, and new rules in the context of transposing the Directive on the right to interpretation.<sup>30</sup> **Sweden** proposed different ways of using authorised translators and interpreters more effectively in courts, such as – for example – using technical solutions more efficiently and extensively, improving judicial staff's knowledge about interpretation matters, or enhancing administrative support.<sup>31</sup>

### Promising practice

#### Developing a common voluntary regulatory framework to enhance the quality of interpretation and translation services

In **Italy**, more than 5,000 professionals operating in the field of translation and interpretation – particularly for judicial bodies – developed a regulatory framework to guarantee a minimum level of quality of legal translation and interpretation services, and to provide general criteria for access to this profession. The framework specifies standards and competence requirements for individuals exercising the profession to adhere to on a voluntary basis.

*For more information, see: La Norma UNI 11591:2015, 'Professional activities not regulated – Professional figures operating in the field of translation and interpretation – Requirements for knowledge, skills and competence' (Attività professionali non regolamentate – Figure professionali operanti nel campo della traduzione e dell'interpretazione – Requisiti di conoscenza, abilità e competenza), 10 September 2015*

Several national courts issued judgments in 2015 that provide guidance on domestic laws governing the rights of suspects or accused people to interpretation,

translation and/or information in criminal proceedings. The **Austrian** Supreme Court held that there was no violation of the right to a fair trial in criminal proceedings in which a person accused of murder had the opportunity to raise problems concerning understanding the interpreter during the main court hearings, but did not do so.<sup>32</sup> The Court of Cassation in **France** reviewed a case concerning an investigating judge's failure to proceed on their own initiative with a written translation of essential documents in a procedure against a person accused of stealing valuable historic maps. The court ruled that this failure did not have any bearing on the validity of acts lawfully carried out by criminal authorities – such as the arrest or placement in detention – unless this compromised the right of defence and the right of the accused to pursue an appeal.<sup>33</sup> In **Italy**, the Court of Cassation reviewed the validity of a judgment sentencing a Spanish-speaking defendant to 15 years in prison for international drug trafficking, which was not immediately translated.<sup>34</sup> The Court of Cassation held that judgments that are not immediately translated are not invalid, but extend the applicable appeal period until the person concerned receives the translated decision.

The Supreme Court of the **Netherlands** held that a summons issued to an accused person (or relevant parts of the summons) must be in a language intelligible to the person concerned, who in this case had insufficient command of Dutch. Since the person did not receive a translation and the Court of Appeal proceeded with its session, the resulting verdict was invalid.<sup>35</sup> In a case concerning the conviction of a lawyer for accepting money in exchange for promising to exert influence over judges about an ongoing case, the High Court in **Romania** confirmed that a police officer cannot act as a translator and that, when recordings are transcribed, an authorised translator must take part.<sup>36</sup>

Directive 2013/48/EU on the right of access to a lawyer and communication lays down minimum rules concerning the right of access to a lawyer in criminal proceedings and in proceedings for the execution of an EAW, the right to have a third party informed upon deprivation of liberty, and the right to communicate with third persons and with consular authorities while deprived of liberty. The deadline for EU Member States to transpose this directive expires on 27 November 2016. **Denmark** and the **United Kingdom** are not taking part in this directive, and **Ireland**, which has yet to opt in, is reflecting on the matter.

In 2015, several EU Member States started or continued discussions on legislative and policy measures needed to transpose the directive. **Austria**,<sup>37</sup> **Croatia**,<sup>38</sup> **Estonia**,<sup>39</sup> **Italy**,<sup>40</sup> **Latvia**<sup>41</sup> and **Sweden**,<sup>42</sup> for example, continued existing legislative processes or proposed new draft legislation. **Belgium**<sup>43</sup> and **Bulgaria**<sup>44</sup> established special drafting committees and working groups to work on

legislative measures to ensure the directive's effective transposition. In the **Netherlands**, although parliament has not yet approved an implementing law, the Supreme Court referred to Directive 2013/48/EU and held that, from 1 March 2016 onwards, suspects have a right to the assistance of a lawyer during police questioning.<sup>45</sup>

### 7.3. Member States' implementation of victims' rights

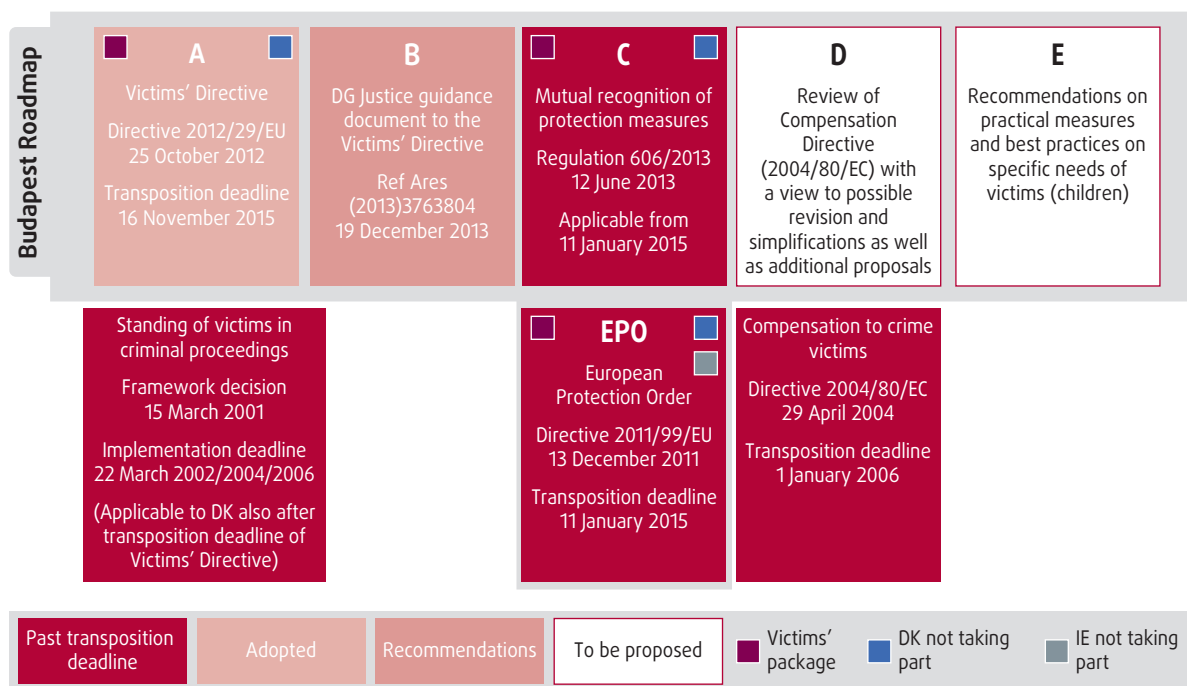
It was a milestone year for the rights of crime victims in Europe, with 16 November marking the deadline for Member States to transpose the Victims' Rights Directive (2012/29/EU). The vast majority of EU Member States proposed or adopted new legislation on the rights of crime victims by the deadline. However, less than one quarter of Member States registered notification of transposition with the European Commission by the deadline, meaning many Member States must transpose and implement the directive at national level at the earliest opportunity.

Some Member States made progress in key areas highlighted in FRA's 2014 Annual report – such as improving legislation, support services, training, data collection, and the provision of information and individual assessments. However, FRA evidence shows that challenges regarding several aspects addressed in the directive remain, including: the practical application of information provided to victims (Article 4), establishing and providing support services free of charge (Articles 8 and 9), and individual assessments of victims by police (Article 22). FRA's report on *Victims of crime in the EU: The extent and nature of support for victims*, published in January 2015, provides comparative EU data and analyses of these areas.<sup>46</sup>

FRA evidence also points to a lack of adequate and appropriate means of informing children about their rights. In an effort to assist Member States, FRA in 2015 developed videos and infographics for children, informing them about their rights. Member States also adopted special measures to protect children from repeat victimisation in 2015 (for more information, see Chapter 6 on children's rights). FRA also coordinates the Working Party on improving reporting and increasing recording of hate crime, which in 2015 started to develop awareness-raising material to



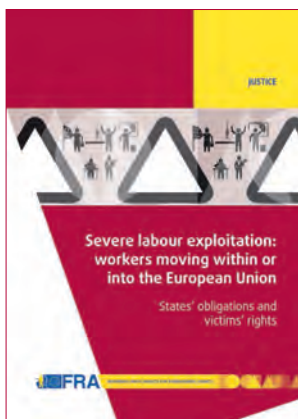
Figure 7.2: EU instruments relating to victims of crime and to support services in particular



Source: FRA, 2015

assist Member States in their efforts to combat hate crime and increase recording and reporting of such crime (for more information, see Chapter 3 on racism, xenophobia and related intolerance).

A 2015 FRA report on severe labour exploitation contains important insights about victims of crime.<sup>47</sup> Although focused on the exploitation of foreign workers, it underlines findings from broader FRA surveys on crime victims. For example, the report shows that victims of labour exploitation rarely report crimes to the police – which FRA’s four large-scale surveys on the victimisation of minorities, LGBT persons, antisemitic offences and violence against women also showed. Victims of labour exploitation also lack access to victim support and effective remedies. They do not report crimes because they are unaware of their right to access affordable legal assistance and representation, and of how to access justice.



In addition, many victim support organisations do not have sufficient resources to provide support to such victims – a right they have under the Victims’ Rights Directive, which applies to all victims of crime. Experts note that

providing victims with information about their rights and making targeted support services and legal aid available could go a long way towards improving the situation of victims of severe forms of labour exploitation. However, their situation also involves a specific context, and their needs may differ from those of other crime victims; for example, given that most victims of severe labour exploitation who have moved within or into the EU do so because of poverty and economic interests, they will naturally resist interventions that jeopardise their employment situations without offering viable alternatives.<sup>48</sup>

*“FRA evidence shows that police and victim support services in most states have special measures in place to deal with at least certain categories of victims, such as victims of trafficking – where the focus has more recently addressed the needs of victims of labour exploitation. In general, however, there is a lack of comprehensive support service systems for victims of severe forms of labour exploitation, and many existing services exclude particular groups. Experts interviewed by FRA [...] confirm that not all victims are treated equally. While some groups of victims are prioritised, others, such as migrants in an irregular situation, are in a disadvantaged position regarding access to effective support services and protection in criminal proceedings. Under Article 8 of the Victims’ [Rights] Directive, all victims have a right to access support services in accordance with their needs. Victim support services must operate in the interest of the victim and be confidential and free of charge. If access is denied, Article 47 of the Charter requires that an effective remedy be available to the victim.”*

Source: FRA (2015), *Severe labour exploitation: Workers moving within or into the European Union*, Luxembourg, Publications Office, pp. 20-21



### 7.3.1. Transposing the Victims' Rights Directive: progress and challenges

Five EU Member States registered transposition of the Victims' Rights Directive with the European Commission by 16 November 2015: the **Czech Republic, Malta, Portugal, Spain** and **Sweden**. By January 2016, the addition of **Estonia, Finland, Germany, Hungary, Italy, Poland** and the **United Kingdom** brought the total to 12. An additional eight Member States notified the Commission of partial transposition by the end of 2015 (**Austria, Belgium, Croatia, France, Ireland, Lithuania, the Netherlands, and Romania**).

The **Czech** Government adopted an amendment to the Act on Victims of Crime that refines some definitions in line with the directive, such as broadening the definition of a 'particularly vulnerable' victim. In cases of doubt, one is to consider a victim 'vulnerable'. The draft also requires police, victim support organisations and other bodies involved in the criminal justice system to better support victims, including by improving the provision of information.<sup>49</sup>

**Malta** adopted a law transposing the directive in April 2015.<sup>50</sup> However, according to Victim Support Malta, an NGO, the new law does not fully transpose all of the rights and obligations emanating from the directive;<sup>51</sup> for example, it completely omits provisions pertaining to the protection of victims, including children. Also, according to Victim Support Malta, while Standing Operating Procedures delineate how police should deal with crime victims during the investigation and prosecution of offences – a positive development – they do not encapsulate all of the directive's requirements and need to be revised. In addition, Member State authorities must effectively communicate these to all relevant police officers, particularly in relation to the individual needs assessment under Article 22.<sup>52</sup>

In **Portugal**, legislation that entered into force in October ensured the Victims' Rights Directive's transposition.<sup>53</sup> The directive was transposed into **Spanish** law through Law 4/2015 on the Status of Crime Victims, which also provides for an assessment of the possible special needs of certain categories of victims, such as victims of racist crime, gender-based crime or victims with an illness or disability.<sup>54</sup> According to the Second Additional Provision of the Spanish law, the measures included in the law should not lead to an increase in staff resources, remunerations or other staff costs.

Finally, in **Sweden**, the Implementation of the Victims' Rights Directive Bill was approved and entered into force on 1 November 2015.<sup>55</sup> The law amends the Code of Judicial Procedure<sup>56</sup> to ensure that courts employ an interpreter; that documents are translated on demand;

and that victims can demand notification about the time and place of court proceedings. The government also announced a package of measures to strengthen support for crime victims, including by improving information provided to victims about the release of perpetrators, about available protection and care measures, and the individual safety assessment made by the police.<sup>57</sup>

The **German** law on strengthening victims' rights in criminal proceedings came into force on 31 December 2015.<sup>58</sup> Besides amending the Criminal Code, the act also established a new law: the Act on Psychosocial Assistance in Criminal Procedure (which [FRA's 2014 Annual report](#) addressed in Section 7.3.1). The court must assign psychosocial assistance to all victims of sexual abuse and victims of serious crime under the age of 18. Older victims of serious crimes such as rape, human trafficking and attempted murder can also request free support.

#### Bolstering victim support

Establishing effective victim support services for all victims of crime is one of the key provisions of the Victims' Rights Directive, as, without support services, victims are not able to access many other rights they have under the directive. As noted in FRA's 2015 report on *Victims of crime in the EU: the extent and nature of support victims*, eight EU Member States have yet to establish the generic victim support services that Article 8 of the directive requires (see [Table 7.1](#)).

Some Member States introduced significant measures and practices to build up victim support services and proactively encourage victims to access those services – for example, by providing clear information to victims and, crucially, increasing funding of victim support organisations, which need to function effectively if victims are to receive helpful and timely support free of charge. Some Member States also rolled out special victim support units in police stations. For more information on linking victim support work to police stations, see FRA's 2015 report on *Victims of crime in the EU*, which provides a comprehensive assessment of victim support services throughout the EU.<sup>59</sup>

In **Belgium**, the 'Reception services of the House of Justice of Liege' supports victims by providing them with information and guidance on their rights in criminal proceedings. Assistants will regularly contact victims who seek such assistance to evaluate their situation and evolving needs. This signals the start of a more proactive approach by authorities, who previously offered support only at the start of a case and then left it up to victims to take the initiative to seek further support. This change recognises that victims often do not necessarily understand what is at stake right away, or may not be in an emotional state to respond positively to an offer of support. The project

**Table 7.1: Main models of victim support**

	1. At least one national generic - main provider/structure is state run and funded	2. At least one national generic - main provider/structure is non-governmental but relies strongly on state funding	3. At least one national generic - main provider/structure is non-governmental, but does not rely strongly on state funding
AT			✓
BE	✓		
BG			
CY			
CZ	✓		
DE			✓
DK		✓	
EE	✓		
EL			
ES	✓		
FI		✓	
FR		✓	
HR	✓		
HU	✓		
IE		✓	
IT			
LT			
LU	✓		
LV			
MT		✓	
NL		✓	
PL		✓	
PT		✓	
RO			
SE		✓	
SI			
SK			✓
UK		✓	
<b>Total</b>	<b>7</b>	<b>10</b>	<b>3</b>

Note: The table refers to those EU Member States with at least one national generic VSS (from the research it appears there are no generic victim support services (i.e. aimed at all rather than specific categories of victims) in BG, CY, EL, IT, LT, LV, RO and SI). Orange-shaded areas indicate that no generic victim support service exists.

Source: FRA, 2014



aims to transfer this practice to other support services after a testing period.<sup>60</sup>

**Ireland** rolled out Garda Victim Service Offices to 28 Garda (police) divisions by 2015. (Section 7.3 of *FRA's 2014 Annual report* reported on the introduction of these offices).<sup>61</sup> Each office has a police officer and a civilian, whom NGOs have trained to deal with victims of crime and act as the central point of contact and support for victims.<sup>62</sup> The functions carried out by the office include identifying and liaising with victims of crime; arranging call-backs to victims by community police; sending them initial contact letters and follow-up letters (translated versions are available in many languages);<sup>63</sup> providing information on available services; emailing embassies and tourists to assist with arranging travel documents, etc., at short notice; and referring tourist victims to the Irish Tourist Association Services.<sup>64</sup> The police sends letters to victims of crime. These come from the superintendent of the relevant police station (at which the crime was reported), and contain the name of the investigating officer, the 'pulse' number of the crime, the telephone number of the investigating police station and the number of the Crime Victims Helpline. Police are also updating their information systems to help identify people who are at risk by flagging this in their IT systems.<sup>65</sup> In addition, the Director of Public Prosecutions is to get additional staff members to assist with obligations under the Victims' Rights Directive.<sup>66</sup>

### Promising practices

#### Notifying victims of their rights in Slovenia and the United Kingdom

A new **Slovenian** website offers an online form that enables victims who report a crime to the police to get status updates regarding the report. It also provides victims with a brochure about procedural rights and victim support. The application requires victims to fill in a form about their crime report. They then receive automated responses about its status – for example, if it has been registered in the system, if an investigation is under way, or if the report is in the hands of a prosecutor.

*For more information, see: the Ministry of the Interior's website*

The **United Kingdom's** government launched the Victims Information Service, a 'one-stop shop' for information and advice. It provides factual information about what happens after a crime and what help victims can expect, including how to claim compensation. It also allows people to search for the services available in their locality.

*For more information, see: UK, HM Ministry of Justice (2015), 'New national service to help victims', August 2015*

In January 2015, the Victims' Commissioner for England and Wales produced a review of complaints and resolutions for crime victims, which assessed the experiences of 200 victims. Almost 75 % of victims who complained were unhappy with the response they received, it shows. The findings also highlight that the main reasons victims did not complain was either that they did not feel confident that anyone would take their complaint seriously or that they did not know to whom to complain.<sup>67</sup> In response,<sup>68</sup> the government, accepting the Commissioner's recommendations, introduced a number of changes to improve complaints handling and resolutions for crime victims. In addition, in May 2015, the government in England and Wales announced plans to introduce a Victims Law, which should further strengthen the rights and entitlements of crime victims.<sup>69</sup> In addition, revisions to the Victims' Code were launched in November 2015.

#### Member States increase funding to victim support organisations

The **Dutch** government increased the budget for victim support by more than €7 million in 2015.<sup>70</sup> In **France**, the budget dedicated to victim support was to increase by 22 % (after having already been increased by 7 % in 2014 and 26 % in 2013), bringing it to almost €17 million.<sup>71</sup> The government plans to further increase it – to €25 million – in 2016.<sup>72</sup>

In **Ireland**, the government announced a 21 % increase in funding for the Victims of Crime Office in 2016, bringing the overall budget to €1.5 million, which amounts to an increase of approximately €300,000 for 50 victim support organisations. As indicated in *FRA's 2014 Annual Report*, the Victims' Rights Alliance has previously noted a resource issue in relation to victim support services. The alliance voiced concerns that the announced increase will not suffice to ensure the provision of information, support and protection to crime victims under the Victims' Rights Directive. It pointed out that some victim support organisations have no paid staff and are run solely by volunteers – for example, Advocates for Victims of Homicide (AdVIC), Support after Homicide (SAH), and the Irish Road Victims Association (IRVA).<sup>73</sup> However, counselling services provided by AdVIC are delivered by trained and paid professionals from the funds provided by the Victims of Crime Office. FRA research underlines the need for EU Member States to strike a balance between the number of volunteers and professional staff working in victim support, stressing that "organisations relying on volunteers should make sure that permanent staff offer effective guidance to volunteers and supervise the quality of their work."<sup>74</sup>

In **Finland**, the budget of the Ministry of Justice will strengthen state funding allocated to victim support organisations from 2016 onwards to fulfil the

requirements of the directive.<sup>75</sup> Victim Support Finland will have a budget of approximately €3.4 million in 2016, a major increase (of 80–90 %).<sup>76</sup> The main funding comes from the Ministry of Justice (approximately €2.4 million), municipalities and Finland's Slot Machine Association.

**Sweden** in 2015 increased the fee that must be paid to the Swedish Crime Victim Fund by anyone found guilty of a crime that carries a prison sentence – from SEK 500 (€53) to SEK 800 (€85).<sup>77</sup> Authorities also further simplified the application form – introduced in 2014 – for applying for compensation for an injury related to a crime (see [FRA's 2013 Annual report](#), Section 9.2).

### Promising practice

#### Bolstering employee competence in serving persons with disabilities who become victims of crime

During 2015, the **Swedish** Crime Victim Compensation and Support Authority, in accordance with a commission from the government, focused on persons with disabilities who become victims of crime. The aim was to increase employees' competence in dealing with this group and to share knowledge about what obstacles people with disabilities face in the legal system and how to manage these obstacles. In accordance with a commission from the government, the National Council for Crime Prevention began working on a project exploring how to increase crime victims' involvement in judicial procedures, including what kind of support they need and how to satisfy these needs.

Source: Email correspondence with the Crime Victim Compensation and Support Authority, Knowledge Centre (Brottsövermyndigheten Kunskapscentrum), 21 September 2015

### Further efforts required to fully enforce victims' rights

As highlighted in [FRA's 2014 Annual report](#), **Slovakia** does not yet have a comprehensive legislative and institutional framework for the protection of victims' rights, and it lacks support services. There were no developments in this regard in 2015. NGOs provide all support to victims and depend on foreign project financing.<sup>78</sup>

**Romania** has not yet transposed the directive. It does not offer generic victim support services (accessible to all crime victims) that are separate from probation services – although victims of various categories of crime can avail themselves of specialised services (for example, child victims, victims of domestic violence, and victims of human trafficking).<sup>79</sup> According to feedback received by the probation services, victims

are reluctant to seek their assistance because probation officers also provide services to accused and convicted persons, and victims are afraid of meeting them while accessing these services. Victim support services also have limited resources and personnel, and few psychologists, which impedes their ability to provide services for crime victims.<sup>80</sup>

In the **Czech Republic**, the Probation and Mediation Service is the only public body providing victim support – it carries out legal and psycho-social counselling, crisis intervention and provides support to victims during criminal proceedings.<sup>81</sup> FRA evidence shows that, to guarantee confidentiality and the interests of the victim, "organisations providing victim support should not also be tasked with providing mediation or probation services."<sup>82</sup>

## 7.4. Countering violence against women

FRA focused on particular fundamental rights issues linked with violence against women in 2015 – including EU institutions' and Member States' efforts to enhance victims' access to justice and address violations of victims' dignity through legislative, policy and institutional changes that combat violence and abuse.

### 7.4.1. EU institutions tackle violence against women

As reported in *Violence against women: An EU-wide survey* – FRA's 2014 report on its survey on women's experiences of violence – women in all 28 EU Member States face physical and sexual violence, alongside psychological abuse, harassment and stalking.<sup>83</sup>

The European Institute for Gender Equality (EIGE) began implementing its long-term work plan on gender-based violence, covering 2015–2018. It focuses on, among other things, mapping the concepts and methodologies Member States use in data collection; facilitating the harmonisation of data collection; and highlighting good practices in data collection on gender-based violence.<sup>84</sup> EIGE's 2015 *Study to identify and map existing data and resources on sexual violence against women in the EU* focused on rape, marital rape, sexual abuse/assault, sexual coercion and sexual harassment outside the workplace. It highlighted a lack of available and systematically collected data on sexual violence in EU Member States.<sup>85</sup>



In an effort to address the data collection gap, FRA in June 2015 made available its violence against women survey data set free of charge through the UK Data Service, a recognised international service widely used by governmental and non-governmental institutions that produce survey data.<sup>86</sup> EIGE published the second edition of its Gender Equality Index (GEI) to assess the impact of gender equality policies in the EU and by Member States over time. The 2015 edition includes, for the first time, data for the domain of violence by providing a composite indicator of direct violence against women based on the data FRA collected through its survey on violence against women.<sup>87</sup> The European Commission also reported on trends and measures in Member States to prevent gender-based violence and protect and support victims in 2015.<sup>88</sup>

The European Parliament underscored its commitment to countering violence against women in several resolutions and recommendations. In its Resolution on Gender Equality,<sup>89</sup> it drew on data from FRA's survey in its recommendations on stalking, cyber harassment and workplace harassment. Based on FRA data on victims of stalking, the parliament recommended that the European Commission continue to protect victims by adopting more measures like the European Protection Order and the Victims' Rights Directive, and by assisting Member States in drawing up national action programmes for gender equality. The European Parliament highlighted the need to promote policies against harassment in the workplace in a recommendation for the Commission to encourage gender balance in decision-making in politics, government and economics. This Resolution on the progress on equality between women and men in the EU in 2013<sup>90</sup> also called on FRA, EIGE and Eurostat to continue collecting harmonised comparable data on violence, deeming it a useful tool for Member States and the Commission for effective policy-making.<sup>91</sup>

Calling for strengthened efforts to combat violence against women and girls, and citing evidence that one in three women in the EU has experienced some form of gender-based violence in her life,<sup>92</sup> the European Commission indicated its intention to propose the EU's accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). It published a Roadmap towards accession in October.<sup>93</sup> The roadmap for a "possible EU accession" to the Istanbul Convention expresses Commissioner Jourová's commitment to explore and propose the EU's accession to the convention "in as far as the EU has competence to sign and ratify," describing an initiative that could potentially lead to a Council Decision on EU accession to the convention.

*"We support the EU accession to the Council of Europe Convention on preventing and combating violence against women and domestic violence as a further step to effectively combat violence against women and girls at national and European levels."*

Source: European Commission, 'Joint statement on the International Day for the Elimination of Violence against Women, 25 November 2015', Brussels, 24 November 2015

According to an initial assessment, the convention is generally compatible with the EU *acquis* – although some convention articles are more specific than the relevant EU legislation. Ongoing preparatory work is assessing the nature of any legal implications of a possible accession. The roadmap notes that is important for the Commission and various stakeholders to cooperate in getting more accurate and comparable data on violence against women, which are crucial to strengthening policy responses. It also refers to FRA's survey and some of its key findings, as well as to an online mapping tool on administrative data sources and related statistical products published by EIGE.<sup>94</sup>

#### 7.4.2. Member State efforts to combat violence against women: legislation and policy

Sexual assaults reported in Cologne and other European cities on 31 December 2015 attracted public attention, mixing issues of ethnicity and asylum with violence against women. But, as FRA's research underscores, women in the EU are at risk of sexual harassment and assault in all areas of life, and most perpetrators are EU citizens and among the victims' families, friends or acquaintances. Member States took diverse steps to counter this reality in 2015.

The European Protection Order (EPO) and Regulation 606/2013 on mutual recognition of protection measures in civil matters, both of which apply since 11 January 2015, prompted various activity at Member State level. Both instruments represent a step forward in ensuring that victims of, in particular, domestic violence and stalking who obtain protection in one EU Member State can enjoy similar protection in another Member State. The instruments are not restricted or directed at gender-based crime, but are intended to give protection to all potential victims. However, they have a clear role to play in reducing gender-based violence risks.

The EPO binds 26 EU Member States, 22 of which had national measures in place by the end of 2015. Many designated competent authorities for the functioning of Regulation 606/2013. Member States also introduced domestic violence protection orders and measures ensuring the recognition of orders issued by other Member States; introduced new sanctions, such as obliging perpetrators of violence to live separately



from the victim and prohibiting them from approaching the victim; and criminalised stalking.

The Victims' Rights Directive also set important new minimum standards for responding to victims of gender-based violence across the EU. National developments with regard to this directive are outlined in [Section 7.3](#). In addition, ELGE published an analysis of the Victims' Rights Directive from a gender perspective in 2015.<sup>95</sup>

Meanwhile, the influence of the Istanbul Convention grew, with numerous countries adopting measures in line with its goals of preventing violence against women, enhancing victim protection and prosecuting perpetrators. **Finland**, the **Netherlands**, **Poland** and **Slovenia** ratified the convention, bringing the total number of EU Member States that have ratified it to 12. **Belgium** took significant steps towards ratifying the convention in 2015.<sup>96</sup> It completed the ratification process at regional and community levels in July, meaning only the final act of ratification by the federal parliament remains.

A further two Member States signed the convention (**Cyprus** and **Ireland**), bringing the total number of EU Member State signatories to 25. **Bulgaria**, the **Czech Republic** and **Latvia** are the only EU Member States that have not signed.<sup>97</sup> (For a full list of core international human rights instruments that the EU and its Member States have formally accepted, see FRA's online overview of international obligations). However, the Cabinet of Ministers of **Latvia** approved a Government Action Plan for the implementation of a Cabinet of Ministers' Declaration. One of its goals is to sign the Istanbul Convention by 1 September 2017.<sup>98</sup>

Although **Hungary** signed the Istanbul Convention in March 2014, its ratification – i.e. actual implementation – was rejected in a parliamentary session held in March 2015.<sup>99</sup> A member of parliament argued that the convention did not cover what the member deemed to be 'the most common form of domestic violence': abortion.<sup>100</sup> Governing parties in the Justice Committee rejected a proposal on urgent ratification, reasoning that the process is already on-going and that the government is committed to facilitating the process by preparing the necessary legislation to implement the convention's requirements.<sup>101</sup>

Also in Hungary, a 2015 parliamentary decision on the national strategic goals for the efficient fight against domestic violence outlined strategic principles relating to the strict rejection and zero tolerance of any forms of domestic violence, and authorises the government to take measures to establish an effective system to fight domestic violence.<sup>102</sup> The year's only published court decision on domestic violence – a criminal offence since 2013<sup>103</sup> – rejected a plaintiff's motion for

a preventative restraining order.<sup>104</sup> For a court to issue such an order, there must be a realistic chance that one party will hurt the other. In this case, the court did not find sufficient probable cause for such an action.

The government of **Poland** changed in October 2015, with the Law and Justice Party (PiS) now leading it. This party opposed ratification of the Istanbul Convention and very actively participated in the ratification debate, so it remains to be seen if this change in government will negatively affect the convention's implementation in Poland.

In **Slovakia**, the NGO *Možnosť voľby* launched a campaign to increase support for ratification of the Istanbul Convention, which Slovakia signed in May 2011. The campaign involved many male celebrities, which the organisation believes benefitted the impact on the public's perception of the problem. NGOs claim that the government's efforts to tackle violence against women lack a systemic approach and the necessary budget and human resources to implement support programmes for victims.<sup>105</sup>

**Spain** made substantive amendments to its criminal code<sup>106</sup> to bring its legislation in line with the Istanbul Convention. Gender is mainstreamed; a prohibited ground of discrimination is to be an aggravating circumstance; and harassment and forced marriage are now offences.

The **German** Federal Ministry of Justice and Consumer Protection in July presented a draft law to adapt the criminal law on sexual abuse and rape (an issue addressed in [Section 7.4.1 of FRA's 2014 Annual report](#)). This introduced legal changes to define as rape several acts that are not defined as such under current law.<sup>107</sup> According to some human rights and women's rights organisations, the changes still fall short of the requirements of the Istanbul Convention.<sup>108</sup>

The **Danish** parliament amended the Act on social service to strengthen support for women at shelters.<sup>109</sup> Whereas previous legislation only required counselling for women with children, the law now obliges municipalities to offer preliminary and coordinating counselling as early as possible to all women at shelters. In a legal brief on the new legislation, the Danish Institute for Human Rights (DIHR) expressed satisfaction with the decision to include all women. However, the DIHR criticised the lack of gender equality assessment of the legislation, noting that the changes overall improve the situation for women only. Men who have been victims of domestic violence are not equal with women under the law.<sup>110</sup>

New legislation in **Portugal** strengthened prevention measures. It set up a unit for the retrospective analysis of situations involving domestic violence murders for



which there are already final judgments, and set up a database on incidents reported to Portuguese law enforcement agencies and risk assessments thereof.<sup>111</sup> The law also reinforces victims' right to be informed about the protection of their rights in a language that they understand. In addition, a new law approves the system of granting compensation to victims of violent crimes and domestic violence;<sup>112</sup> this includes the possibility – under exceptional circumstances (e.g. proved lack of subsistence means) – for the victim to receive the amount of the advance payment in one single instalment.

The Serious Crime Act 2015 in the **United Kingdom (England and Wales)** created a new offence, namely: controlling and coercive behaviour in an intimate or family relationship ('domestic abuse') that has a "serious effect", such as causing fear that violence will be used or causing alarm or distress that adversely affects day-to-day activities.<sup>113</sup>

Based on evidence of high rates of violence against women highlighted in FRA's survey findings, the agency's 2014 Annual report concluded that Member States should develop and implement national action plans to combat violence against women. Some Member States developed and implemented such plans in 2015.

In **Belgium**, the French community, the Walloon region and the Commission of the French Community (which takes care of the French community's responsibilities in the Brussels-Capital region)<sup>114</sup> adopted an 'intra-francophone' plan for 2015–2019 in preparation for implementing the Istanbul Convention.<sup>115</sup> It pays particular attention to sexual violence. The plan contains 176 measures, including the financing of a free helpline for rape victims, the financing of training for staff who deal with sexual violence, the establishment of a unit in hospitals to care for victims of genital mutilation, and a protocol for assisting victims of forced marriages.<sup>116</sup> In a separate development, the Institute for the Equality of Women and Men (IEFH), with a government mandate, finalised a national plan on the fight against gender-based violence for 2015–2019.<sup>117</sup>

The most important measure taken in the field of gender-based violence in the **Czech Republic** was the approval of the Action Plan for the Prevention of Domestic and Gender-Based Violence 2015–2018.<sup>118</sup> The term 'gender-based violence' now appears in the title of all sections that previously focused only on domestic violence. The plan defines a new set of cross-sectional priorities – including looking at the special position of persons with disabilities, persons at risk of social exclusion, seniors, homeless persons, Roma, migrants, and other persons facing multiple discrimination.<sup>119</sup>

Combating violence against women is one of the priority goals of the action plan for gender equality

for 2014–2017 in **Cyprus**.<sup>120</sup> The interim goals it sets include signing the Istanbul Convention; training professionals who come into contact with victims; public awareness campaigns; research on sexual harassment at the workplace; data collection; adopting victim support measures; adopting a code against sexual harassment in the public service; and monitoring the activities of job placement agencies to combat trafficking of female migrant domestic workers.

### 7.4.3. Countering violence against women with targeted projects and studies

#### Improvements in support services

The **Croatian** Ministry of Social Welfare and Youth is financing a three-year programme (2014–2017) to ensure the effective integration of women who are victims of violence after they leave shelters, with a focus on women acquiring skills, qualifications and employment. There is evidence that the perception of domestic violence has significantly changed, from relegating it to the private sphere to recognising that domestic violence is a violation of human rights.<sup>121</sup>

#### Promising practice

##### Financing efforts to support refugee women who are victims of violence

The Ministry for Health, Emancipation, Care and Old Age of the State of North Rhine-Westphalia, in **Germany**, in 2015 allocated €900,000 to counselling and support of refugee women who have been victims of violence and are traumatised. Organisations working in the field may apply for additional funding to increase their work or initiate particular projects. The money can also be used to finance urgent psychotherapeutic treatment of refugee women who have no possibility of receiving funding for the treatment under the Victims Compensation Act, or whose right to financing of treatment is uncertain under the Asylum Seeker's Benefits Act. The organisations can also use the money to pay for refugee women to stay in women's shelters.

*For more information, see: Ministerium für Gesundheit, Emanzipation, Pflege und Alter des Landes Nordrhein-Westfalen, 'Advice and assistance to traumatized refugee women who have been victims of violence' (Beratung und Unterstützung von Gewalt betroffenen traumatisierten Flüchtlingsfrauen)*

In 2015, **Denmark** launched a project to test Critical Time Intervention as a method to provide coordinated counselling to women who move out of a women's shelter, and to create better opportunities for women to rebuild their lives.<sup>122</sup> Denmark also opened a centre

to disseminate knowledge and advice on, and support victims of, stalking.<sup>123</sup>

**Ireland** increased funding to the National Office for the Prevention of Domestic, Sexual and Gender-Based Violence (COSC), from €1.9 million to €2.4 million.<sup>124</sup> It will use this extra €500,000 towards a national awareness campaign allied to the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016–2021. There are concerns that this increase will not be enough to ensure the provision of information, support and protection to victims of crime under the Victims' Rights Directive.<sup>125</sup>

The **Netherlands** established the Advice and Reporting Centres on Domestic Violence and Child Abuse, called Safe at Home, which offer specialist support services to victims of domestic abuse and child abuse.<sup>126</sup> As of September 2015, there are four sexual assault centres in the Netherlands: in Utrecht, Maastricht, Enschede and Nijmegen.<sup>127</sup> A 'Forced Marriage and Abandonment Centre' was also opened in The Hague to provide information, advice and support to professionals dealing with cases of forced marriage and abandonment.<sup>128</sup>

In the **United Kingdom**, the Scottish government funded Victim Support Scotland, People Experiencing Trauma and Loss (PETAL), Trafficking Awareness Raising Alliance (TARA), and Migrant Help with a total of over £5 million for the financial year 2015/2016. In March 2015, the Scottish government announced an additional £20 million funding over the next 3 years to, among other things, enhance support for victims of violence and sexual assault; widen access to specialist advocacy and support services for victims of crime; and reinforce a zero-tolerance approach to domestic abuse and sexual crimes. From this additional funding, £1.85 million was awarded to Rape Crisis Scotland over the next 3 years – nearly doubling the funding to each of their existing centres across the country, as well as extending Rape Crisis services to Orkney and Shetland.

### National studies and data collection on violence against women

In 2015, a foundation and two associations – the STER Foundation, in cooperation with the WAGA Association and the VICTORIA Association for Women – began a project in **Poland** to improve society's knowledge and awareness of rape. The project aims to identify the scale of the phenomenon, verify the implementation of the law on public prosecution of rape, and look at the role of police and prosecution. The points of departure for the project were various studies conducted on the subject of physical violence, including, to a great extent, FRA's survey. The project covers 450 women of different backgrounds, ages and education levels.<sup>129</sup> Preliminary results show that 87 % of

women have experienced some form of sexual abuse (including obscene behaviour, attempted physical contact, involuntary touching and obscene jokes); 37.5 % have experienced unwanted sexual advances; 23.1 % have experienced a rape attempt; and 22.2 % have been victims of rape. In the majority of rape cases, a current or previous partner committed the rape – the perpetrator was an unknown person in only 8 % of cases. 91 % of the rape cases reported in this study had not been reported to the police.<sup>130</sup>

A national study on violence against women in **Belgium** – carried out as part of a European project entitled Companies Against Gender Violence – was published in November 2015. It aims to support dialogue between companies, institutions and NGOs, as well as creating a good practice guide for companies' involvement in tackling violence against women. It provides information on what concrete actions companies take to support and protect women, and makes recommendations for fighting violence against women.<sup>131</sup>

**Germany's** Federal Anti-Discrimination Agency published a report by an independent expert commission in December 2015, outlining recommendations for measures against gender discrimination.<sup>132</sup> One of the three key issues identified in the report is better protection against sexual harassment at work. Findings show that at least 50 % of women in Germany encounter sexual harassment at work in all kinds of sectors. The report recommends strengthening employers' efforts to combat sexual harassment by increasing training for higher management and workers' councils, and establishing complaint mechanisms. The commission also suggests legal reforms – such as increasing the maximum period for taking legal action from two to six months, and allowing representative legal action by anti-discrimination organisations.

In **Spain**, the Government Office against Gender-based Violence published results from a wide population-based survey – covering 10,171 women aged 16 or above – on the prevalence of violence against women in the country. The survey followed the quality requirements recommended by the UN Statistics Committee as well as by FRA's survey on violence against women. The survey measured intimate partner violence, and, for the first time in Spain, collected data on the prevalence of non-partner physical and sexual violence. The survey shows that 12.5% of women have experienced physical or sexual violence from their current or former partners; 2.7% reported that they were currently experiencing physical or sexual intimate partner violence. 7.2% reported non-partner lifetime sexual violence, and 0.6% had experienced this type of violence in the 12 months prior to the interviews. These results are in line with FRA survey results.



## FRA opinions

The rule of law is part of and a prerequisite for the protection of all fundamental values listed in Article 2 TEU, as well as a requirement for upholding fundamental rights deriving from the EU treaties and obligations under international law. The UN, Council of Europe and EU continued their efforts to reinforce the rule of law, including stressing the importance of judicial independence and stability of justice systems in the EU. Developments in some EU Member States in 2015, nevertheless, raised several rule of law concerns, similar to those seen in past years.

### FRA opinion

*To address the rule of law concerns raised about some EU Member States in 2015 and prevent further rule of law crises more generally, it is FRA's opinion that all relevant actors at national level, including governments, parliaments and the judiciary, need to step up efforts to uphold and reinforce the rule of law. They should in this context consider acting conscientiously on advice from European and international human rights monitoring mechanisms. Regular exchange with the EU, and among the Member States themselves, based on objective comparative criteria (such as indicators) and contextual assessments, could be an important element to mitigate or prevent any rule of law problems in the future.*

In transposing the EU directives on the right to translation and interpretation, and on the right to information in criminal proceedings, most EU Member States decided to propose legislative amendments, as FRA findings in 2015 show. They did this to further clarify certain mechanisms put in place by the original implementing laws; to address omissions or issues that arose from the practical implementation of these laws; or to redefine their scope of application. Evidence shows, however, that gaps remain when it comes to the adoption of policy measures.

### FRA opinion

*To ensure that procedural rights like the right to translation or to information become practical and effective across the EU, it is FRA's opinion that the European Commission and other relevant EU bodies should work closely with Member States to offer guidance on legislative and policy actions in this area, including an exchange of national practices among Member States. In addition to reviewing their legislative framework on the EU directives on the right to translation and interpretation, and on the right to information in criminal proceedings, it is the opinion of the FRA that EU Member States need to step up in the*

*coming years to complement their legislative efforts with concrete policy measures, such as providing guidelines and training courses for criminal justice actors concerning the two directives.*

In line with the November 2015 transposition deadline for the Victims' Rights Directive (2012/29/EU), some Member States took important steps to realise the minimum rights and standards of the directive. Evidence from FRA research shows, however, that significant gaps remain, such as the practical application of information provided to victims (Article 4), establishing and providing support services free of charge (Articles 8 and 9) and individual assessment of victims by police (Article 22). Most EU Member States must still adopt relevant measures to transpose the directive into their national law.

### FRA opinion

*To enable and empower victims of crime to claim their rights, it is FRA's opinion that Member States should, without delay, address remaining gaps in their legal and institutional framework. In line with their obligations under the Victims' Rights Directive, they should reinforce the capacity and funding of comprehensive victim support services that all crime victims can access free of charge.*

Recognition of violence against women as a fundamental rights abuse, which reflects the principle of equality on the ground of sex, through to human dignity and the right to life, gained more ground in 2015 as four EU Member States ratified the Istanbul Convention and the European Commission announced a 'Roadmap for possible accession of the EU to the convention'. The need for further legal as well as policy measures to prevent violence against women remains nevertheless. The Commission and individual Member States used data from FRA's EU-wide survey on the prevalence and nature of different forms of violence against women to argue for enhanced legal and policy responses to combat violence against women.

### FRA opinion

*To enhance legal and policy responses to combat violence against women, it is FRA's opinion that the European Union accedes to the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), as outlined in the Commission's roadmap. EU Member States should ratify and effectively implement the convention.*

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