



Protection and new Strategy for the Victims of Crime in the European Union Harmonization Perspective

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Abstract

The harmonization in the European Union is connected to the definition, legal regulation and harmonization instruments important for the position of victims of crime. Legal, social and other important aspects are described below trying to summarize long time activities and developments at this field. Connected to the European Union legal aspects and national legal systems an important level of victims of crime protecting systems has been established. Especially the national legal regulation and acts dealing with criminal procedures are harmonized well. The concept of witness protection has to be elaborated not only depending on legal regulation, but also reflecting the social dimensions, gender background, vulnerable victim's position and other important aspects starting with the European Union directive of the victim protection and also dealing with the national legal regulations and the possible future development on this field.

Keywords: Definition; Victims; Crime; Legal; Political; European Union; Legal Source; Fair Treatment; Victimization; International Documents; UN Guide; Vulnerable; Istanbul Convention; Compensation; Minimum Standards; Directive; Mechanisms

Abbreviations: ENVR: European Network on Victims' Rights; EIGE: European Institute for Gender Equality; FRA: Fundamental Rights Agency; EQUINET: European Network of Equality Bodies; CEPOL: European Union Agency for Law Enforcement Training.

Introduction and Historical Reflection

Because of the global pandemic aspects of the Covid-19, the victims' rights protection, even if it is really important subject, does not get the correspondent reflection in the society and in the scientific community [1]. Protecting the rights of victims of crime, the European Union tries to achieve uniformity in laws of member states. Harmonization, introduced in the title of this article, is a process of ascertaining the admitted limits of international unification, but does not necessarily amount to total uniformity. The European Union

is using two important instruments for reaching the goals of its politics, unification and harmonization. Both are very important in the field of protection of the rights of crime victims. Why do we need harmonization in this field and is harmonization a successful instrument? This is an important primary question, connected to the secondary questions like: do all victims of crime thanks to the harmonization reach victims support services, or is the support of victims available only within the criminal proceedings? Is the legal and practical training thanks to the harmonization following the obligations under the Directives of European Union and supported with correspondent information? Are in the national and EU legislative procedures, connected to the harmonization, also the experiences of the victims reflected? Is there sufficient knowledge about victims' rights and victimization in the public?

In order to answer the primary and also secondary questions as research topics, legal and political, psychological and social analyses are conducted. The research examines the legal measures introduced by EU law and the member states law and international conventions platform. Thus, the methodological approach is focusing on legal acts and EU politics. Analyses and legal observations are generally addressing the research questions mentioned above. Important is also, whether the EU member states Law, established because of the harmonization procedure, is compatible with EU law and public international law. A normative legal research is deployed to help find the legal rules, doctrines and legal principles. The legal issues in the presented topic are elaborated with the help of the descriptive research method, classification methods, and results of the statistical methods, with historical and comparative reflection.

Starting with 18th century the position of victims, their needs and protection became important. It took long time of the social development until the reflection of the rights of victims of crime and human rights in this sector generally have been reflected correctly. Reflecting the importance of United Nations, European Union and also the Council of Europe an important political support, established thanks to the public international legal aspects and European Union law, has been developed [2].

The research cannot reflect only the legal platform. Also the psychological and social aspects have to be reflected. In the middle of the 20th century the victim rights have been evaluated with more importance, especially thanks to the victimology and its results. They have been successfully elaborated into the legislative procedures of the new codes of criminal proceedings, and also the interaction of the victim and the perpetrator new regulation, together with the classification of vulnerable victims and their better protection have started [3]. As the importance of the movements in the societies influenced the reflection of the importance of the protection of victims of crime, the gender problematic and also the feminism became important together with the reflection of domestic violence and the negative consequences of woman's discrimination. As a result of this important aspects the United Nations Vienna Convention on the Elimination of all Forms of Discrimination Against Women (hereinafter "CEDAW") have been adopted. At the same time the CEDAW-Committee started to provide recommendation against violence and discrimination [4]. The list of activities and positive procedures continues with the United Nations "Convention of the Rights of Persons with Disabilities". This convention is important for the rights of women and girls with disabilities and the member states of the convention were obliged to establish the protection of their human rights and also secure their freedoms. This was

an important step because of the danger of the domestic and sexual violence.

Generally the term of violence and its connection to the victims of crime are more and more important for the European Union legal system but also for national legal acts, belonging to the public law sector. Reflecting the international public law sector and the importance of the public law the declaration of basic principles of Justice for Victims of Crime and Abuse of Power [5] is an important instrument handling the rights of victims, the access to rights and aspects of legal treatment, reparation and compensation [6]. This document is important because of the definition of victims of crime and also presents the definition of victims of abuse of power, where the second group of victims is touched with actions or omissions [7]. Difference between those two groups is significant also for the future development in the legal regulation. In the stadia of the legal development the victims are defined as persons suffering harm, individually or collectively, including physical or mental injury emotional suffer, economic loss or the breach of the fundamental rights. Also the protection of the family members became more important and the declaration is dealing with the situation of immediate threat to family members or dependent person of the victim as this group also assist to the victim by preventing victimization belonging for the future [8]. Continuously, the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights and Humanitarian Law are also very important, because they are working with the aspects covered by the Basic Principles and expanding them. Based on the definition of victim of crimes in this document, the definition is becoming brighter [9]. The categories are describing individuals who have suffered direct harm, family members or dependants of the direct victim, persons who have suffered harm in attempt to prevent victimization and finally collective victims [10].

Focusing on the European development, which is in fact connected with the global circumstances, more detailed analysis will be provided from the European level and historical development of the European Council. Thanks to the activities of European Council the European Convention on the Compensation of Victims of Violent Crimes has been established together with the definition of victims of crime [11]. This convention is focusing on victims, who suffered bodily injury, impairment of health and on dependants of victims, who have died as a result of the criminal behavior or its circumstances. The European Council is later coming with the extended definition and handling also the psychological injuries [12]. The activities of European Council are supported by the important acts prepared by the Council of Europe. The Council of Europe started with an interesting group of international norms

related to the problematical aspects of victims and their rights. There is a sum of resolutions and recommendations, as the Resolution (77) 27 on the compensation of victims of crime [13]. This resolution is based upon the reasons of equity and social solidarity, forming the guiding principles for the harmonization of national provisions in this field. Later come the recommendation R (83) 7 from the 23 June 1983 on participation of the public in crime policy because of the need for a crime policy reflecting the interests of a victim [14]. After these recommendations have been introduced, the Council of Europe adopted the European Convention on the Compensation of Victims of Violent Crimes Adopted on 24 November 1983 [15]. This activity has been followed by documents dealing with the protection and support of victims of crime as Council of Europe Recommendation R (85) 11 on the Standing of Victims in Criminal Law and Criminal proceedings, Council of Europe Recommendation R (87) 21 on Assistance to Crime Victims and Victimization prevention and the Council Framework Decision on the Standing of the Victim in Criminal Proceedings and also the recommendation (2006) 8 of the Committee of Ministers On Assistance to Crime Victims, adopted on 13 June 2006 [16]. Also the Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children was important and presented in the year 2000 [17]. This protocol, the Convention on Action Against Trafficking of Human Beings and also the Istanbul Convention are important milestones for the European Union reflection of the development in the field of victims of crime's protection.

European Union Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012

For harmonization in the EU the Council Directive 2004/80/EC of 29 April 2004, relating to compensation to crime victims and Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime are the most important sources in the member states of the European Union and reflected as the standards that the member states are obliged to establish. Because of those two directives, especially the second one, the Victims of Crime Acts in EU Member States implementing these directives, are not only existing and harmonized but they are also establishing an important legal framework protecting the victims of crime [18].

According to the directive 2012/29/EU the victims of crime have to receive support in the information platform, general support and protection and shall be also involved in the criminal proceedings. That is why the definition of the victim is also important because the victim shall have the right to be recognized, treated with respect and professionally,

sensitively, individually and without discrimination [19]. Because of the principles of harmonization in European Union the member states had to ensure all mentioned above and they did, based on to the national legal acts. Coming back to the definition, the directive defines who the victim of a crime is. It is either a natural person who has suffered physical, mental or emotional harm, material loss that was directly caused by the crime, a family member of a person whose death was directly caused by the crime and someone who has suffered harm as a result of the death of that person [20].

Even if the directive works with the definition of the victim of crime, it is important to answer also the question related to the gender aspects, whether women or man are protected in the same way from the same type of the violence and in the same intensity. Surprisingly the statistics show that men compared to women are affected by violence more than women. Important law sources in the field of protection of victims of crime show and also reflect other sorts of statistics as the statistics in the cases of sexual violence and domestic violence, and reflect also the place where the violence happened because it is important to reflect the situation in private circumstances and in public places [21]. Gender is not the only problematic aspect. Other important aspects are also vulnerable victims and victims with multiple disabilities. They are important for the understanding of the definition of victims of crimes and nuances connected with their protection [22]. In this special sort of victims the person is facing problems with obstacles and special types of violence, special types of aggression. This is also important for the situation in retirement homes where the people are daily confronted with injuries and situations what are reflected as a standard life circumstances.

Important are also the physical conditions of the victims depending on the dominance, strength, dependence and also aspects of social and cultural milieus [23]. The definition of victim and also the aspects of their rights have to be understood together with understanding, that not only women, but also men experience violence. Men can be also victims and can suffer violence from both men and women. Additionally, it should be stated that women can also suffer violence from the other women and not only men women. The scientific community and also the correspondent legislative procedures have to be oriented also to age, ethnicity and sexual orientation. Protecting victims means also a really close connection with criminology and legislative procedure dealing with the aspects of criminal proceedings. In general, from the perspective of victims of crime, human rights are important. Based on that, this research provides detailed presentation of the most important rights protected thanks to the harmonization procedure started with the European Union Directive.

The Right to Information

The member states of the European Union had to ensure in the national legislative the right to information covered by the directive. The information's in national procedural systems must be provided in a simple and accessible form. The right to information is important securing the inexpensive way of providing informational procedure in the criminal proceedings. The information term is covering oral and written information and also the system enabling obliged subjects and bodies (police, judges, prosecutors etc.) to provide the information [24].

Thanks to the Directive in most of the member states of the European Union the victims of crime have the right to be informed at the request about the place of the trail, the charges against the offender, the nature of them and the judgment and the explanation connected to it. What is also important, the victims of crime have the right to be informed about the escape or release of the imprisoned offender [25]. The directive established an important procedural instrument, the right to interpretation and translation, which is now codified in the national legal procedure codes. Additionally, the Directive establishes the use of necessary instruments of modern technology and also the right to translation of the essential information [26]. Most of all national criminal procedure codes of the European Union member states or connected laws also established the right to receive the information about the access to the materials of the correspondent case [27].

The Right of Access to Victim Support Services and to Professional Assistance

The member states of the European Union have established public and private subsystems of support services to the victims of crime. The directive is mentioning free access to confidential support service. This support service may be established before the criminal proceedings, during and also after the criminal proceedings for a reasonable period and if there is a need for the service. This is an important aspect of the harmonization procedure influencing the rights of the victims of crime. The support service should reflect special needs of the victims together with the needs of the family members of the victims if they are involved in the procedure. Moreover, as mentioned above, the member states have to establish public and private systems, where the private or public organizations are involved in [28].

The Rights of Participation in the Criminal Proceedings

This right is strongly connected to the procedural rights and principles. The directive is establishing the right

to be heard. Therefore, the victims can provide evidence which can do during the criminal proceedings based on the implementation to the national legislative acts [29]. Based on the national codified systems of rights, the victims are also entitled to review the decision not to prosecute the perpetrator in the exact case [30].

Reimbursement of Expenses, Compensation, the Right to Return Property

These principles are important because of the obstacles in the use of the rights of victims of crime. The victims of crime cannot be negatively influenced by financial limits. Therefore, the member states have in most of the cases established a system of reimbursement for the victim's participation in criminal proceedings. The victims of crime can according the directive and the harmonization procedures also use the right to compensation by the state, stipulated in the national legal regulations. The compensation can be demanded by the victim who has been injured or has suffered significant losses. The family of the victim who died, the victim of the crime against human dignity in the sexual area and children who are the victims of abuse are entitled to claim financial assistance. The right to return property is also important and it shall be for the future covered financially by the state [31]. Also the rights to compensation and the decision of the victim to ask for it in the course of criminal proceedings are important and connected to the right to legal aid and correspondent legal system enabling that [32].

Vulnerable Victims and Children and Special Protection Needs

For the future and thanks to the European directive the victim of crime testifies in premises equipped for victims with need of special protection and by experts trained to work with these victims or eventually from the person of same sex. Victims of sexual violence, gender-based violence or violence in a close relationship shall testify before a person of the same sex. During the trial in criminal procedures the victim with special need of protection has to be prevented from contact with the offender. The Directive explicitly deals with the rights of child victims who are classified as victims in need of special protection in criminal proceedings. Because of these principles the children statements and witness testimonies have to be recorded to secure the children from secondary victimization during the trials [33].

Secondary Victimization and the Right to Protection of Privacy

The directive is also important because of the aspects of secondary victimization. Protection from repeated victimization applies to all victims but may be of particular

importance in situations of gender-based violence and violence in close relationships, such as physical violence, harassment, sexual aggression, stalking, intimidation or other forms of indirect coercion, measures against the risk of emotional or psychological harm and precautions for protecting their dignity during interrogation [34]. Because of the directive, the member states are in the position, where they have to ensure that the victims of crime are protected from secondary victimization. The member states have to ensure that the victims are not further victimized. The member states had to also establish a system and framework of competent state authorities responsible for the guaranties to the victims of crime that they can use this right and also the assistance of the mentioned authority [35]. The Directive also addresses the right to the protection of victims and the recognition of victims in need of special protection, according to which the victim must have measures to protect themselves and their family from secondary victimization [36]. The national legal systems had to establish legal acts to secure also the right to avoid contact between the victim and the perpetrator at the premises of the criminal proceedings. That is important not only for protection of secondary victimization but for all victims of crimes and especially for the vulnerable victims [37]. Secondary victimization is strongly influenced by the right to privacy and the right to dignity, what has to be respected in all member states of the European Union. The system established by national legal regulations has to reflect the age, ethnicity, social origin, sexual orientation and other aspects of the victims of crime.

Assistance to Victims of Crime in EU Member States

Not only the importance of the definition of victim of crimes but also the importance of European Union harmonization tendencies and the results of it in the national legal systems are reflected. That is why it is useful to present some legislative acts and also procedures dealing with the protection of victims of crimes and the legal situation in the member states of the European Union. Some European countries have started the protection of the rights of victims of crimes sooner than the European directive has begun the harmonization procedure. With respect to the situation in the Czech Republic, we have to mention the term victim and its codification in the legal system of the Czech Republic. The term victim was codified in the act number 209/1997 Coll. with the title "On providing financial assistance to victims of crime". The new codification in the "Act on victims of crime" is thanks to the harmonization covering the position of a child and elderly person who are physically, psychologically handicapped. The definition has also changed thanks to the modification of the definition of the vulnerable victim. Persons with sensory impairment or other persons in a situation or in circumstances that may be implemented by

the case are now in a better protected position. The "Law on victims of crime" defines, following the harmonization, duties and the special acts of criminal acting codified in the criminal code. Such as the victims of violence and offense committed due to national crimes caused by organized criminal groups involving also secondary harm and reflecting criminal acts and victims because of the age, race, nationality or sexual orientation [38].

Austrian criminal procedural act includes a legal entitlement to psycho-social and legal assistance in proceedings [39] for victims of violence stemming from an intentional crime, dangerous threats, as well as victims whose sexual integrity has been violated since 2006. Furthermore, people whose personal dependency might have been used to commit an intentional crime are defined as victims having the right to psycho-social and legal assistance in proceedings. Personal dependency can for instance be important in cases of human trafficking, where another person took advantage of their authority or an emergency situation [40]. The latest amendment of the "Federal Protection against Domestic Violence Act" in 2019, the possibility of conducting 'case conferences' in selected high-risk cases has been implemented. Law enforcement authorities can coordinate the steps and further solutions together with other authorities or institutions including victim support centers, clinicians, social workers or school authorities. Since 2016, police officers are obliged to inform victims verbally about the possibility to have the victim support [41].

Thanks to the Directive 2012/29/EU and the requirement for the EU Member States to ensure the minimum standards in the field of victim protection the harmonization trend is reflected also in Germany. The need for implementation for Germany was presented thanks to the Act "Strengthening of Victims' Rights in Criminal Proceedings". Compared to the other countries, Germany has yet to follow implementation in a few areas such as procedural and information rights [42]. A large group of victim-protection measures has been implemented before the necessary implementation of the Directive 2012/29/EU and not only in the Code of Penal Procedure [43]. Because of the protection of the needs and rights of an injured person, the beginning of the "Code of Penal Procedure" has been changed and the new harmonized regulation anchored in the "Strafprozeßordnung" - StPO. This new law is connected to the minimum standards for the rights of victims of crime. In the future, all hearings and interviews must be carried out with the thoughts given to the specific requirements for the protection of the victims [44].

The information rights introduced above and granted to the victims of crimes inside and outside the criminal proceedings are also guaranteed by law. The scope of the

victims' rights to information about the proceedings has been broadened in the Penal Procedure Code. Also, the right of victims to access interpretation and translation services is set in the federal law. This means that criminal prosecution authorities have heightened obligations to provide information. The protection of victims of crimes is also granted by the "Psycho-Social Support during Court Cases" Act. This law provides a right to psycho-social support during the proceedings for children and young victims of sexual and violent offences. The harmonized law defines the principles underlying the psycho-social support provided during court cases and sets forth the requirements for qualifications and payment of the psycho-social counsels during the proceedings [45]. Not only but also because of the directive the new system of psychosocial support has been implemented into the German procedure law. Victims of crime receive special intensive care before, during and after the trial. This care includes qualified support, information and assistance in criminal proceedings including police interrogations [46].

Presenting these examples, the situation in European Union could be evaluated positively at the first look. But it is clear, that the procedure of harmonization and also implementation of all the standards presented by the directive has not been implemented at the same national level. In some member states, there are still blanks in the laws and legal acts. Today, we are facing the situation, when the definition of the victim of crime is missing or it is understood in the different way. Starting with person who had died as a result of crime and ending with the situation where the victim is not defined by the national law, it is important to show and write about examples, reflecting more than the purpose of the Directive or not fulfilling the standards purpose of the harmonization procedure. For the exact picture of the situation in the member states was the European Parliament report on the implementation of Directive 2012/29 important [47].

The Victims' Rights Directive Compared with the Istanbul Convention and its Definition of Victim of crime

Describing the Istanbul convention will be oriented to the definition of victims of crime and also to the importance of it in the legal content. Also the importance of the exact title of the convention has to be mentioned prior. The reflection will not be reflecting the political aspects connected to the gender questions and the current situation connected to the protests in the member states of the European Union. The Council of Europe Convention on Combating Violence against Women and Domestic Violence is the full title of the convention adopted in 2011 in Istanbul. The convention uses a new legal framework for the protection

of women and young women from gender-based violence and also the individuals from the domestic violence [48]. The importance of the convention in the harmonization procedure and all the strategic plans and new strategies of European Union is given because the character of the convention. The convention is open to access not only for individual states but also for international organizations. This was reflected by the European commission in the year 2015, when the possible accession of the European Union to the Istanbul convention has been presented. The Article 75 of the Istanbul Convention is connected to the future development and also to the importance of the Convention for European Union. This article allows the ratification of the Convention by the EU. The EU accession process started in 2015 with the publication of a roadmap by the European Commission. Also, the European Parliament has supported the process from the beginning [49]. On 13 June 2017, the EU signed the Convention but has not ratified it yet. In case of ratification, the EU institutions would be obliged under international law to fully implement the convention within the EU's legal framework of competence and in case of ratification by the EU. Therefore, more specific guidelines would have to be issued to comply with all the requirements of the Convention. The ratification in some member states is complicated because of the political circumstances and reasons and above mentioned gender aspects. Even if the European Union has because of the necessary ratification started the procedure by the European Court, the convention was not ratified yet [50].

The convention is important because of the definition of the victim of crime and also because of filling the gap in the legal framework. All the concept of the convention is mostly positive welcomed not only because that violence against women shall be faced with new perspective [51]. Following the preamble the convention differentiates between violence against women and domestic violence, victims who are women, men or children and also elderly people. The directive is working with the violence against women qualified as the violation of human rights and discrimination. The directive is stipulating the definition of the violence against women as "a violation of human rights and a form of discrimination against women" including "all acts of gender-based violence that result in, or are likely to result in, 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" [52]. Summarizing the importance of the convention in one sentence, it is important because of the convention acknowledged of the domestic violence as a form of violence against women but it does not overlook the fact that women are not the only victims of violence in domestic circumstances, but it is without discussions, that cases connected to the women are in majority [53]. According to the

article 2 para 2 the convention initiates the application of the legal regulation in almost all situations with the connection to the all victims of domestic violence. This will be important for the next European Union strategy and instruments used in the fight against the domestic violence aspects [54].

As already mentioned, the Istanbul Convention defines violence against women, according to the diction in article 3(a): "Violence against women is understood as a violation of human rights and a form of discrimination against women. It includes all acts of gender-based violence that result in, or are likely to result in, 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."

The Istanbul Convention stipulated also the further contexts of violence against women and girls. Following the text of correspondent articles, it is important to mention forced marriage described in Article 37, female genital mutilation regulated in Article 38 and forced abortion as well as forced sterilization according to Article 39.

It is clear that the Istanbul Convention's concept of victim is broader than that of the Victim Protection Directive. Because of its minimum standards of harmonization the Directive requires suffering of harm or economic loss as a direct consequence of crime, whereas the Convention defines a natural person as victim who is the subject of domestic violence, or violence against women [55].

However, the acts listed in Article 3 (a) and (b) of the Convention, such as psychological or economic violence; do not have to be necessarily also criminal offences. Since the acts do not necessarily have to be criminal offences, the Convention also requires the protection of victims who are not subject to such proceedings [56].

Furthermore, the Istanbul Convention term of 'victim' is in another perspective broader than that of Directive 2012/29. The Directive speaks of a natural person who „has suffered injury or economic loss" The Convention, conversely, speaks of gender-specific acts of violence which may lead to "harm or suffering to women" [57].

All the above-mentioned aspects are important also because of the gaps in the systematic protection of women from gender-based violence. Protection instruments are missing in European Union treaties. The Charter of Fundamental Rights is also not covering this problematical aspect. After the ratification of the convention and the breach of the political obstacles a better legal platform for protection of women from the violence can be build [58].

Together with the European directive 2012/29/EU and also the regulation on mutual recognition of protection measures in civil matters 606/2013 as secondary legislation activities, the Istanbul convention could reframe the general basement for the rights of victims of crime. From the harmonization point of view the new frame would be supported by the results of legislative activities that have been brought by the directive 2006 /54 EC on the implementation of the principle of equal treatment in employment and occupation bringing opportunities and equal treatment of men and women in matters of employment and occupation to address harassment including sexual harassment [59].

For the European Union sources of law and harmonization the ratification of the convention may have a positive result. The legal framework of the European Union and the member states, working with the problem of the violence against women, could be more complex after surmounting political fights and cultural differences. The evaluation mechanisms established thanks to the convention could be used for final elaboration of the complex framework. In the end every politician and executive body should ask a simple question. What is more important, the problems concerning the direct effect of the article 30/2, or the questions of double standards in the European Union because the ratification from the European Union and extra from its member states? Or a simple try for cultural change because of the right change in the legal system of the European Union [60].

Strategy on Victims' Rights from the Year 2020 and the Future Development in the European Union

For the strategy of the European Union and European commission in the future is the development related to the protection of victims of crimes important. On the 24th June 2020 the European Commission presented for the first time an EU strategy on victims' rights. It aims to ensure that all victims of crime can fully exercise their rights, regardless of where the offence has been committed in the EU. This new strategy is facing the European situation during the pandemic times and lockdowns causing a rise of domestic violence [61]. Emphasis should be put on the term "first" as this strategy has been introduced really like a first strategy for a period of five years and pays attention to specific needs of victims and also victims of gender-based violence. The strategy shall combat hate crimes, racial crimes anti-Semitic crimes, homophobic and transphobic hate crimes [62]. Connected to the above-mentioned historical development in harmonization and legislative procedures together with the European Union Victims' Rights Directive and Istanbul Convention the European Union would like to use already presented instruments for protection of victims of crimes as

the Compensation Directive [63] and EU rules on European protection orders [64]. The EU has further adopted instruments that respond to the specific needs of victims of particular crimes: the Anti-trafficking Directive [65], the Directive against sexual abuse and sexual exploitation of children [66] and the Counter-terrorism Directive [67]. Some gaps and disproportions in the legal system have been mentioned in this study and the European commission is reflecting national reports and the situation in the field of protection of the rights of the victims of crime and the difficulties in accessing justice for this important platform [68]. European Union strategy and the strategy of the Commission reflect the situation, where the victims of crime are in a position, where they cannot fully protect by the rights and their access to justice is endangered. The member states of the European Union have used the instrument of harmonization in different ways. This process is causing lack of information and also lack of sufficient support and protection in some member states. Additionally, it also causes ineffective fight against secondary victimization [69]. The new strategy is connected to the protection of vulnerable victims and also victims traveling abroad, they are not protected enough and that is why is the law also oriented to the victims with disabilities, other victims with individual needs and other above-mentioned groups of victims [70]. The concept of the new strategy is oriented into two basic pillars. The first one is presented by empowering victims of crime. The second stream is from its characteristic prepared as "Working together" for victims and seems to be the right strategy. Working together is important also because of necessity to better cooperation and coordination. The two important basic streams or pillars in the European Union Commission strategy are supported by preplanned priorities. Use of knowledge from the past and preparation of strategy procedures are the key priorities to effective communication and safe environment for victims to report crime protect the most vulnerable victims and support facilitation for victims access to compensation. Additionally, this is the right path to cooperation and coordination and also the solution for strengthening the international importance and dimension of victims' rights [71].

The first line of the strategy or maybe the first pillar, empowering victims of crime together with better and more effective communication and a safe environment for victims to report crime as key priority, is possible only with the collaboration with national authorities. Increased security of victims of crimes and the citizens of European Union is possible only if better system of information for victims of crime, intensified against the fear of the consequences from participating on the criminal procedure, fight against the victimization of children. Most importantly, with the training of the professionals, they are involved in all the procedures mentioned in the study.

The new collaboration between communities and minorities will be supported in the way that the cooperation and collaboration between the state authorities and the affected minorities will be elaborated and new ways of communication by the authorities and police reached [72].

Together with the fight against the cybercrime problems, rising up in the situation of pandemic problems in Europe, the strategy will focus also on restorative justice and the correspondent services for victims of crimes. The member states together with the commission will work for to improve the - EJustice Portal [73] so the needed information are accessible much more easier and not only to the victims of a crime. All these activities are not possible without financial support. That is why a new financial framework and also funding procedures for victim support organizations are planned together with the promotion of the founding programs for security, health and education policies. The strategy is coming with the new definition of vulnerable victim announcing that all victims are vulnerable and some of them are more vulnerable. The new reflection of the situation because of the COVID-19 pandemic and lockdowns demands also new accesses to support and protection of all the victims of crimes rights. That is why the Commission will draw on good practices on victims' rights collected during the COVID-19 pandemic [74]. Together with this reflection of COVID-19 the commission and the new strategy is fighting the gender-based violence against women and girls. That is important for the relation to the Istanbul convention and all the legislative steps that have to be done for the future. The new strategy and support by its realization will be accompanied by the protection of victims of terrorism, victims of hate crimes, victims of hate speech [75], cross-border victims, fighting most of the possible forms of violence or abuse, and partially also helping to victims of organized crime [76].

The second pillar of the strategy is connected to the activity "Working together". This activity shall ensure the joint work together of all relevant actors for better access to justice for victims of crimes. This is important for the European Union level and also for the national level. At the national level police, prosecutors and judges out of the legal authorities, court staff and also victim support services or compensation authorities and medical practitioners shall work together for the future. That is why the Commission will set up the "Victims' Rights Platform" to ensure better approach to victims' rights. The purpose of the Platform is to bring together all EU level actors relevant for victims' rights. It will include the European Network on Victims' Rights (ENVR), the EU Network of national contact points for compensation, the European Network of Equality Bodies (EQUINET), the EU Counter-Terrorism Coordinator and relevant agencies such as Eurojust, the Fundamental

Rights Agency (FRA), the European Union Agency for Law Enforcement Training (CEPOL), the European Institute for Gender Equality (EIGE) and civil society. The Victims' Rights Platform will deal with continuous dialogue, exchange of best practices and connectivity between the new strategy, the Gender Equality Strategy 2020-2025 and several upcoming strategies [77].

At the beginning of this subchapter of the study the importance of international dimension of victims of crime and their rights has been mentioned. With a new strategy the European Union will try to ensure that the new high standards should be developed. Thanks to the strategy for the protection of the victims' rights will be connected also in international context. That is why all the member states and the institutions of the European Union will collaborate with United Nations and the Council of Europe by supporting the strategy presented in the study and also by the exchange of best practices related to the rights of the victims of crime [78]. Together with these steps the EU continues to support the EU-UN Spotlight Initiative to prevent and eliminate all forms of violence against women and girls. The EU will continue in the collaboration with WHO in campaigns against domestic violence and with the support the International Fund for Survivors of Conflict-Related Sexual Violence and the WeProtect Global Alliance to End Child Sexual Exploitation Online [79].

Conclusion

The European Union platform is working with the protection of the victims of crime rights for a long time, and during all the presented time periods the understanding of violence, the understanding of the term victim and also the instruments and legal aspects have changed positively thanks to the harmonization procedure. Answering the primary question, the harmonization was and is an successful instrument and method, but because of its limits, it has to be prolonged and compact with the new strategy of European Union and the principles of "Working together", leading the European Union to the situation of the possible unification.

The understanding of violence in purely physical form, dominant in the foreign century, are reflected today together with another dimensions such as mental, economic and other kinds of harms. In the European Union the new strategy brings also a new perspective to the framework and systematical and legal background of the protection of the rights of victims of crimes. From illustrated perspective of the EU and its Member States, it is not only important to support the need for harmonization but also the unification of the legal sources in national legal systems in the future. Also the systems of assistance to victims of crime have to be thanks to the activity "Working together" better elaborated.

Answering the secondary questions, there are common features but also many differences between the member states of the European Union. The main difference is the partial existence or absence of a separate law, regulating the issue of crime victims. The majority of EU Member States have transposed the Directive through several existing and new legal provisions. Nevertheless, not all victims of crime in all of the member states are thanks to the harmonization reaching victims support services also outside of the criminal proceedings today. Legal and practical training is thanks to the harmonization under the Directive initiated but the intensity waves and differs in the member states and is not sufficiently supported with correspondent information. Also the experiences of the victims and its reflection in the future have to be extracted much more intensively. Also the knowledge about victims' rights and victimization in the public is generally average and it's to be improved because of the new strategy the European Union and a new approach and possible harmonization streams [80].

All the necessary steps and procedures will be successful only if they are performed interdisciplinary and in collaboration. All the legal instruments of the harmonization procedure have worked with the definition of victim of crime and also the results mirrored in national legal systems. The new strategy and also the previous instruments will work with the victim protection, gender reference, victims with particular protection needs, and victims of sexual violence. They have to fight the disproportions between the new instruments, the established legal framework at the national level which is established thanks to the directives of the European Union but and the Istanbul convention.

The new set of actions for the next five years has to reflect not only the action plans and strategies, but also the development in the European integration platform and also in the global situation of the COVID-19 pandemic. This will be the most important aspect influencing the new definitions and also other strategies in the future. Coming to the final message of this study, both, the Word and the European union are facing a complicated and dangerous situation and so the new pillar of the European Union strategy "Working together" has to be created globally and not only by the member states of the European Union.

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4. Although, the UN Convention of Elimination All Forms of Discrimination Against Women (CEDAW) adopted in 1979 contains a very comprehensive conception of discrimination and equality, the term “violence” does not appear in the entire text. Subsequently, many years later, in 1992, the CEDAW-Committee stated in its General Recommendation No. 19 (GR 19) that violence against women is covered by the concept of discrimination set out in article 1 CEDAW and thus, is part of the convention. For the first time, the Istanbul Convention of the European Council of 2011 obliges states parties to establish comprehensive and effective violence protection policies and measures against domestic violence, and violence against women. Compare that with the Vienna Declaration and Programme of Action. Adopted by the World Conference on Human Rights in Vienna on 25 June 1993, available online at <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx> and Angelika Kartusch (2015), *Schläppi/Ulrich/Wyttenbach (publishers), CEDAW Commentary, State Obligations to Combat Violence*, Bern.
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20. Compare the article 2 of the directive and the fact, that the Directive does not define a legal person as victim, and compare this with the ‘victim’ definitions of the Council of Europe Recommendations (2006) 8 on Assistance to Crime victims and Draft UN Convention on Justice and Support for Victims of Crime and Abuse of Power
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25. Please compare the text of article 6 D. 2012/29/EU with the recitals 26, 27, 28, 29, 30, 31, 32 and 33. It is a standard art of the work with the directives, using not only the text but also the important recitals for fulfilling the blanks in the text of the directives.
26. Please note that there is an important line between article 5 and article 7 of the directive 2012/29/EU. Also compare all the stated information with the text in the Recitals 34, 35 and 36. For example recital 34 provides an important clarification; interpretation should be made available, free of charge, during questioning of the victim and to enable to the victim to participate actively in court hearings.
27. Please note that there is an important line between article 5 and article 7 of the directive 2012/29/EU. Also compare all the stated information with the text in the Recitals 34, 35 and 36. For example recital 34 provides an important clarification; interpretation should be made available, free of charge, during questioning of the victim and to enable to the victim to participate actively in court hearings.
28. Important for the exact understanding of the article 8 of the directive are the Recitals 37, 40, 62 and 63. The victim support is provided mainly by non-governmental organizations (NGOs) working on a voluntary basis. Compare this with the report of the European Institute for Gender Equality, [online] Available at <http://eige.europa.eu/sites/default/files/Violence-against-Women-Victim-Support-Report.pdf>
29. Article 10 of the directive 2012/29/EU and the recitals 41 and 42 are ensuring an opportunity for all victims in the frame of criminal proceedings. The procedural rules are left to national law.
30. Article 11 of the directive 2012/29/EU is showing, that the directive it sells respects national procedural of autonomy in the relationship to subordination among authorities, but at least victims of serious crime have the right to a review of a decision not to prosecute. Compare the article 11 with the Recitals 43, 44 and 45.
31. Victims can ask to have their property returned sooner under certain circumstances, compare the Article 15 with the recital 48 of the directive 2012/29/EU.
32. De Casadevante Romani CF (2010) International Law of Victims, Max Planck Yearbook, 14: 219-272. To the structure and importance of the convention and also the member states compare the information's available at the <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/116>.
33. The member states of the European Union had to ensure that professionals working with child victims receive specialized training in how to communicate with young victims of crime and how to identify and limit the risk of revictimization. This is in a close relationship with the neediness for emphasizes of the correspondent training mentioned in Article 25 and 26 and the Recital 61, 62 and 63 of the Directive. Member States are obliged to ensure that officials, police officers and judicial staff are trained, so they are aware of the needs of victims and to be able to deal with victims impartially, with respect and professionally. The directive also requires establishment of national contact points. At national level, the emphasis will be put on inter-agency coordination among national authorities and agencies.
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72. According to COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS, COM(2020) 258, (online) available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0258>, attacks by police officers, did not report the most recent incident either because they felt reporting would not change anything (34 %) or because victims do not trust or are afraid of the police (28 %), see 'Being Black in the EU', Fundamental Rights Agency, November 2018. Almost one out of two Muslim respondents to the 2017 FRA MIDIS II Survey did not report the most recent incident of harassment motivated by hatred because they were convinced that no response would have been taken. A similarly low level of reporting emerges amongst

the LGBTI+ community, according to the EU-LGBTI II Survey - A long way to go for LGBTI equality of the Fundamental Rights Agency (14 May 2020). Four out of five Jewish Europeans (79%) who experienced anti-Semitic harassment never reported the most serious incident. Almost half (43 %) did not report because they considered the incident not serious enough, highlighting the normalisation of everyday anti-Semitic abuse against Jews (Fundamental Rights Agency survey discrimination and hate crime against Jews in the EU).

two to five times more likely to face violence than other women, and 34 % of women with a health problem or a disability have experienced physical or sexual violence by a partner in their lifetime, see: European Parliament resolution on the situation of women with disabilities (2018/2685(RSP)). With regard to the comprehensive EU legal and policy framework addressing trafficking in human beings, which is victims centered, gender specific and child sensitive, please refer to https://ec.europa.eu/anti-trafficking/node/4598_en.

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77. Other relevant Strategies in the area include the strategy on the rights of the child, strategy on European judicial training, LGBTI+ Equality Strategy, EU updated framework for Roma equality, inclusion and participation and the Security Union Strategy, strategic approach towards the eradication of trafficking in human beings and Strategy for a more effective fight against child sexual abuse.
78. See to that the emerging UN agenda on Business and Human Rights, including on the access to remedy (legal and non- legal) for victims of human rights abuses by businesses/private sector actors, could also be considered.
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