

Feedback on EU Strategy on Victims' Rights (2020-2024)

2 April 2020

The Center for Reproductive Rights welcomes the opportunity to provide feedback in relation to the EU Strategy on Victims' Rights (2020-2024). The feedback highlights the need for the new Strategy to ensure the adoption by Member States of a more comprehensive and inclusive definition of victims, strengthened measures to guarantee the right of victims of gender-based violence to justice and reparations and to support services, including the essential package of sexual and reproductive health care, and measures to ensure mandatory training for all relevant officials and professionals on the rights and needs of victims of gender-based violence.

The Center for Reproductive Rights is an international human rights non-governmental organisation working to advance gender equality and women's sexual and reproductive health and rights across the world. The Center conducts fact finding, legal and policy advocacy, litigation, and capacity building and empowerment initiatives.

Across the EU, women continue to experience widespread forms of violence in the context of intimate partnerships, public and professional life. It is estimated that one in four women will experience gender-based violence in their lifetime. However, only a very small proportion of women who have been victims of violence are reporting it to the police. Furthermore, a majority of women are not bringing the most serious incidents of violence they have experienced to the attention of any support services. As such the majority of victims of gender-based violence are not seeking justice, reparations and support often because of feelings of shame and stigma. Women victims of violence who are reaching out for support are most often contacting health professionals and institutions who can play a critical role in strengthening the response to the needs of victims and respect for their rights.

The persistence of widespread gender-based violence against women is a grave concern and the EU and its Member States must step up and intensify its efforts to combat and eradicate all forms of gender-based violence against women within the EU and ensure access to justice and reparations for all victims. The new Strategy provides an important opportunity to adopt a series of targeted measures to respond to the needs and fulfill the rights of victims of gender-based violence to justice and reparations, including access to essential sexual and reproductive health services.

Comprehensive definition of victims and crimes

Under current EU legislation Member States have adopted diverging approaches to defining who is a victim of crime and is therefore entitled to compensation. The new Strategy should ensure

a more harmonised and comprehensive approach in line with the recommendations outlined in the report of the Special Adviser to President Juncker on victims' compensation.

It is also critical that all victims of crime committed in a Member State, regardless of the nationality, citizenship or immigration status of the victim, are entitled to compensation and to access support services, including essential sexual and reproductive health services. The Strategy should outline specific measures to address the needs of particularly marginalised groups of victims such as undocumented migrant women.

Furthermore, victims of gender-based violence should be able to obtain justice and reparations, including access to support services, regardless of whether they have suffered physical or psychological violence. The EU should support efforts by Member States to align the definition of crimes covered by the Victim's Directive with the Istanbul Convention's definition of gender-based violence, which includes acts causing "physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life."

Right to reparations, including compensation

Member States have obligations under international human rights law to provide remedies to victims of gender-based violence, including adequate, effective and prompt reparation for harm suffered. Required reparations include restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Victims of gender-based violence must be provided with full and effective reparations proportional to the gravity of the harm suffered and taking into account their individual circumstances. The new Strategy should affirm State duties to provide adequate reparations to victims of gender-based violence proportional to the harms suffered.

The new Strategy should incorporate legislative initiatives and EU recommendations for provision of effective remedies and reparations to victims. This must encompass compensation for the physical, psychological and financial harm suffered by victims of gender-based violence and measures for their rehabilitation, including through access to psychological counselling and necessary health services, including sexual and reproductive health services.

Access to support services for victims of gender-based violence

Across the EU women who are survivors of sexual violence often do not have access to the minimum package of essential services as elaborated by UN Women, UNFPA, WHO, UNDP and UNODC, which includes critical sexual and reproductive health services, such as emergency contraception, safe and legal abortion, and diagnosis and treatment for sexually transmitted infections. In particular, in some Member States provision of emergency contraception, safe and legal abortion care, post-exposure prophylaxis, and forensic examinations for survivors of sexual violence is lacking. In addition, stigma and harmful gender stereotypes also continue to undermine women's ability to seek and obtain the care they need. Failures to guarantee victims' access to these services violates Member States' obligations under international and regional human rights standards and contravenes public health recommendations.

Ensuring that all victims of sexual violence have access to the essential services package is vital and only by guaranteeing this can the EU and its Member States' response be effective and victim-centered. The new Strategy should set out recommendations to Member States for ensuring that all victims of gender-based and sexual violence have access to essential health care, including sexual and reproductive health care, and support services. The Strategy should also recommend and support actions by Member States to raise awareness about victims' rights to access support services and sexual and reproductive health care.

Mandatory training on victims rights and needs

In order to strengthen access to justice and reparations and other support services for victims of gender-based violence the Strategy should recommend mandatory training on victims rights and needs and on gender equality for police, prosecutors, judges, health care professionals and those providing support services to victims. Specialised training on the particular needs of vulnerable groups, such as victims of gender-based violence and undocumented migrant women, should be developed and provided to all professionals and officials interacting with victims.