

B. EU Victims' Directive Transposition Checklist

This chart provides a checklist comparing national laws to the articles of the Victims' Directive.

Theme	Question	Austria	Belgium	France	Ireland	Italy	Spain	Sweden	United Kingdom
1. POLICE REPORTING AND ACCESS TO JUSTICE	A. Police reporting								
	1) When reporting a crime, it is necessary to show ID/residence permit	Possibly no <i>Offical Police Website</i>	Possibly no <i>Code d'Instruction Criminelle, art. 5bis</i>	YES <i>Ministry of Justice Website</i>	NO <i>An Garda Siochana – Irish National Police Website</i>	NO <i>Codice Penale, article 120 and Codice di Procedura Penale, article 333</i>	YES <i>Guardia Civil Website</i>	Possibly no <i>Swedish Police Website</i>	Possibly no <i>British Police Website</i>
	2) Victims are entitled to linguistic assistance when making a complaint								
	3) Victims are informed about their rights and the support services available from the first contact with a competent authority								

In the research carried out by the ASAJ only 8 countries were considered. We will welcome your contributions to complete this checklist.

Theme	Question	Austria	Belgium	France	Ireland	Italy	Spain	Sweden	United Kingdom	
1. POLICE REPORTING AND ACCESS TO JUSTICE	B. Access to justice	4)	4)	4)	4)	4)	4)	4)	4)	
		4) Undocumented victims are entitled to protection measures (i.e. restraining or protection orders) 4(i) Restraining or protection orders can be applied to safeguard women victims of violence 4(ii) It is possible for women victims of violence to obtain a restraining order against the owner of the apartment in which they live or to obtain his removal from the apartment	4 (i) YES Zweites Gewaltshutzgesetz, art. 382	4 (i) YES Loi relative à l'interdiction temporaire de résidence en cas de violence domestique, art. 3	4 (i) YES Code Civil, art. 515-9 and art.515-11	4 (i) YES Domestic Violence Act, Sect. 2 and 5	4 (i) YES Codice di Procedura Penale; article 282bis Codice Civile, articles 342bis and 342ter	4 (i) YES Real Decreto de 14 de septiembre de 1882, art. 544ter Ley Orgánica 1/2004 de Medidas de Protección Integral contra la Violencia de Género, art. 44	4 (i) YES Restraining Orders Act, 1988 Government Bill on the Protection of Women's Integrity, 1997	4 (i) YES Protection from Harassment Act, act. 5 Family Law Act, Sect. 33 and 42 Crime and Security Act, Sect. 27 and 28
		4 (ii) YES Same references as above	4 (ii) YES Loi relative à l'interdiction temporaire de résidence en cas de violence domestique, art. 3 Loi visant l'attribution du logement familial au conjoint ou au cohabitant legal victim d'actes de violence physique de son partenaire, art. 3 and art; 5	4 (ii) YES Code de l'Entrée et du Séjour de's Etrangers et du Droit d'Asile, art. L511-4	4 (ii) YES Family Home Act, Sect. 5 BUT only if they have an equal or greater legal or beneficial interest in the property than the respondent, Domestic Violence Act, Section 3(4)(a)	4 (ii) YES Same references as above	4 (ii) YES Same references as above	4 (ii) YES Alien Act, Chapt. 5, Sect. 16	4 (ii) YES Family Law Act, Sect. 33, 3), c) and g)	
		5) (i) Undocumented victims and undocumented witnesses are entitled to a temporary residence permit for the duration of the criminal proceeding (ii) There are special provisions for undocumented women victims of violence to avoid being returned *	5 (i)	5 (i)	5 (i)	5 (i)	5 (i)	5 (i)	5 (i)	5 (i)
		5 (ii) NO Loi relative à l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, art. 42 quarter, 2)	5 (ii) NO Code de l'Entrée et du Séjour de's Etrangers et du Droit d'Asile, art. L511-4	5 (ii) NO Consolidated Immigration Law 286/1998, articles 18 and 18bis	5 (ii) YES Exceptional grounds to suspend expulsion procedure: Ley de extranjería, art. 31bis, al. 1, 3 and 4	5 (ii) YES Exceptional grounds to suspend expulsion procedure: Ley de extranjería, art. 31bis, al. 1, 3 and 4	5 (ii) YES Alien Act, Chapt. 5, Sect. 16	5 (ii) NO Nationality, Immigration and Asylum Act, Set. 75, b)		
		6) Undocumented victims have access to legal aid when they have the status of parties to criminal proceedings				YES Criminal Justice (Legal Aid) Act 1962 Section 9(3) Civil Legal Aid Act 1995	YES Ordinanza Corte Costituzionale n. 144/2004			
		7) (i) Undocumented victims of violence are entitled to receive information about the criminal proceeding, including when no longer in the country (ii) Victims are notified about progress of the case, including when the offender is released	(i)	(i)	(i)	(i)	(i)	(i)	(i)	(i)
		(ii)	(ii)	(ii)	(ii)	(ii)	(ii)	(ii)	(ii)	
		8) Translation and interpretation are provided, free of charge, when the victims has to be heard								

* In the research carried out by ASAJ the inquiry was limited to domestic violence (“Domestic violence is specifically listed as a special provision to avoid deportation”)

Theme	Question	Austria	Belgium	France	Ireland	Italy	Spain	Sweden	United Kingdom				
2. ACCESS TO VICTIM SUPPORT SERVICES AND SHELTER	B. Access to shelter	13) Undocumented migrants have access to social benefits, including welfare and housing benefits	NO <i>Auslanda österreicherInnen</i>	NO <i>Loi concernant le droit à l'intégration sociale, art. 3</i>	Possibly no <i>Code de l'Action Sociale et des Families, art. L111-2</i>	NO <i>Immigration, Residence and Protection Bill, Sect. 9, 2</i>	NO <i>Consolidated Immigration Law 286/1998, articles 40 and 41</i>	YES <i>Ley de Extranjeria, art. 14 al. 3</i>	NO <i>Swedish Institute Website</i>	NO <i>Nationality, Immigration and Asylum Act, Schedule 3 § 6 and 7</i>			
		(i) The country has a legal obligation to provide shelters for victims of crime ** (ii) Public and private shelters are legally bound to shelter women and/or children and their mothers	(i)	YES <i>Autonome österreichische Frauenhäuser</i>	(i)	YES <i>Code de l'Action Sociale et des Families, art.L345-2</i>	NO	NO <i>BUT exception Consolidated Immigration Law 286/1998,art: 18, par. 3bis</i>	YES <i>Ley Orgánica 1/2004 de Medidas de Protección Integral contra la Violencia de Género, art. 28</i>	(i)	YES <i>Call to end Violence Against Women and Girls</i>		
			(ii)		(ii)	Possibly yes <i>Code de l'Action Sociale et des Families,art. L222-5</i>	(ii)	NO	Possibly yes <i>Ley de Extranjeria, art. 31</i>	(ii)	(ii)		
		(i) Undocumented migrants face barriers (legal, administrative and practical) when accessing public shelters and refuges (ii) Undocumented women survivors of violence have access to shelters and interim accommodation	(i)	Possibly no <i>Autonome österreichische Frauenhäuser</i>	(i)	YES <i>Lois ur l'accueil des demandeurs d'asile et d'autres categories d'étrangers, art. 16</i>	(i)	YES	(i)	YES <i>Consolidated Immigration Law 286/1998,art:40</i>	Depends on the region; e.g.: <i>Madrid: NO Ley 5/2005, de 20 de diciembre, Integral contra la Violencia de Género de la Comunidad de Madrid, art. 15</i> <i>Ceuta: YES Reglamento de pisos tutelados para mujeres víctimas de violencia de género, Chap. 1</i>	(i)	NO <i>PICUM report</i>
			(ii)		(ii)	(ii)	(ii)	(ii)	(ii)	(ii)	(ii)	(ii)	
		16) Private refuges and shelters face barriers (legal, administrative and practical) when hosting undocumented migrants	Possibly yes <i>Autonome österreichische Frauenhäuser</i>					YES <i>Consolidated Immigration Law, 286/1998, art. 40</i>	Possibly yes <i>Same references as above</i>	YES <i>PICUM report</i>			
		17) There is a duty to pass on information about undocumented migrants staying in shelters to public authorities	YES <i>PICUM report on housing situation</i>				NO	NO <i>BUT see Consolidated Immigration Law, 286/1998, art. 7</i>			YES <i>Nationality, Immigration & Asylum Act, Sect. 129, 1) and 2)</i>		
		18) Local authorities can provide assistance and access to shelters to undocumented victims	YES <i>Autonome österreichische Frauenhäuser</i>			YES <i>Code de l'Action Sociale et des Families,art.</i>	NO	NO <i>Consolidated Immigration Law, 286/1998, art. 40</i>		YES <i>PICUM report</i>	YES <i>National Assistance Act, Sect. 21</i> <i>Protocols by local councils (cf. example)</i>		
		19) The provision of assistance to undocumented migrants is criminalized by national legislation.	YES <i>Zweites Gewaltschutzgesetz, art. 115</i> <i>BUT exception for humanitarian assistance; FRA report on criminalization of irregular migrants</i>	YES <i>Loi relative à l'accès au territoire, le séjour, l'établissement et l'éloignement des étrangers, art. 77</i> <i>BUT exception for humanitarian assistance; FRA report on criminalization of irregular migrants</i>	YES <i>Code de l'Entrée et du Séjour de's Etrangers et du Droit d'Asile,art. L622-1</i> <i>BUT exception, art. L622-4</i>	YES <i>Immigration, Residence and Protection Bill, Sect. 149 (1)(a)</i> <i>BUT exception (3)</i>	NO <i>Consolidated Immigration Law, 286/1998, art 12, par. 5bis</i> <i>PUNISHQBLE ONLY if it is done for profit/with the purpose to exploit migrants</i>	YES <i>Ley Orgánica del Codigo Penal, art. 318bis</i> <i>FRA report on criminalization of irregular migrants: only when it is done for profit</i>	YES <i>only when it is done for profit, FRA report on criminalization of irregular migrants:</i>	NO <i>PUNISHQBLE ONLY if it is done for profit, FRA report on criminalization of irregular migrants</i>			

** In the research carried out by ASAJ the inquiry was limited to the legal obligation to shelter victims of domestic violence (“The country has a legal obligation to provide shelters for victims of domestic violence”)