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*Plenary sitting*

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**A9-0157/2024**

25.3.2024

**\*\*\*I**

## **REPORT**

on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA  
(COM(2023)0424 – C9-0303/2023 – 2023/0250(COD))

Committee on Civil Liberties, Justice and Home Affairs  
Committee on Women's Rights and Gender Equality

(Joint committee procedure – Rule 58 of the Rules of Procedure)

Rapporteurs: Javier Zarzalejos, María Soraya Rodríguez Ramos

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a directive of the European Parliament and of the Council amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision**

**2001/220/JHA**

**(COM(2023)0424 – C9-0303/2023 – 2023/0250(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0424),
  - having regard to Article 294(2) and Article 82(2), point (c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0303/2023),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the joint deliberations of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality under Rule 58 of the Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality (A9-0157/2024),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## Amendment 1

### Proposal for a directive Recital 2 a (new)

*Text proposed by the Commission*

*Amendment*

***(2a) Member States should take the necessary measures to ensure that assistance, support and protection are provided to victims in a gender-, trauma-, disability- and child-sensitive approach. Member States should adopt an intersectional approach in the implementation of Directive 2012/29/EU to address the specific needs of victims affected by intersectional discrimination.***

## Amendment 2

### Proposal for a directive Recital 3

*Text proposed by the Commission*

*Amendment*

(3) In order to provide victims with seamless and modern means of exercising their rights, the Member States should make it possible for victims to communicate electronically with national competent authorities. Victims should enjoy the possibility of using electronic tools to receive information about their rights and about their case, report crimes and to otherwise communicate with competent authorities and with support services through communication and information technologies. Victims should be able to choose the method of communication, and the Member States should provide for such communication and information technologies as an alternative to the standard methods of communication, without however replacing

(3) In order to provide victims with seamless and modern means of exercising their rights, the Member States should make it possible for victims to communicate electronically with national competent authorities. Victims should enjoy the possibility of using electronic tools to receive information about their rights and about their case, report crimes, ***provide information and submit evidence where feasible***, and to otherwise communicate with competent authorities and with support services through ***reliable, easy to use and safe*** communication and information technologies ***in a confidential manner that minimises the risk of harm and supports recovery and access to justice***. Victims should be able to choose the method of communication, and the

them completely.

Member States should provide for such communication and information technologies as an alternative to the standard methods of communication, without however replacing them completely. ***Those methods of communication and information technologies should include for example websites that provide information in different languages, integrated chats, or e-mails and online working tools that respond to different communication needs, such as those related to age and disability.***

### Amendment 3

#### Proposal for a directive Recital 4

*Text proposed by the Commission*

(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims' needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims' helplines by using the EU-wide 116 006 telephone number or by connecting to the dedicated websites. Under such helplines, victims should be able to receive the information about their rights, emotional support and be referred to the police or other services, including other specialised helplines – if needed. Such helplines should also refer victims to other specialised helplines, referred to in Commission Decision 2007/116/EC<sup>56</sup>, such as the harmonised number related to child helpline “116 111”, missing children “116 000” and gender-based violence “116 116”.

*Amendment*

(4) In order to ensure comprehensive channels of communication taking into account the complexity of victims' needs in relation to their right to access information, all victims, independently of where in the EU and in what circumstances the crime took place, should be able to access victims' helplines by using the EU-wide 116 006 telephone number or by connecting to the dedicated websites. Under such helplines, victims should be able to receive the information about their rights, emotional support and be referred to the police or other services, including other specialised helplines – if needed. Such helplines should also refer victims to other specialised helplines, referred to in Commission Decision 2007/116/EC<sup>56</sup>, such as the harmonised number related to child helpline “116 111”, missing children “116 000” and gender-based violence “116 116”. ***Member States should ensure that support provided by such helplines is without prejudice to the right of victims to receive information on their rights and on their case and to otherwise communicate***

*with competent authorities and with other general or specialised victims' support services through appropriate communication and information technologies. The helplines should be operated by adequately trained and qualified staff in line with existing standards of quality support to ensure a high level of professional service and work in a victim-sensitive manner.*

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<sup>56</sup> Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 049 17.2.2007, p. 30).

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<sup>56</sup> Commission Decision 2007/116/EC of 15 February 2007 on reserving the national numbering range beginning with 116 for harmonised numbers for harmonised services of social value (OJ L 049 17.2.2007, p. 30).

#### Amendment 4

##### Proposal for a directive Recital 5

###### *Text proposed by the Commission*

(5) The general helpline for victims should not affect the operation of the dedicated and specialised helplines such as child helplines and helplines for victims of violence against women and domestic violence as required under Directive (EU) .../... of the European Parliament and of the Council<sup>57</sup> [on combating violence against women and domestic violence]. The general victims' helplines should function in addition to the specialised helplines.

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<sup>57</sup> Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and

###### *Amendment*

(5) The general helpline for victims should not affect the operation of the dedicated and specialised helplines such as child helplines and helplines for victims of violence against women and domestic violence as required under Directive (EU) .../... of the European Parliament and of the Council [on combating violence against women and domestic violence]. The general victims' helplines should function in addition to the specialised helplines. ***In particular in the context of cross-border crimes, victims should be able to access from another Member State the general and specialised helplines of the Member State where the crime was committed.***

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<sup>57</sup> Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and

domestic violence (OJ ...).

domestic violence (OJ ...).

## Amendment 5

### Proposal for a directive

#### Recital 6

##### *Text proposed by the Commission*

(6) Crime reporting in the Union should be improved to fight impunity, avoid repeated victimisation and ensure safer societies. It is necessary to fight public insensitivity towards crime, **by encouraging people who witness the crime to report crimes and assist victims and by creating safer environments for victims to report crime.** For victims who are irregular migrants in the Union, safe environment to report crime means reducing fear of return procedures being launched as a result of contacts with law enforcement authorities. The personal data of victims who are irregular migrants in the Union should not be transferred to the competent migration authorities at least until the completion of the **first individual assessment as referred to in Article 22 of Directive 2012/29/EU.** Reporting the crime and participating in criminal proceeding under Directive 2012/29/EU do not create any rights regarding the residence status of the victim, neither have any suspensive effect when determining their residence status. **All vulnerable victims, such as child victims or victims in detention, who are in a situation of intimidation, or are otherwise dependent from the offender or whose mobility is limited should be able to report crime in conditions that take into account their particular situation and in line with protocols specifically set up for this purpose.**

##### *Amendment*

(6) Crime reporting in the Union should be improved to fight impunity, avoid repeated victimisation and ensure safer societies. ***Victims are sometimes not aware that they are victims of a crime while still suffering harm; that is for example often the case for victims of online, gender-based violence and environmental crimes. Member States should create safe environments for victims to report crime in a confidential manner as well as removing or reducing physical, administrative or legal barriers. This is especially relevant as victims least likely to report a crime to the police are usually those most in need of protection, such as children, migrants, people with disabilities and victims of human trafficking.*** It is necessary to fight public insensitivity towards crime. People who witness crime ***should be encouraged*** to report ***such crime***. For victims who are irregular migrants in the Union, safe environment to report crime means reducing fear of return procedures being launched as a result of contacts with law enforcement authorities. The personal data of victims who are irregular migrants in the Union should not be transferred to the competent migration authorities at least until the completion of the ***criminal proceeding***. Reporting the crime and participating in criminal proceeding under Directive 2012/29/EU do not create any rights regarding the residence status of the victim, neither have any suspensive effect when determining their residence status. ***In this regard, Member States should take the necessary measures to ensure that the***



*victim's residence status is not used to influence the victim's cooperation in the criminal investigation, prosecution or trial. Third-party reporting should be offered as an option to victims in an effort to diversify reporting mechanisms at Union level, as it can also help address some of the reasons for the underreporting of crimes in the Union.*

## **Amendment 6**

### **Proposal for a directive Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*(6a) All vulnerable victims, such as child victims and victims living in accommodation facilities where the victim is not permitted to leave at will, including person with disabilities or older people living in residential institutions or victims in detention, who are in a situation of intimidation, or are otherwise dependent on the offender, or require assistance by staff or authorities for all aspects of daily living, or whose mobility is limited should be able to report crime under conditions that take into account their particular situation and in line with protocols specifically set up for that purpose. The term victims in detention refers to persons living in jails and in detention centres and holding cells for suspects and accused persons, as well as in specialised detention facilities where applicants of international protection or irregular migrants are located. Accommodation facilities where the victim is not permitted to leave at will should be understood to include reception or accommodation facilities where irregular migrants and applicants and beneficiaries of international protection are located, as well as specialised accommodation for persons with disabilities, children and elderly people from where the victim is not permitted to*

*leave at will. In this regard, special attention should be paid to persons residing in mental health and social care institutions, orphanages and retirement homes, and any other form of public or private custodial setting under control of any judicial, administrative or other public authority, or any private institution from which the victim is not permitted to leave at will. Member States should therefore ensure that a facilitated mechanism for reporting crimes is put in place in such institutions, for example through a proactive system of monitoring and outreach through unannounced visits by independent authorities.*

#### **Amendment 7**

##### **Proposal for a directive Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

*(6b) In all Member States more effective ways should be developed for reaching victims of crimes that go unreported. The scale of the problem of unreported crime is by nature difficult to assess but is likely to be considerable, especially in relation to less public types of crime, such as domestic violence. While taking into consideration that the problem of underreporting and its causes are complex and that there is no easy solution, Member States are encouraged to exchange best practices and consider innovative measures to increase reporting of crimes, such as the presence of victim support organisations in police stations.*

#### **Amendment 8**

##### **Proposal for a directive Recital 7**

(7) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims may include not only victims of sexual violence, victims of gender-based violence and victims of domestic violence, but also victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism or victims of core international crimes. In response to the shortcomings identified in the evaluation, Member States should set up specific protocols that will organise the actions of specialist support services to comprehensively address the multiple needs of victims with specific needs. Such protocols should be set up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services.

(7) Targeted and integrated support services should be available to a broad range of victims with specific needs. Such victims may include not only victims of sexual violence, victims of gender-based violence, ***including victims of online forms of such crimes***, and victims of domestic violence, but also victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism or victims of core international crimes. ***Ensuring referral and access to sexual and reproductive healthcare services, including emergency contraception, post-exposure prophylaxis treatment, testing for sexually transmitted infections and access to abortion care, should be part of the targeted and integrated support services for those victims.*** In response to the shortcomings identified in the evaluation, Member States should set up specific protocols that will organise the actions of specialist support services to comprehensively address the multiple needs of victims with specific needs. Such protocols should be set up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services. ***Victim support services, both governmental and non-governmental, should be granted adequate and stable human and financial resources.***

## **Amendment 9**

### **Proposal for a directive Recital 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7a)** *General support services are organisations specialised in supporting victims of crime which offer support to all victims of crime. Those services may include services tailored to specific groups or offer specific types of services. In parallel, specialist support services are offered to particular groups of victims, based on the type of crime or the personal characteristics of the victim. Central cooperation and coordination of all organisations and services providing support services to victims is crucial to ensure that appropriate victim support services are available to all categories of victims on a reasonably equal basis. Therefore, general and specialist victim support services need to operate in a coordinated manner.*

#### **Amendment 10**

#### **Proposal for a directive Recital 7 b (new)**

*Text proposed by the Commission*

*Amendment*

**(7b)** *General and specialised support services shall, as a minimum, be accessible to victims on a non-discriminatory basis before, during and for an appropriate time after criminal proceedings, ensuring, in particular, sufficient proximity of services to victims, including in rural, remote and sparsely populated areas, appropriate opening hours and delivery of services through multiple channels. General and specialised support services should be coordinated in particular through referrals in accordance with victims' specific needs, be free of charge and confidential. Psychological support should be available to victims in need of such support for as long as necessary,*

*including by taking into account the assessment by the victim's psychologist and the individual assessment for specific support needs pursuant to this Directive.*

## Amendment 11

### Proposal for a directive

#### Recital 8

##### *Text proposed by the Commission*

(8) To avoid serious consequences of victimisation in early age, that may negatively affect entire victims' life, it is crucial to ensure that all child victims receive the highest standard of support and protection. Most vulnerable child victims, including child victims of sexual abuse, child victims of trafficking in human beings and child victims who have otherwise been particularly affected by the crime due to the gravity of crime or to their particular circumstances should benefit from the targeted and integrated support and protection services that includes coordinated and cooperated approach of judicial and social services within the same premises. Such services should be provided in a dedicated space. To ensure that the child victim is effectively protected in cases where a crime involves the holder of parental responsibility, or there is a conflict of interest between the child and the holder of parental responsibility, a provision has been added to ensure that in cases such as reporting of a crime, medical or forensic interviews, referral to support services or psychological support, among others, these acts should not be conditional upon the consent of the holder of parental responsibility, always taking into account the best interests of the child.

##### *Amendment*

(8) To avoid serious consequences of victimisation in early age, that may negatively affect entire victims' life, it is crucial to ensure that all child victims, ***including child witnesses of crime***, receive the highest standard of support and protection. Most vulnerable child victims, including child victims of sexual abuse, child victims of trafficking in human beings, ***children without parental care*** and child victims who have otherwise been particularly affected by the crime due to the gravity of crime or to their particular circumstances, ***such as child victims who are children of persons whose death was directly caused by a criminal offence related to violence against women or domestic violence***, should benefit from the targeted and integrated support and protection services that includes coordinated and cooperated approach of judicial and social services within the same premises. Such services should be provided in a dedicated space. ***In this regard, the so-called Barnahus model has proven to be a good practice.*** To ensure that the child victim is effectively protected in cases where a crime involves the holder of parental responsibility, or there is a conflict of interest between the child and the holder of parental responsibility, a provision has been added to ensure that in cases such as reporting of a crime, medical or forensic interviews, referral to support services or psychological support ***as well as administrative and legal support***, among

others, these acts should not be conditional upon the consent of the holder of parental responsibility, always taking into account the best interests of the child.

## **Amendment 12**

### **Proposal for a directive Recital 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***(8a) Children witnessing crime and consequently suffering physical, mental or emotional harm should benefit from protection under Directive 2012/29/EU. That is particularly relevant in the context of gender-based violence and domestic violence. Children who witness domestic violence within the family or domestic unit should have access to special protection and support measures as they suffer direct psychological and emotional harm that impacts their development and they run an increased risk of suffering from physical and mental illness, both in the short and long term.***

## **Amendment 13**

### **Proposal for a directive Recital 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***(8b) Shelters and other appropriate interim accommodations for victims of crime play a vital role in protecting victims from acts of violence. They not only provide safe and emergency accommodation where victims can seek refuge from violence, but also long-term support to enable victims to rebuild violence-free lives. Shelters and other appropriate interim accommodations should be free of charge or paid for by a***

*dedicated financial allowance for victims. Member States should also ensure that shelters are accessible for victims with reduced mobility and able to provide them with accessible means of information and communication. Member States should also have in place specific shelters and interim accommodations for victims of gender-based violence and domestic violence in line with Directive (EU) 2024/... of the European Parliament and of the Council<sup>1a</sup> as they are some of the most vital specialised support services for women who are victims of violence and for their children.*

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<sup>1a</sup> *Directive (EU) 2024/... of the European Parliament and of the Council of ... on combating violence against women and domestic violence (OJ L ..., ELI ...) [2022/0066 COD].*

## Amendment 14

### Proposal for a directive Recital 9

#### *Text proposed by the Commission*

(9) For victims to sense that justice is done and to be able to defend their interest, it is important that they are present and able to actively participate in the criminal proceedings. That is why all victims in the Union, independently of their status in the criminal proceeding, which is established by the national law, should have a right to an effective remedy under national law in the event of a breach of their rights under this Directive. In addition, all victims in the Union, independently of their status in the criminal proceeding, should have a right to request a review of decisions that were taken during court proceedings and affect them directly. Such decisions should include at least decisions on interpretation during court hearings **and** decisions on

#### *Amendment*

(9) For victims to sense that justice is done and to be able to defend their interest, it is important that they are present and able to actively participate in the criminal proceedings ***by being properly assisted at the court premises, including being accompanied by support services throughout the entire court proceedings if the victims so wish.*** That is why all victims in the Union, independently of their status in the criminal proceeding, which is established by the national law, should have a right to an effective remedy under national law in the event of a breach of their rights under this Directive. In addition, all victims in the Union, independently of their status in the criminal proceeding, should have a right to request a



special protection measures available to victims with special protection needs. The procedural rules under which victims may request a review of such decisions taken during court proceedings should be determined by national law which should provide for the necessary guarantees that such a possibility of revision would not disproportionately prolong the criminal proceeding.

review of decisions that were taken during court proceedings and affect them directly. Such decisions should include at least decisions on interpretation during court hearings, decisions on special protection measures available to victims with special protection needs ***and decisions on avoiding contact between the victim and the offender***. The procedural rules under which victims may request a review of such decisions taken during court proceedings should be determined by national law which should provide for the necessary guarantees that such a possibility of revision would not disproportionately prolong the criminal proceeding. ***Active participation in criminal proceedings and access to an effective remedy requires that victims are duly updated on the state of play and significant developments in the criminal proceedings.***

## Amendment 15

### Proposal for a directive Recital 9 a (new)

*Text proposed by the Commission*

*Amendment*

***(9a) The right to legal aid is essential to guarantee universal access to justice and effective participation for victims in criminal proceedings. Therefore, Member States should provide free legal aid, covering all costs and expenses, for victims who do not have sufficient means to pay such costs and expenses in order to ensure their access to justice. Member States should also provide free legal aid for victims with specific protection needs as identified by the individual assessment pursuant to Article 22 in Directive 2012/29/EU and, in any case, victims of gender-based violence, terrorism or human trafficking, victims of abuse and mistreatment with disabilities and minors due to their situation of vulnerability and the long-lasting harm caused by those***



## Amendment 16

### Proposal for a directive

#### Recital 10

##### *Text proposed by the Commission*

(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner. It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should be done in stages. Within the first stage, all victims should be assessed from the first contact with the competent authorities to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by victim support services including psychologists. Such services are best placed to assess the state of victims' well-being. The individual assessment should also take into account the situation of the perpetrator, who may have a history of violence, be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support, so a targeted support such as prolonged free of charge psychological aid is provided to those who need it.

##### *Amendment*

(10) All victims should be assessed in a timely, adequate, efficient and proportionate manner. It is essential to ensure that victims receive the support and protection that correspond to their individual needs. The individual assessment of victims' needs of support and protection should be done in stages. ***When assessing the victim's protection and support needs, the primary concern should lie in safeguarding the victim's safety and providing tailored support and protection, taking into account, among other matters, the individual circumstances of the victim, the impact of crime and trauma and their specific vulnerabilities.*** Within the first stage, all victims should be assessed from the first contact with the competent authorities, ***whose staff should be adequately trained,*** to ensure that the most vulnerable victims are identified at the very early stages of the proceeding. As of the next stages, victims who need such enhanced assessment should be assessed by victim support services including psychologists. Such services are best placed to assess the state of victims' well-being. The individual assessment should also take into account the situation of the perpetrator, who may have a history of violence, ***have access to*** or be in a possession of arms or abusing drugs and as such pose higher risks for victims. The individual assessment of victims' needs should also include the assessment of victims' needs of support, not only of protection. It is essential to identify victims who are in need of special support ***and who experience***

*discrimination including intersectional forms of discrimination such as on the grounds of sex, gender, gender identity and expression, sex characteristics, age, disability, resident status, religion or belief, language, racial, social or ethnic origin, and sexual orientation, so a targeted support such as prolonged free of charge psychological aid is provided to those who need it. **In cases of gender-based violence, including domestic violence, the individual assessments of protection and support needs should take into consideration the fact that victims are often financially dependent on the perpetrator. The individual assessment should be conducted in the best interest of the victim, avoiding secondary or repeated victimisation.***

## Amendment 17

### Proposal for a directive Recital 11

#### *Text proposed by the Commission*

(11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection should be able to receive it in a form adapted to their particular situation. Such measures should include the presence of law enforcement authorities or being kept away from the offender on the basis of national protection orders. Such measures may be of a criminal, administrative or civil law nature.

#### *Amendment*

(11) As a result of the enhanced assessment of victims' needs for protection, victims who are in need of physical protection, ***in particular victims in life threatening situations***, should be able to receive it in a form adapted to their particular situation. Such measures should include the presence of law enforcement authorities or being kept away from the offender on the basis of national ***barring, restraining or protection orders or the referral to shelters and other interim accommodations***. Such measures may be of a criminal, administrative or civil law nature. ***Member States should enhance the awareness about the availability of such protection measures among relevant competent authorities and should ensure that victims are informed about the availability of such measures and are informed of their right to apply for them.***

*In order to safeguard the effectiveness of barring, restraining or protection orders, breaches of such orders should be subject to effective, proportionate and dissuasive penalties. Those penalties could be of a criminal, administrative or civil law nature and could include prison sentences, fines or any other legal penalty that is effective, proportionate and dissuasive.*

## **Amendment 18**

### **Proposal for a directive Recital 11 a (new)**

*Text proposed by the Commission*

*Amendment*

*(11a) Member States should create a legal and social environment that prioritises the well-being and dignity of victims while discouraging actions that could perpetuate harm or contribute to a permissive environment for criminal behaviour. For this reason, Member States should protect victims and their families from any form of mistreatment or disrespect, and prevent actions that could further harm their dignity or exacerbate their suffering. That includes preventing legal and social impunity of perpetrators of acts of terrorism and organised crime, as this represents a significant obstacle for the recovery and protection of victims. Member States should take measures to prevent the glorification of acts of terrorism or organised crime as such assaults on victims' dignity may cause secondary victimisation and undermine recovery. Member States should prevent tributes to those found guilty of terrorist activities or organised crime by a final judgement in order to avoid secondary victimisation and should pay special attention to the victims in cases where they can suffer harassment or might fear to face reprisal or public ostracism.*

## Amendment 19

### Proposal for a directive

#### Recital 11 b (new)

*Text proposed by the Commission*

*Amendment*

***(11b) In order to ensure the right to protection of the dignity of victims, the Member States must tackle the sharing of online material of a criminal offence in order to avoid secondary victimisation and other serious psychosocial consequences for the victim and to prevent the normalisation of violence. Member States should ensure that the identity of victims is protected. Such measures should apply especially to cases of gender-based violence, including sexual assault and rape, which aim to inflict fear and silence women.***

## Amendment 20

### Proposal for a directive

#### Recital 13

*Text proposed by the Commission*

*Amendment*

(13) Victims cannot effectively benefit from their rights to information, to support and protection in accordance with their individual needs if they are faced with the national justice schemes that lack cooperation and coordination among those who come into contact with victims. Without close cooperation and coordination of the national law enforcement, prosecution, judiciary, restorative services, compensation services and victim support services, it is difficult for victims to effectively execute their rights under Directive 2012/29/EU. Other authorities, such as healthcare, education and social services, are encouraged to be part of this cooperation and coordination.

(13) Victims cannot effectively benefit from their rights to information, to support and protection in accordance with their individual needs if they are faced with the national justice schemes that lack cooperation and coordination among those who come into contact with victims. Without close cooperation and coordination of the national law enforcement, prosecution, judiciary, restorative services, compensation services and victim support services, it is difficult for victims to effectively execute their rights under Directive 2012/29/EU. Other authorities, such as healthcare, education and social services, ***as well as non-governmental organisations***, are

This is particularly valid in relation to child victims.

encouraged to be part of this cooperation and coordination. This is particularly valid in relation to child victims.

## **Amendment 21**

### **Proposal for a directive Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) Officials who are likely to come into personal contact with victims should have access to and receive regular, sufficient and appropriate training with regard to implementation of key aspects of Directive 2012/29/EU. Training for competent authorities should be effective, state of the art, interdisciplinary and multi-agency, and should take advantage of new technologies for enhancing engagement and interaction. Trainings should cover at least the identification of the type of harm suffered by victims, prevention of repeat and secondary victimisation, victim-sensitive communication, choice of adequate support and protection measures as well as effective coordination and referrals to victim support services. It should be delivered in cooperation with non-governmental organisations including victims' associations and civil society organisations. In addition to general victims' rights training for competent authorities, there should be dedicated training programmes on dealing with specific categories of victims. Mutual training and exchange of good practices among national authorities, including judicial and law enforcement authorities, and victim support organisations should also be promoted to ensure better support and protection of victims as well as coordination among the involved institutions and organisations. Training should be gender, child, and trauma sensitive, aim to avoid secondary***

*victimisation and develop among other skills empathic communication and active listening. Specific guidelines for law enforcement officers should also be considered a good practice.*

## **Amendment 22**

### **Proposal for a directive Recital 13 b (new)**

*Text proposed by the Commission*

*Amendment*

*(13b) Member States should develop practical guidelines for competent authorities to advise victims of their rights, making sure that their rights are upheld. Those guidelines could include a checklist for professionals to be followed in all cases. Such practical guidelines should be in line with training provided to relevant competent authorities as well as with the national protocols to be established in accordance with this directive.*

## **Amendment 23**

### **Proposal for a directive Recital 13 c (new)**

*Text proposed by the Commission*

*Amendment*

*(13c) Despite significant improvements achieved since the entry into force of Directive 2012/29/EU, evidence shows that victims still often lack awareness of their rights, undermining the effectiveness of that Directive on the ground and discouraging victims from coming forward and reporting crime. It is therefore imperative that Member States put in place effective awareness-raising campaigns in order to increase the awareness of victims of their rights under that Directive, or further rights under*

*national law, where applicable. At the same time, Member States should work to increase awareness also among the population at large, including in schools. Such campaigns should be conducted via a variety of channels, including the media, social media, posters in public transport, leaflets in courts, hospitals and police stations or mobile applications. Moreover, Member States should improve the identification of places to which victims can reach out and find help in exercising their rights under that Directive, for example including through signposting or setting up of public directories and registries, for instance of accredited support organisations or lawyers. When introducing those measures, Member States should aim to develop them equally for all types of crimes.*

## Amendment 24

### Proposal for a directive Recital 14

#### *Text proposed by the Commission*

(14) National protocols are essential to ensure that victims receive information about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. Protocols should be established by legislative measures in a way that corresponds best to national legal orders and the organisation of justice in the Member States. This should regulate the actions on provision of information to victims, facilitating crime reporting for the most vulnerable victims, including those in detention and the individual assessment of victims' needs. The legislative measures setting up the protocols should specify essential elements necessary for the

#### *Amendment*

(14) National protocols are essential to ensure that victims receive information ***in a consistent manner*** about their rights and about their case and that victims are adequately assessed to enable them to receive the support and protection that corresponds to each victims' individual needs that change in time. ***National protocols are essential tools to achieve well-coordinated individual assessments, avoid secondary victimisation and enhance the coordination and cooperation among competent authorities, general support services, and specialist support services, including clear referral pathways.*** Protocols should be established by legislative measures in a way that corresponds best to national legal orders and the organisation of justice in the



processing of data including, the recipients of the personal data and the categories of data that will be processed in the context of operation of the protocols. The protocols should provide for general instructions on how to deal with services and actions under Directive 2012/29/EU in a comprehensive manner without however dealing with individual cases.

Member States. This should regulate the actions on provision of information to victims, facilitating crime reporting for the most vulnerable victims, including those in detention ***and accommodation facilities where individuals are not permitted to leave at will*** and the individual assessment of victims' needs. The legislative measures setting up the protocols should specify essential elements necessary for the processing of data including, the recipients of the personal data and the categories of data that will be processed in the context of operation of the protocols. The protocols should provide for general instructions on how to deal with services and actions under Directive 2012/29/EU in a comprehensive manner without however dealing with individual cases.

## Amendment 25

### Proposal for a directive Recital 15

#### *Text proposed by the Commission*

(15) Member States should allocate sufficient human ***and*** financial resources to ensure an effective compliance with the measures set out in Directive 2012/29/EU. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of specialist support services and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations.

#### *Amendment*

(15) Member States should allocate sufficient human, financial ***and technical*** resources to ensure an effective compliance with the measures set out in Directive 2012/29/EU. Special attention should be paid to the establishment of victims' helplines, ensuring smooth functioning of ***general and*** specialist support services and individual assessment of victims' needs for protection and for support, including where such services are provided by non-governmental organisations.

## Amendment 26

### Proposal for a directive Recital 16



### *Text proposed by the Commission*

(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities<sup>59</sup> and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation so that victims with disability enjoy their rights as victims on equal basis with others. The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the **Council**<sup>60</sup> can facilitate the implementation of that Convention and ensure that the victims' rights laid down by Directive 2012/29/EU are accessible for persons with disabilities.

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<sup>59</sup> OJ L 23, 27.1.2010, p. 37.

<sup>60</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

### *Amendment*

(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities and are bound by its obligations to the extent of their respective competences. Under Article 13 of that Convention the States Parties are obliged to ensure effective access to justice for persons with disabilities on an equal basis with others, hence the needs to ensure accessibility and provide reasonable accommodation **as well as procedural accommodation** so that victims with disability enjoy their rights as victims on equal basis with others. ***Procedural accommodation consists of all necessary and appropriate modifications and adjustments in the context of access to justice to ensure the participation of persons with disabilities on an equal basis with others, including for example measures needed to ensure communication with the court.*** The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the **Council**<sup>60</sup> can facilitate the implementation of that Convention and ensure that the victims' rights laid down by Directive 2012/29/EU are accessible for persons with disabilities.

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<sup>59</sup> OJ L 23, 27.1.2010, p. 37.

<sup>60</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).

## **Amendment 27**

### **Proposal for a directive Recital 18**

(18) The collection of accurate and coherent data and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the rights of victims of crime within the Union. Introducing a requirement for Member States to collect and report to the Commission data on the application of national procedures on victims of crime every three years in a harmonised way is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. The Fundamental Rights Agency should continue to assist the European Commission and Member States in the collection, production and dissemination of statistics *on victims of crime* and in reporting on how victims have accessed the rights set out in this Directive.

(18) The collection of accurate and coherent data, ***including both qualitative and quantitative data***, and the timely publication of collected data and statistics are fundamental to ensure full knowledge on the rights of victims of crime within the Union ***and to monitor the implementation of Directive 2012/29/EU. The statistics should include data relevant to the application of national procedures for victims of crime, including at least the number and type of the reported crime and the number, age, sex, gender and disability, if any, of the victim, and the type of the offence and the nature of the relationship between the victim and the offender. The data should include information on whether victims have suffered a crime due to a bias or discriminatory motive. The collected data should allow the development of qualitative assessments on the remaining barriers when reporting crimes and accessing victims' rights.*** Introducing a requirement for Member States to collect and report to the Commission data on the application of national procedures on victims of crime every three years in a harmonised way is expected to constitute a relevant step to ensure the adoption of data-informed policies and strategies. ***The reporting of Member States every three-year should be coordinated and harmonised to ensure better comparability of data. To this end, Member States should have a synchronised timeline for reporting the data collected under this Directive. The*** Fundamental Rights Agency should continue to assist the European Commission and Member States in the collection, production, ***analysis*** and dissemination of statistics and in ***the reporting of information*** on how victims have accessed the rights set out in this Directive. ***For the purpose of the analysis of the aggregated data, the budget of the***

*Fundamental Rights Agency of the European Union should be adequately adapted.*

## **Amendment 28**

### **Proposal for a directive Recital 18 a (new)**

*Text proposed by the Commission*

*Amendment*

***(18a) Member States should record, collect and transmit data on offline and online gender-based violence, including violence against women, domestic violence, sexual violence and femicide, as well as hate speech and hate crimes, which are disproportionately affecting women, LGBTIQ+ persons and children and are also still widely underreported.***

## **Amendment 29**

### **Proposal for a directive Recital 18 b (new)**

*Text proposed by the Commission*

*Amendment*

***(18b) Member States should facilitate the tasks of a victims' rights coordinator as set out in the EU Strategy on victims' rights (2020-2025) with the aim of ensuring consistency and effectiveness of actions in relation to the victims' rights policy. The particular tasks of the coordinator are to ensure a smooth functioning of the Victims' Rights Platform and the implementation of the EU Strategy on victims' rights as well as to synchronise the victims' rights related actions of other Union level stakeholders, notably if relevant to the application of Directive 2012/92/EU.***

## **Amendment 30**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2012/29/EU

Article 3a – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall take the necessary measures to establish easily accessible, user friendly, free of charge and confidential victims' helplines which:

*Amendment*

1. Member States shall take the necessary measures to establish easily accessible, user friendly, **secure**, free of charge and confidential victims' helplines which:

**Amendment 31**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2012/29

Article 3a – paragraph 1 – point b

*Text proposed by the Commission*

(b) offer emotional support;

*Amendment*

(b) offer emotional **and psychological** support;

**Amendment 32**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2012/29/EU

Article 3a – paragraph 1 – point c

*Text proposed by the Commission*

(c) refer victims to specialised support services and/or specialised helplines **if needed**.

*Amendment*

(c) refer victims to **relevant services, including general and** specialised support services and/or specialised helplines.

**Amendment 33**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2012/29/EU

Article 3a – paragraph 2

*Text proposed by the Commission*

2. Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to the EU harmonised number “116 006” and through other information and communication technologies, including websites.

*Amendment*

2. Member States shall ensure the provision of helplines referred to in paragraph 1 through a telephone helpline connected to the EU harmonised number “116 006” and through other information and communication technologies, including websites ***and real time support via chat-boxes. The centralisation of helplines through the EU harmonised number shall be done without prejudice to the continuation of pre-existing helplines, especially those run by non-governmental organisations.***

**Amendment 34**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2012/29/EU

Article 3a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. Member States shall ensure that victims of cross-border crime have access to helplines of their choice, including those of other Member States.***

**Amendment 35**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 1**

Directive 2012/29/EU

Article 3a – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the languages most used in the Member State.

3. Member States shall take appropriate measures to ensure the availability of the services referred to in paragraphs 1 and 2 in other languages, including at least the languages most used in the Member State. ***Member States shall***

*ensure the provision of those services in a language that victims can understand, including by means of telephone interpreting free of charge.*

## **Amendment 36**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2012/29/EU

Article 3a – paragraph 4

#### *Text proposed by the Commission*

4. Helplines **may** be set up **by** public or non-governmental organisations and may be organised on a professional or voluntary basis.;

#### *Amendment*

4. Helplines **shall** be set up **and operated by organisations specialised in delivering victim support, either** public or non-governmental organisations and may be organised on a professional or voluntary basis.

## **Amendment 37**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 1**

Directive 2012/29/EU

Article 3a – paragraph 4 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**4a. Member States shall take the measures necessary to ensure that helplines provide accessible support to victims of high quality, including by ensuring sufficient human and financial support as well as appropriate operating hours. Those helplines shall be operated by specialised and qualified staff.**

## **Amendment 38**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2**

Directive 2012/29/EU

Article 5a – paragraph 1

*Text proposed by the Commission*

1. Member States shall ensure that victims can report criminal **offences** to the competent authorities through easily accessible, user friendly information and communication technologies. Such possibility shall include submission of evidence where feasible.

*Amendment*

1. Member States shall ensure that victims can report **acts which may constitute a criminal offence** to the competent authorities through **free**, easily accessible, **safe, confidential and** user friendly **reporting mechanisms, including online reporting mechanisms, using** information and communication technologies. Such possibility shall include submission of **information and** evidence where feasible.

**Amendment 39**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2012/29/EU

Article 5a – paragraph 2

*Text proposed by the Commission*

2. Member States shall take the necessary measures to encourage any person who knows about or suspects, in good faith, that criminal **offences** have been committed, or that further acts of violence are to be expected, to report **this** to the competent authorities.

*Amendment*

2. Member States shall take the necessary measures to encourage **and enable** any person who knows about or suspects, in good faith, that **acts which may constitute a criminal offence** have been committed, or that further acts of violence are to be expected, to report **those offences or acts of violence** to the competent authorities **through the mechanisms referred to in paragraph 1.**

**Amendment 40**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2012/29/EU

Article 5a – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**2a. Member States shall take the necessary measures to ensure the**

*possibility of third-party reporting mechanism through the mechanisms referred to in paragraph 1.*

#### Amendment 41

##### Proposal for a directive

##### Article 1 – paragraph 1 – point 2

Directive 2012/29/EU

Article 5a – paragraph 2 b (new)

*Text proposed by the Commission*

*Amendment*

**2b. Where a person other than the victim is making a report of an act which may constitute a criminal offence, Member States shall ensure that the competent authorities take adequate measures for the victim's safety, where necessary.**

#### Amendment 42

##### Proposal for a directive

##### Article 1 – paragraph 1 – point 2

Directive 2012/29/EU

Article 5a – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Member States shall ensure that victims can effectively report **crimes** committed in detention facilities. Detention facilities shall include **in addition to** jails, detention centres and holding cells for suspects and accused, specialised detention facilities **for** applicants **of international protection and pre-removal centres, and accommodation centres where applicants and beneficiaries** of international protection are located.

3. Member States shall ensure that victims **who are deprived of liberty** can effectively report **acts which may constitute a criminal offence** committed in detention facilities. Detention facilities shall include jails, detention centres and holding cells for suspects and accused **persons and** specialised detention facilities **where irregular migrants or** applicants of international protection are located.

#### Amendment 43



**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2012/29/EU

Article 5a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**3a. Member States shall ensure that victims whose liberty is restricted can effectively report acts which may constitute a criminal offence committed in accommodation facilities from where they are not permitted to leave at will, such as reception or accommodation facilities, where irregular migrants or applicants and beneficiaries of international protection are located as well as specialised accommodation for person with disabilities, children and elderly people, including mental health and social care institutions, orphanages and retirement homes, and any other form of public or private custodial setting under control of any judicial, administrative, or other public authority, or any private institution from which the victim is not permitted to leave at will.**

**Amendment 44**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2**

Directive 2012/29/EU

Article 5a – paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Where children report criminal **offences**, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and use language in accordance with their age and maturity.

4. Where children report **acts which may constitute a criminal offence**, Member States shall ensure that the reporting procedures are safe, confidential, designed and accessible in a child-friendly manner and use language in accordance with their age and maturity. **If the offence involves the holder of parental responsibility, Member States shall ensure that reporting is not conditional upon that person's consent and that the measures**

*which are necessary to protect the safety of the child are taken by the competent authorities before the person holding the parental responsibility is informed about the reporting.*

## Amendment 45

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2

Directive 2012/29/EU

Article 5a – paragraph 5

#### *Text proposed by the Commission*

5. Member States shall ensure that the competent authorities coming in contact with a victim reporting *crimes* are prohibited from transferring personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the *first individual assessment referred to in Article 22.*;

#### *Amendment*

5. *In accordance with Article 1 of this Directive, Member States shall take the necessary measures to ensure that victims who are third-country nationals, irrespective of their residence status, are able to report acts which may constitute a criminal offence. With due regard to the fact that reporting an act which may constitute a criminal offence and participating in criminal proceeding under this Directive does not create any rights regarding the residence status of the victim, or have any suspensive effect when determining their residence status, Member States shall ensure that the competent authorities coming in contact with a victim reporting acts which may constitute a criminal offence are prohibited from transferring and using personal data pertaining to the residence status of the victim to competent migration authorities, at least until completion of the criminal proceeding. Member States may at any moment decide to grant an autonomous residence permit or other authorisation offering a right to stay for compassionate, humanitarian or other reasons to a victim in accordance with Article 6(4) of Directive 2008/115/EC.*

## Amendment 46

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2012/29/EU  
Article 5a – paragraph 5 a (new)

*Text proposed by the Commission*

*Amendment*

**5a. Member States shall take the measures necessary to ensure that at the moment of reporting acts which may constitute a criminal offence, victims are informed about how their personal data may be processed.**

#### **Amendment 47**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2**  
Directive 2012/29/EU  
Article 5a – paragraph 5 b (new)

*Text proposed by the Commission*

*Amendment*

**5b. Member States shall provide for appropriate mechanisms to report safely and confidentially to the relevant competent authorities or bodies, in accordance with national law, acts committed by public officials when exercising their official duties which may constitute criminal offences.**

#### **Amendment 48**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 2 a (new) – point a (new)**  
Directive 2012/29/EU  
Article 6 – paragraph 1 – introductory part

*Present text*

*Amendment*

**(2a) Article 6 is amended as follows:**

**(a) in paragraph 1 the introductory part is replaced by the following:**

Member States shall ensure that victims are

‘Member States shall ensure that victims

***notified*** without unnecessary delay ***of their right to receive*** the following information about the criminal proceedings instituted as a result of the complaint with regard to a criminal offence suffered by the victim ***and that upon request*** they ***receive*** such information:

***receive*** without unnecessary delay ***at least*** the following information about the criminal proceedings instituted as a result of the complaint with regard to a criminal offence suffered by the victim, ***unless*** they ***express their objection to receiving*** such information ***to the competent authorities:***

## **Amendment 49**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 a (new) – point b (new)**

Directive 2012/29/EU

Article 6 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(b) in paragraph 1 the following point is added:***

***‘(ba) information on the state of play and significant developments in the criminal proceeding and any decisions taken in criminal proceedings that pertain to the victim directly.’***

## **Amendment 50**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 2 a (new) – point c (new)**

Directive 2012/29/EU

Article 6 – paragraph 2 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(c) in paragraph 2 the following point is added:***

***‘(ba) any decisions taken in criminal proceedings that pertain to the victim directly, at least in relation to those decisions set out in Article 20(1).’***

## **Amendment 51**

## Proposal for a directive

### Article 1 – paragraph 1 – point 2 a (new) – point d (new)

Directive 2012/29/EU

Article 6 – paragraph 5

#### *Present text*

5. Member States shall ensure that victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released from or has escaped detention. Furthermore, Member States shall ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender.

#### *Amendment*

**(d) paragraph (5) is replaced by the following:**

‘5. Member States shall ensure that victims are offered the opportunity to be notified, without unnecessary delay, when the person remanded in custody, prosecuted or sentenced for criminal offences concerning them is released from or has escaped detention, ***is released under judicial supervision, has been transferred to a different location or accesses prison benefits, reduction of sentences or early termination of the criminal responsibility.*** Furthermore, Member States shall ensure that victims are informed of any relevant measures issued for their protection in case of release or escape of the offender. ***Member States shall ensure that this information is provided in a manner minimising the risk of secondary victimisation or psychological harm to the victim.***’

## Amendment 52

## Proposal for a directive

### Article 1 – paragraph 1 – point 2 b (new) – point a (new)

Directive 2012/29/EU

Article 7 – paragraph 1

#### *Present text*

1. Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, ***upon request,***

#### *Amendment*

**(2b) Article 7 is amended as follows:**

**(a) paragraph 1 is replaced by the following:**

1. Member States shall ensure that victims who do not understand or speak the language of the proceedings concerned are provided with interpretation free of charge

with interpretation *in accordance with their role in the relevant criminal justice system in criminal proceedings*, free of charge, at least during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their active participation in court hearings and any necessary interim hearings.

*in the framework of such proceedings, including* at least during any interviews or questioning of the victim during proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their active participation in court hearings and any necessary interim hearings.

## Amendment 53

### Proposal for a directive

#### Article 1 – paragraph 1 – point 2 b (new) – point b (new)

Directive 2012/29/EU

Article 7 – paragraph 3

#### *Present text*

3. Member States shall ensure that victims who do not understand or speak the language of the *criminal* proceedings concerned are provided, *in accordance with their role in the relevant criminal justice system in criminal proceedings, upon request*, with translations of information essential to the exercise of their rights in criminal proceedings in a language that they understand, free of charge, to the extent that such information is made available to the victims. Translations of such information shall include at least any decision ending the criminal proceedings related to the criminal offence suffered by the victim, *and upon the victim's request*, reasons or a brief summary of reasons for such decision, except in the case of a jury decision or a decision where the reasons are confidential in which cases the reasons are not provided as a matter of national law.

#### *Amendment*

*(b) paragraph 3 is replaced by the following:*

3. Member States shall ensure that victims who do not understand or speak the language of the proceedings concerned are provided with translations of information essential to the exercise of their rights in criminal proceedings in a language that they understand, free of charge, to the extent that such information is made available to the victims. Translations of such information shall include at least any decision ending the criminal proceedings related to the criminal offence suffered by the victim, reasons or a brief summary of reasons for such decision, except in the case of a jury decision or a decision where the reasons are confidential in which cases the reasons are not provided as a matter of national law.

## Amendment 54

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 b (new) – point c (new)**

Directive 2012/29/EU

Article 7 – paragraph 4

*Present text*

4. Member States shall ensure that victims who are entitled to information about the time and place of the trial in accordance with Article 6(1)(b) and who do not understand the language of the competent authority, are provided with a translation of the information to which they are entitled, ***upon request***.

*Amendment*

***(c) paragraph 4 is replaced by the following:***

4. Member States shall ensure that victims who are entitled to information about the time and place of the trial in accordance with Article 6(1)(b) and who do not understand the language of the competent authority, are provided with a translation of the information to which they are entitled, ***unless they refuse such translation***.

**Amendment 55**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 2 b (new) – point d (new)**

Directive 2012/29/EU

Article 7 – paragraph 6

*Present text*

6. Notwithstanding paragraphs 1 and 3, an oral translation or oral summary of essential documents may be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings.

*Amendment*

***(d) paragraph 6 is replaced by the following:***

6. Notwithstanding paragraphs 1 and 3, an oral translation or oral summary of essential documents may be provided instead of a written translation on condition that such oral translation or oral summary does not prejudice the fairness of the proceedings, ***the ability of victims to participate in the proceedings or their ability to exercise their rights***.

**Amendment 56**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 – point a**

*Text proposed by the Commission*

2. Member States shall ensure that victims are contacted by the relevant general or specialised support services if the individual assessment referred to in Article 22 demonstrates the need for support and the victim consents to be contacted by support services or if the victim requests support.;

*Amendment*

2. Member States shall ensure that victims are ***promptly*** contacted by the relevant general or specialised support services if the individual assessment referred to in Article 22a demonstrates the need for support and ***if the victim, duly informed of the services that can be provided,*** consents to be contacted by support services or if the victim requests support.'

**Amendment 57**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 – point a a (new)**

Directive 2012/29/EU

Article 8 – paragraph 3

*Present text*

3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim.

*Amendment*

***(aa) paragraph 3 is amended as follows:***

3. Member States shall take measures to establish free of charge and confidential specialist support services in addition to, or as an integrated part of, general victim support services, or to enable victim support organisations to call on existing specialised entities providing such specialist support. Victims, in accordance with their specific needs, shall have access to such services and family members shall have access in accordance with their specific needs and the degree of harm suffered as a result of the criminal offence committed against the victim. ***General and specialist victim support services shall operate in a coordinated manner.***

**Amendment 58**



**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 – point a b (new)**

Directive 2012/29/EU

Article 8 – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

**(ab) the following paragraph is inserted:**

**3a. Member States shall ensure that the communication between victims and professionals providing support services are adequately protected from undue disclosure.**

**Amendment 59**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 – point b – introductory part**

*Text proposed by the Commission*

*Amendment*

**(b) the following *paragraph* is added:**

**(b) the following *paragraphs* are added:**

**Amendment 60**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 – point b**

Directive 2012/29/EU

Article 8 – paragraph 6

*Text proposed by the Commission*

*Amendment*

6. Victim support services shall remain operational in times of crisis, such as health crises, significant **migratory** situations or other states of emergency.;

6. Victim support services shall remain operational in times of crisis, such as health crises, significant **humanitarian** situations or other states of emergency;

**Amendment 61**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 3 – point b**

Directive 2012/29/EU  
Article 8 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. Victim support services shall be adequately coordinated and geographically distributed and shall be easily accessible and available, including online or through other adequate means, such as information and communication technologies.**

## **Amendment 62**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 3 – point b**

Directive 2012/29/EU

Article 8 – paragraph 6 b (new)

*Text proposed by the Commission*

*Amendment*

**6b. ‘Member States shall ensure that victim support services, both governmental and non-governmental, are granted sufficient specialised human and financial resources.**

## **Amendment 63**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 4 – point -a (new)**

Directive 2012/29/EU

Article 9 – paragraph 1 – point a

*Present text*

*Amendment*

(a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries, and on their role in criminal proceedings including preparation for attendance at the trial;

**(-a) in paragraph 1, point (a) is replaced by the following:**

(a) information, advice and support relevant to the rights of victims including on accessing national compensation schemes for criminal injuries **and legal counselling, including possibilities of legal aid**, and on their role in criminal proceedings including preparation for

attendance at the trial;

## Amendment 64

### Proposal for a directive

#### Article 1 – paragraph 1 – point 4 – point a

Directive 2012/29/EU

#### Article 9 – paragraph 1 – point c

##### *Text proposed by the Commission*

(c) emotional and, ***where available***, psychological support once they become aware of a status of a person as a victim. If the special need for psychological support has been demonstrated by individual assessment referred to in Article 22, psychological support shall be available to victims in need of such support for as long as necessary.;

##### *Amendment*

(c) emotional and psychological support and, ***if necessary, a referral to these services*** once they become aware of a status of a person as a victim. If the special need for psychological support has been demonstrated by individual assessment referred to in Article 22***a***, psychological support shall be available to victims in need of such support for as long as necessary;

## Amendment 65

### Proposal for a directive

#### Article 1 – paragraph 1 – point 4 – point a a (new)

Directive 2012/29/Eu

#### Article 9 – paragraph 2

##### *Present text*

2. Member States shall ***encourage*** victim support services ***to*** pay particular attention to the specific needs of victims who have suffered considerable harm due to the severity of the crime.

##### *Amendment*

***(aa) paragraph 2 is replaced by the following:***

2. Member States shall ***ensure that*** victim support services pay particular attention to ***the personal characteristics of the victim, the type and nature of the crime***, the specific needs of victims, ***particularly those*** who have suffered considerable harm due to the severity of the crime, ***or any other circumstances that may require a specific response***;

## Amendment 66

### Proposal for a directive

#### Article 1 – paragraph 1 – point 4 – point b

Directive 2012/29/EU

Article 9 – paragraph 3 – point b

#### *Text proposed by the Commission*

(b) targeted and integrated support, including trauma support and counselling, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council<sup>64</sup> [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of core international crimes.;

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<sup>64</sup> Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;

#### *Amendment*

(b) targeted and integrated support, including trauma support and counselling **as well as access to comprehensive medical care services, including sexual and reproductive healthcare services, especially access to safe and legal abortion care**, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council<sup>64</sup> [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of organised crimes, victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism **and** victims of core international crimes;

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<sup>64</sup> Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’;

## Amendment 67

### Proposal for a directive

Article 1 – paragraph 1 – point 4 – point c – introductory part

#### *Text proposed by the Commission*

(c) the following paragraph **is** added:

#### *Amendment*

(c) the following paragraphs **are** added:

## Amendment 68

**Proposal for a directive**

**Article 1 – paragraph 1 – point 4 – point c**

Directive 2012/29/EU

Article 9 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

**4a. Member States shall ensure independent evaluation of the quality of the support services referred to in this Article and shall ensure that the services are adapted accordingly. The evaluation shall not place an undue burden on organisations and shall use a clear and transparent evidence-based methodology that is focused on determining the quality of the support services.**

**Amendment 69**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2012/29/EU

Article 9a – paragraph 1

*Text proposed by the Commission*

*Amendment*

1. Member States shall take the necessary measures to ensure the availability of child-friendly targeted and integrated specialist services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims.

1. Member States shall take the necessary measures, **including sufficient and continuous funding**, to ensure the availability of child-friendly targeted and integrated specialist services for children to provide for age-appropriate support and protection necessary to comprehensively address the multitude of needs of child victims, **including child witnesses of crime**.

**Amendment 70**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2012/29/EU

Article 9a – paragraph 2 - point c

*Text proposed by the Commission*

(c) emotional and psychological support;

*Amendment*

(c) emotional, ***psychosocial, educational*** and psychological support;

#### **Amendment 71**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2012/29/EU

Article 9a – paragraph 2 – point ca new

*Text proposed by the Commission*

*Amendment*

(ca) ***administrative and legal aid and support;***

#### **Amendment 72**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 5**

Directive 2012/29/EU

Article 9a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. Member States shall ensure independent evaluation of the quality of the support services referred to in paragraph 2 and shall ensure that the services are adapted accordingly. The evaluation process shall not place an undue burden on organisations and shall use a clear and transparent evidence-based methodology that is focused on determining the quality of the support services.***

#### **Amendment 73**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 2012/29/EU

Article 10a – paragraph 1

*Text proposed by the Commission*

Member States shall take the necessary measures to establish assistance at the court premises to provide information and emotional support to victims.

*Amendment*

Member States shall take the necessary measures to establish **professional** assistance at the court premises to provide information **and practical** and emotional support to victims **throughout the criminal proceedings**;

**Amendment 74**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 2012/29/EU

Article 10b – paragraph 1 – point a

*Text proposed by the Commission*

(a) Article 7(1) in relation to decisions on interpretation during court **hearings**;

*Amendment*

(a) Article 7(1) in relation to decisions on interpretation during court **proceedings**;

**Amendment 75**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 2012/29/EU

Article 10b – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

**(aa) Article 18 in relation to the measures to protect the dignity of victims during questioning and testifying**

**Amendment 76**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 6**

Directive 2012/29/EU

Article 10b – paragraph 1 – point a b (new)

*Text proposed by the Commission*

*Amendment*

**(ab) Article 19(1)**

## Amendment 77

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

Article 10b – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

**(ba) Article 24(1), first subparagraph, point (b)**

## Amendment 78

### Proposal for a directive

#### Article 1 – paragraph 1 – point 6 a (new)

Directive 2012/29/EU

Article 13

*Present text*

*Amendment*

**(6a) Article 13 is replaced by the following:**

Article 13

Article 13

Right to legal aid

Right to legal aid

Member States shall ensure that victims have access to legal aid, ***where they have the status of parties to criminal proceedings***. The conditions or procedural rules under which victims have access to legal aid shall be determined by national law.

**1.** Member States shall ensure that victims have access to legal aid. The procedural rules under which victims have access to legal aid shall be determined by national law. ***Member States shall ensure that free legal aid is provided for victims who do not have sufficient means to pay for legal assistance prior to, during and after criminal proceedings. Where a Member State applies a means test to assess eligibility for free legal aid, it shall take into account all relevant and objective factors, such as the income, capital and family situation of the person concerned, the costs of the assistance of a lawyer and the standard of living in that Member State as well as the relationship to and dependence of the offender.***



2. *Member States shall ensure that victims with specific protection needs identified by the individual assessment referred to in Article 22 have access to free legal aid. In any case, Member States shall ensure that victims of gender-based violence, terrorism and human trafficking, and minors and victims of abuse and mistreatment with disabilities have access to free legal aid regardless of their financial situation.*

## Amendment 79

### Proposal for a directive

#### Article 1 – paragraph 1 – point 7 – point a

Directive 2012/29/EU

Article 16 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that, in the course of the criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time.;

#### *Amendment*

1. Member States shall ensure that, in the course of the criminal proceedings, victims are entitled to ***claim compensation and to*** obtain a decision on compensation by the offender, within a reasonable time;

## Amendment 80

### Proposal for a directive

#### Article 1 – paragraph 1 – point 8 – point -a (new)

Directive 2012/29/EU

Article 17 – paragraph 1 – introductory part

#### *Present text*

1. Member States shall ensure that their competent authorities ***can*** take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings. For this purpose, the

#### *Amendment*

***(-a) in paragraph 1 the introductory part is replaced by the following:***

"1. ***Member States shall ensure that victims can exercise the rights provided under this Directive, irrespective of their Member State of residence.*** Member States shall ensure that their competent authorities take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State

authorities of the Member State where the criminal offence was committed shall, ***in particular, be in a position:***

other than that where the criminal offence was committed, particularly with regard to the organisation of the proceedings. For this purpose, the authorities of the Member State where the criminal offence was committed shall.”

#### **Amendment 81**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8 – point -a a (new)**

Directive 2012/29/EU

Article 17 – paragraph 1 – point a

##### *Present text*

(a) ***to*** take a statement from the victim immediately after the complaint with regard to the criminal offence is made to the competent authority;

##### *Amendment*

***(-aa) in paragraph 1, point a is replaced by the following:***

“(a) take a statement from the victim immediately after the complaint with regard to the criminal offence is made to the competent authority;”

#### **Amendment 82**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 8 – point a**

Directive 2012/29/EU

Article 17 – paragraph 1 – point b

##### *Text proposed by the Commission*

(b) ***to*** have recourse to the extent possible ***to the provisions*** on video conferencing and ***telephone conference calls*** to facilitate participation in criminal proceedings of victims who are resident abroad.;

##### *Amendment*

(b) have recourse to the extent possible to video conferencing and ***other distant communication technologies, which allows the transfer of images,*** to facilitate participation in criminal proceedings of victims who are resident abroad;

#### **Amendment 83**

## **Proposal for a directive**

### **Article 1 – paragraph 1 – point 8 a (new)**

Directive 2012/29/EU

Article 19 – paragraph 1

#### *Present text*

1. Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

#### *Amendment*

**(8a) in Article 19, paragraph 1 is replaced by the following:**

1. Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, and the offender, where necessary **or when the victim expresses such a need**, within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact. **This may include the availability of mobile screens in courtrooms.**

## **Amendment 84**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8 b (new)**

Directive 2012/29/EU

Article 19 – paragraph 2

#### *Present text*

2. Member States shall ensure that new court premises have separate waiting areas for victims.

#### *Amendment*

**(8b) In Articles 19, paragraph 2 is replaced by the following:**

2. Member States shall ensure that new court premises have separate waiting areas for victims **and shall establish processes for the creation of separate waiting areas in existing court premises.**

## **Amendment 85**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8 c(new)**

Directive 2012/29/EU

Article 19 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

**(8c) In Article 19, the following paragraph is added:**

**2a. Member States shall ensure that victims are duly informed about the availability of conditions that enable avoidance of contact with the offender.**

## **Amendment 86**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 8 d (new)**

Directive 2012/29/EU

Article 19 a (new)

*Text proposed by the Commission*

*Amendment*

**(8d) The following article is inserted:**

**“Article 19a**

**Right to protection of the dignity of victims**

***In order to protect the dignity of victims and their family members, as enshrined in the Charter of Fundamental Rights of the European Union, Member States shall take appropriate measures to protect them from secondary and repeat victimisation, including by preventing the glorification of a specific crime or paying tribute to convicted offenders, when this would result in the deprivation of the dignity of the victims.”***

## **Amendment 87**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 9**

Directive 2012/29/EU

Article 21 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Member States shall ensure that

3. Member States shall ensure that

personal data concerning a victim allowing the offender to identify the victim's place of residence or to otherwise contact the victim in any way is not provided to the offender either directly or indirectly.;

personal data concerning a victim ***or their family members*** allowing the offender to identify the victim's place of residence or to otherwise contact the victim in any way is not provided to the offender either directly or indirectly. ***Other personal data of the victim or their family members shall not be provided to the offender unless it is essential for the effectiveness of the criminal proceedings. Member States shall also ensure that, to the extent that is necessary to protect the privacy of the victim, competent authorities may decide not to publish victims' personal data included in judgements or decisions.***

## Amendment 88

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 – point a

Directive 2012/29/EU

Article 22 – title

#### *Text proposed by the Commission*

Individual assessment of victims to identify specific ***support and*** protection needs';

#### *Amendment*

Individual assessment of victims to identify specific protection needs;

## Amendment 89

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 – point b

Directive 2012/29/EU

Article 22 – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that victims receive a timely and individual assessment, to identify specific ***support and*** protection needs and to determine whether and to what extent they would benefit from special measures provided for under ***Article 9(1), point (c), and*** Articles 23 and 24, due to their particular vulnerability to secondary and repeat

#### *Amendment*

1. Member States shall ensure that victims receive a timely and individual assessment, to identify specific protection needs and to determine whether and to what extent they would benefit from special measures provided for under Articles ***18***, 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to

victimisation, to intimidation and to retaliation.;

retaliation;

## Amendment 90

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 – point c

Directive 2012/29/EU

Article 22 – paragraph 1a

#### *Text proposed by the Commission*

1a. The individual assessment shall be initiated upon the first contact of the victim with the competent authorities, and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need to continue the assessment, such assessment shall be undertaken in collaboration with the institutions and bodies depending on the stage of the procedure and victims' individual needs in accordance with the protocols referred to in Article 26a.;

#### *Amendment*

1a. The individual assessment shall be initiated upon the first contact of the victim with the competent authorities, and shall last as long as necessary depending on the specific needs of each victim. Where the result of the initial stage of the individual assessment by the first contact authorities demonstrates the need to continue the assessment, such assessment shall be undertaken in collaboration with the institutions and bodies, ***including general or specialist victim support services,*** depending on the stage of the procedure and victims' individual needs in accordance with the protocols referred to in Article 26a. ***The assessment shall be conducted by specialised trained professionals, in the best interest of the victim, paying special attention to the avoidance of secondary or repeated victimisation;***

## Amendment 91

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 – point c

Directive 2012/29/EU

Article 22 – paragraph 1a a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***1aa. Member States shall ensure that the individual needs assessment process is coordinated between competent justice***

*and law enforcement authorities working with victims and responsible for the adoption of protection measures. Member States shall take the measures necessary to ensure cooperation and coordination with other involved services providing support for victims, including public or non-governmental organisations, throughout the individual needs assessment process.*

## Amendment 92

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 2 – point a

#### *Text proposed by the Commission*

(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on **a combination of several** grounds such as sex, gender, age, disability, religion or belief, language, racial, social or ethnic origin, sexual orientation;

#### *Amendment*

(a) the personal characteristics of the victim, including relevant experiences of discrimination, also when based on **intersectional** grounds, such as sex, gender, age, disability, **resident status**, religion or belief, language, racial, social or ethnic origin, **gender identity and** sexual orientation;

## Amendment 93

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3 – subparagraph 1 – point a

#### *Text proposed by the Commission*

(a) victims who have suffered considerable harm due to the severity of the crime;

#### *Amendment*

(a) victims who have suffered considerable harm **or trauma** due to the severity **or repetition** of the crime;

## Amendment 94

## Proposal for a directive

### Article 1 – paragraph 1 – point 10 – point d

Directive 2012/29/EU

Article 22 – paragraph 3 – subparagraph 2

#### *Text proposed by the Commission*

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, exploitation or hate crime, victims of core international crime and victims with disabilities shall be duly considered. Particular attention shall be paid to victims who fall under more than one of those categories.;

#### *Amendment*

In this regard, victims of terrorism, organised crime, human trafficking, gender-based violence, including violence against women and domestic violence, sexual violence, ***including child sexual abuse***, exploitation or hate crime, ***victims who are irregular migrants and victims with a dependent residence status or permit***, victims of core international crime and victims with disabilities shall be duly considered. ***Online forms of those types of crime shall be taken into consideration and*** particular attention shall be paid to victims who fall under more than one of those categories;

## Amendment 95

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 – point e

Directive 2012/29/EU

Article 22 – paragraph 3a

#### *Text proposed by the Commission*

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the use of weapons, involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.;

#### *Amendment*

3a. In the context of the individual assessment, particular attention shall be paid to the risk emanating from the offender, including the risk of violent behaviour and of bodily harm, the ***access to and*** use of weapons, ***links to or*** involvement in a group of organised crime, drug or alcohol abuse, child abuse, mental health issues, ***risk and*** behaviour of stalking, expression of threats or hate speech. ';

## Amendment 96



## Proposal for a directive

### Article 1 – paragraph 1 – point 10 – point f

Directive 2012/29/EU

Article 22 – paragraph 4

#### *Text proposed by the Commission*

4. For the purposes of this Directive, child victims shall be presumed to have specific **support and** protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a.;

#### *Amendment*

4. For the purposes of this Directive, child victims shall be presumed to have specific protection needs due to their vulnerability to secondary and repeat victimisation, to intimidation and to retaliation. To determine whether and to what extent they would benefit from special measures as provided for under Articles **18**, 23 and 24, child victims shall be subject to an individual assessment as provided for in paragraph 1 of this Article. The individual assessment of child victims shall be organised within the framework of targeted and integrated support services referred to in Article 9a **and shall take into account the specific needs of children without parental care. Where relevant, the individual assessment shall take into account the victim's family members other than children.**

## Amendment 97

## Proposal for a directive

### Article 1 – paragraph 1 – point 10 – point h

Directive 2012/29/EU

Article 22 – paragraph 7

#### *Text proposed by the Commission*

7. Competent authorities shall update the individual assessment at regular intervals to ensure the **support and** protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the criminal proceedings.;

#### *Amendment*

7. Competent authorities shall update the individual assessment at regular intervals **and, where relevant, take new or update ongoing measures**, to ensure the protection measures relate to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, **such as in the case of release of the offender from custody**, Member States shall ensure that it is updated throughout the criminal

proceedings.

## **Amendment 98**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 10 a (new)**

Directive 2012/29/EU

Article 22 a (new)

*Text proposed by the Commission*

*Amendment*

***(10a) The following Article is inserted:***

***‘Article 22a***

***Individual assessment of victims to identify specific support needs***

***1. Member States shall ensure that victims receive a timely and individual assessment to identify specific support needs throughout the proceedings, taking into account the individual assessment referred to in Article 22, and to determine whether and to what extent they would benefit from special measures provided for under Article 9(1), point (c), due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.***

***2. The individual assessment referred to in paragraph 1 shall be undertaken in collaboration with all relevant competent authorities depending on the stage of the proceedings and relevant support services;***

***3. Where the individual assessment referred to in paragraph 1 has identified specific support needs or if the victim requests support, Member States shall ensure that the competent authorities respond to these needs in a timely and coordinated manner. This shall include referrals to general or specialist victim support services for an in-depth assessment of support needs, in line with protocols established pursuant to Article 26a.***

4. *Competent authorities shall update the individual assessment referred to in paragraph 1 at regular intervals to ensure the support measures correspond to the victim's changing situation. If the elements that form the basis of the individual assessment have changed significantly, Member States shall ensure that it is updated throughout the proceedings.*

5. *Article 22(2) to (5) shall apply mutatis mutandis to the individual assessment referred to in paragraph 1 of this Article.'*

## Amendment 99

### Proposal for a directive

#### Article 1 – paragraph 1 – point 10 b (new)

Directive 2012/29/EU

Article 23 – paragraph 1

#### *Present text*

1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2 and 3 of this Article. A special measure envisaged following the individual assessment **shall** not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

#### *Amendment*

***(10b) in Article 23, paragraph 1 is replaced by the following:***

"1. Without prejudice to the rights of the defence and in accordance with rules of judicial discretion, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment provided for in Article 22(1), may benefit from the measures provided for in paragraphs 2 and 3 of this Article. ***In exceptional circumstances***, a special measure envisaged following the individual assessment ***may*** not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings."

## Amendment 100

### Proposal for a directive

#### Article 1 – paragraph 1 – point 11

Directive 2012/29/EU

Article 23 – paragraph 2 – point d

#### *Text proposed by the Commission*

(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council<sup>65</sup> [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same **sex** as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced.;

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<sup>65</sup> Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’

#### *Amendment*

(d) all interviews with victims of sexual violence, gender-based violence including victims of violence against women and domestic violence covered by Directive (EU) .../... of the European Parliament and of the Council<sup>65</sup> [on combating violence against women and domestic violence], unless conducted by a prosecutor or a judge, being conducted by a person of the same **gender** as the victim, if the victims so wishes, provided that the course of the criminal proceedings will not be prejudiced;

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<sup>65</sup> Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).’

## Amendment 101

### Proposal for a directive

#### Article 1 – paragraph 1 – point 11 a (new)

Directive 2012/29/EU

Article 23 – paragraph 3 – point c

#### *Present text*

(c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; and

#### *Amendment*

**(11a) in Article 23, paragraph 3 (c) is replaced by the following:**

(c) measures to avoid unnecessary questioning concerning the victim's private life, **including the person's sexual orientation, gender identity or past sexual conducts**, not related to the criminal offence; and

## **Amendment 102**

### **Proposal for a directive**

Article 1 – paragraph 1 – point 12 – introductory part

*Text proposed by the Commission*

(12) in Article 23, the following  
***paragraph is*** added:

*Amendment*

(12) in Article 23, the following  
***paragraphs are*** added:

## **Amendment 103**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 12**

Directive 2012/29/EU

Article 23 – paragraph 4 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) access to shelters and other appropriate interim accommodations free of charge or paid for by a dedicated financial allowance for victims.***

## **Amendment 104**

### **Proposal for a directive**

**Article 1 – paragraph 1 – point 12**

Directive 2012/29/EU

Article 23 – paragraph 4 a (new)

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall ensure that competent authorities inform victims of the possibility to apply for barring, restraining or protection orders as well as the possibility to seek cross-border recognition of protection orders pursuant to Directive 2011/99/EU or Regulation (EU) No 606/2013.***

## **Amendment 105**

## Proposal for a directive

### Article 1 – paragraph 1 – point 12 a (new)

Directive 2012/29/EU

Article 24 – paragraph 1 – subparagraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

(12a) in Article 24 (1), ***the following point is added:***

***(ca) the child’s right to be heard and the best interests of the child are ensured during the criminal investigations and proceedings, in accordance with Article 10’;***

## Amendment 106

### Proposal for a directive

Article 1 – paragraph 1 – point 13 a (new)

*Text proposed by the Commission*

*Amendment*

***(13a) Article 25 is amended as follows:***

## Amendment 107

### Proposal for a directive

Article 1 – paragraph 1 – point 13 a (new) – point a (new)

Directive 2012/29/EU

Article 25 – paragraph 1

*Present text*

*Amendment*

1. Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims and to enable them to deal with ***victims*** in an impartial, respectful and professional manner.

***(a) paragraph 1 is replaced by the following:***

1. Member States shall ensure that officials ***of public authorities, bodies and institutions*** likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to their contact with victims to increase their awareness of the needs of victims, ***to avoid secondary victimisation*** and to enable them to ***recognise victims, communicate, and*** deal with ***them*** in an impartial, respectful, ***non-discriminatory***, and

professional manner *and where relevant, also in a trauma-sensitive, gender-sensitive and child-sensitive manner;*

#### **Amendment 108**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new) – point b (new)**

Directive 2012/29/EU

Article 25 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

**(b) the following paragraph is inserted:**

**1a. In order to ensure comprehensive support and protection to victims, Member States shall develop practical guidelines to help translate the obligations for assessing victims' protection and support needs into practical steps for competent authorities, such as law enforcement authorities;**

#### **Amendment 109**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new) – point c (new)**

Directive 2012/29/EU

Article 25 – paragraph 2

*Present text*

*Amendment*

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall ***request that those responsible for the training of judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase the awareness of judges and prosecutors of the needs of victims.***

**(c) paragraph 2 is replaced by the following:**

2. Without prejudice to judicial independence and differences in the organisation of the judiciary across the Union, Member States shall ***take the measures necessary to ensure that both general and specialist training is provided for judges and prosecutors involved in criminal proceedings and investigations with respect to the objectives of this Directive and appropriate to the functions of the involved staff and authorities to increase their awareness of the needs of***

victims *and to treat victims in a trauma-sensitive, gender-sensitive and child-sensitive manner, avoiding secondary victimisation;*

#### **Amendment 110**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new) – point d (new)**

Directive 2012/29/EU

Article 25 – paragraph 3

##### *Present text*

3. With due respect for the independence of the legal profession, Member States shall ***recommend*** that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims.

##### *Amendment*

***(d) paragraph 3 is replaced by the following:***

3. With due respect for the independence of the legal profession, Member States shall ***ensure*** that those responsible for the training of lawyers make available both general and specialist training to increase the awareness of lawyers of the needs of victims ***and to treat victims in a trauma-sensitive, gender-sensitive and child-sensitive manner, avoiding secondary victimisation;***

#### **Amendment 111**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new) – point e (new)**

Directive 2012/29/EU

Article 25 – paragraph 4

##### *Present text*

4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial,

##### *Amendment*

***(e) paragraph 4 is replaced by the following:***

4. Through their public services or by funding victim support organisations, Member States shall encourage initiatives enabling those providing victim support and restorative justice services to receive adequate training to a level appropriate to their contact with victims and observe professional standards to ensure such services are provided in an impartial,



respectful and professional manner.

respectful, ***non-discriminatory, child sensitive*** and professional manner;

## **Amendment 112**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13 a (new) – point f (new)**

Directive 2012/29/EU

Article 25 – paragraph 5

#### *Present text*

5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall aim to enable the practitioner to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

#### *Amendment*

***(f) paragraph 5 is replaced by the following:***

5. In accordance with the duties involved, and the nature and level of contact the practitioner has with victims, training shall ***cover general and specialist training, and shall*** aim to enable the practitioner to recognise victims, ***to understand the needs of victims as well as national law and procedures in relation to victims' rights, to avoid secondary victimisation,*** and to treat them in a respectful, professional and non-discriminatory manner;

## **Amendment 113**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 13 a (new) – point g (new)**

Directive 2012/29/EU

Article 25 – paragraph 5 a (new)

#### *Text proposed by the Commission*

#### *Amendment*

***(g) the following paragraphs are added:***

***5a. Training referred to in paragraphs 1, 2, and 3 shall include specific guidance on co-ordinated multi-agency cooperation, in accordance with Article 26a, allowing for a comprehensive, efficient and appropriate handling of referrals among the different competent authorities.***

#### **Amendment 114**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new) – point g (new)**

Directive 2012/29/EU

Article 25 – paragraph 5 b (new)

*Text proposed by the Commission*

*Amendment*

**5b. Member States shall encourage the development of interdisciplinary training among the staff of the different authorities who are likely to come in contact with victims, where relevant with the cooperation of non-governmental organisations, to enhance cooperation and coordination among authorities.**

#### **Amendment 115**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new) – point g (new)**

Directive 2012/29/EU

Article 25 – paragraph 5 c (new)

*Text proposed by the Commission*

*Amendment*

**5c. The Member States shall promote training for the staff of competent authorities, who are in contact with victims, to enable them to respond to the specific needs of victims of cybercrime, including online forms of violence against women or child sexual abuse.**

#### **Amendment 116**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 13 a (new) – point g (new)**

Directive 2012/29/EU

Article 25 – paragraph 5 d (new)

*Text proposed by the Commission*

*Amendment*

**5d. Training activities referred to in paragraphs 1 to 5 and 8 shall be carried out regularly. Member States shall take measures to support bodies and organisations responsible for carrying out**

*such training activities to develop, deliver and ensure the receipt of such training activities as well as its quality and availability throughout the territory of the Member States.*

**Amendment 117**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 13 b (new)**

Directive 2012/29/EU

Article 25 a (new)

*Text proposed by the Commission*

*Amendment*

**(13b) the following article is inserted:**

**“Article 25a**

***Awareness raising and communication of victims’ rights***

***1. Member States shall ensure that regular awareness-raising campaigns are carried out at national level in order to ensure that victims are aware of their rights under this Directive. These campaigns shall be conducted through a variety of channels and ensure the delivery of information to victims in a consistent manner across the territories of Member States.***

***2. Member States shall establish a dedicated website to provide information to the public on reporting a crime, victims’ rights, available general and specialist victim support services, functioning of the justice system as well as relevant procedures and application processes. The website shall be written in plain language and be easily accessible, including for persons with disabilities. Member States shall ensure that the content of information communicated to victims is developed in collaboration with civil society organisations and that the content is consistent and regularly updated to ensure accuracy.***

***3. Member States shall ensure***

*enhanced measures addressing the needs of victims who face higher barriers to communication, including but not limited to victims who are residents of a Member State other than where the crime was committed, victims with disabilities and child victims.*

*4. Member States shall ensure that measures are put in place to increase the awareness of victims on where to obtain help and exercise their rights, including by signposting mechanisms promoting easy and rapid identification of places where victims may get help or public registers of accredited support organisations.”*

#### **Amendment 118**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 14**

Directive 2012/29/EU

Article 26a – title

*Text proposed by the Commission*

Protocols **through** national coordination and cooperation

*Amendment*

Protocols **for** national coordination and cooperation

#### **Amendment 119**

##### **Proposal for a directive**

##### **Article 1 – paragraph 1 – point 14**

Directive 2012/29/EU

Article 26a – paragraph 1 – introductory part

*Text proposed by the Commission*

1. Member States shall establish and implement specific protocols on the organisation of services and actions under this Directive by the competent authorities and other persons coming in contact with victims. The protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities,

*Amendment*

1. Member States shall establish and implement specific protocols on the **efficient and consistent** organisation of services and actions under this Directive by the competent authorities, **victim support services, bodies and institutions dealing with victims of crime** and other persons coming in contact with victims. The

judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

protocols shall be drawn up in coordination and cooperation between law enforcement, prosecution authorities, judges, detention authorities, restorative justice services and victim support services **and in consultation with civil society organisations and relevant professional organisations**. The specific protocols shall aim as a minimum at ensuring that:

## Amendment 120

### Proposal for a directive

#### Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1 – point b

#### *Text proposed by the Commission*

(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused, **as well as specialised detention facilities for applicants of international protection and pre-removal centres or in other institutions, including accommodation centers where applicants and beneficiaries of international protection** are located:

#### *Amendment*

(b) victims who are in detention including jails, detention centres and holding cells for suspects and accused **persons, specialised detention facilities where irregular migrants or** applicants of international protection are located.

## Amendment 121

### Proposal for a directive

#### Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26a – paragraph 1 – point b a (new)

#### *Text proposed by the Commission*

#### *Amendment*

**(ba) victims in accommodation facilities where they are not permitted to leave at will, such as reception or accommodation facilities, where irregular illegal migrants or applicants and beneficiaries of international protection are located, as well as specialised**

*accommodation for person with disabilities, children and elderly people, including mental health and social care institutions, orphanages and retirement homes, and any other form of public or private custodial setting under control of any judicial, administrative or other public authority, or any private institution from which the victim is not permitted to leave at will.*

## **Amendment 122**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14**

Directive 2012/29/EU

Article 26a – paragraph 1 – point c

#### *Text proposed by the Commission*

(c) individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take into account the victims' individual needs at different stages of the criminal procedure.

#### *Amendment*

(c) individual assessment of victims' needs for support and protection as referred to in Article 22, and provision of support services for victims with specific needs, take into account the victims' individual needs at different stages of the criminal procedure, *including through the effective coordination and cooperation among competent authorities and general and specialist victim support services during this process, including through clear referral protocols.*

## **Amendment 123**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14**

Directive 2012/29/EU

Article 26a – paragraph 1 – point c a (new)

#### *Text proposed by the Commission*

#### *Amendment*

*(ca) competent authorities who are likely to come into contact with victims are trained in a targeted and regular manner to ensure victims are identified and*

*receive appropriate support and protection in accordance with Article 25.*

## **Amendment 124**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14**

Directive 2012/29/EU

Article 26a – paragraph 3

#### *Text proposed by the Commission*

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

#### *Amendment*

3. Member States shall take the necessary legislative measures to allow for collection and sharing of information ***in accordance with Regulation (EU) 2016/679***, including information containing personal data of victims between the competent authorities and victim support services to ensure access to information and appropriate support and protection of individual victims.

## **Amendment 125**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14**

Directive 2012/29/EU

Article 26b – paragraph 1

#### *Text proposed by the Commission*

1. Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a, Article 4(1), Article 5(1), Article 5a, Article 6(1), (2), (4), (5) and (6) and Article 10b using electronic means of communication.

#### *Amendment*

1. Member States shall ensure that victims of crime may exercise their rights provided for in Article 3a, Article 4(1), Article 5(1) ***and (3)***, Article 5a, Article 6(1), (2), (4), (5) and (6) and Article 10b using electronic means of communication.

## **Amendment 126**

### **Proposal for a directive**

#### **Article 1 – paragraph 1 – point 14**

Directive 2012/29/EU

Article 26c – paragraph 2 – subparagraph 2

*Text proposed by the Commission*

Member States shall ensure that reasonable accommodation **is** provided for victims with disabilities upon request.

*Amendment*

Member States shall ensure that reasonable accommodation **and procedural accommodations are** provided for victims with disabilities upon request.

**Amendment 127**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 15**

Directive 2012/29/EU

Article 27a – paragraph 1 – point f a (new)

*Text proposed by the Commission*

*Amendment*

**(fa) the use of barring, restraining and protection orders to provide protection for victims as referred to in Article 23 of this Directive do not affect Member States' obligations to ensure the physical integrity of victims of violence against women and domestic violence and their dependants provided for in Article 21 of Directive (EU) .../... [on combating violence against women and domestic violence].**

**Amendment 128**

**Proposal for a directive**

**Article 1 – paragraph 1 – point 15**

Directive 2012/29/EU

Article 27a – point f b (new)

*Text proposed by the Commission*

*Amendment*

**(fb) the obligation to take measures pursuant to Article 25 of this Directive does not affect Member State's obligation to take targeted measures under Article 37 of Directive (EU) .../... [on combating violence against women and domestic violence]'.**



## Amendment 129

### Proposal for a directive

#### Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 1

#### *Text proposed by the Commission*

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex of the victims **and** the type of the offence. They shall also include information on how victims have accessed the rights set out in this Directive.

#### *Amendment*

1. Each Member State shall take the necessary measures to establish a system for the collection, production and dissemination of statistics on victims of crime. The statistics shall include data relevant to the application of national procedures on victims of crime, including at least the number and type of reported crimes and the number, the age, sex, **gender and disability, if any**, of the victims, the type of the offence **and the nature of the relationship between the victim and the offender**. They shall also include information on how victims have accessed the rights set out in this Directive **and whether victims have suffered a crime due to a bias or discriminatory motive as set out in Article 22. Such statistics shall allow for developing qualitative analysis, including on remaining barriers when reporting crimes and accessing victims' rights.**

## Amendment 130

### Proposal for a directive

#### Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 2

#### *Text proposed by the Commission*

2. Member States shall collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with the Commission (Eurostat). They shall transmit this data to the Commission (Eurostat) every three years. The transmitted data shall not

#### *Amendment*

2. Member States shall collect the statistics referred to in this Article on the basis of common disaggregation developed in cooperation with the Commission (Eurostat **and the Victims Rights' Coordinator**) **and experts in the field of victims' rights**. They shall transmit this

contain personal data.

data to the Commission (Eurostat) every three years. ***Member States shall have a synchronised timeline for this reporting to ensure data comparability.*** The transmitted data shall not contain personal data.

## Amendment 131

### Proposal for a directive

#### Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 3

#### *Text proposed by the Commission*

3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination of statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.

#### *Amendment*

3. The European Union Agency for Fundamental Rights shall support Member States and the Commission in the collection, production and dissemination ***and qualitative analysis*** of statistics on victims of crime and in reporting on how victims have accessed the rights set out in this Directive.

## Amendment 132

### Proposal for a directive

#### Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 5

#### *Text proposed by the Commission*

5. The Member States shall make the collected statistics available to the public. The statistics shall not contain personal data.

#### *Amendment*

5. The Member States shall make the collected statistics available to the public ***in an easily accessible manner. In compliance with Regulation (EU) 2016/679*** the statistics shall not contain personal data.

## Amendment 133

### Proposal for a directive

#### Article 1 – paragraph 1 – point 16 a (new)

Directive 2012/29/EU  
Article 28 a (new)

*Text proposed by the Commission*

*Amendment*

**(16a) the following Articles are inserted:**

**Article 28a**

**Coordination of the EU strategy on victims' rights**

- 1. In order to ensure consistency and effectiveness of actions in relation to victims' rights policy, Member States shall facilitate the tasks of Victims' Rights Coordinator, established by the Commission.**
- 2. The Victims' Rights Coordinator shall in particular ensure a smooth functioning of the Victims' Rights Platform and implementation of the EU Strategy on victims' rights and this Directive as well as synchronise victims' rights related actions of other Union level stakeholders, notably where relevant to the application of this Directive.'**

**Amendment 134**

**Proposal for a directive**  
**Article 1 – paragraph 1 – point 16 a (new)**  
Directive 2012/29/EU  
Article 28 b (new)

*Text proposed by the Commission*

*Amendment*

**Article 28b**

**Resources**

**Member States shall ensure adequate and stable human, technical and financial resources for the full and timely implementation of this Directive, including for public and non-governmental organisations' support services.'**

## Amendment 135

### Proposal for a directive

#### Article 1 – paragraph 1 – point 17

Directive 2012/29/EU

Article 29 – paragraph 1

#### *Text proposed by the Commission*

By [six years after adoption], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation.

#### *Amendment*

By ... [six years after the adoption of this Directive], the Commission shall submit a report on the application of this Directive to the European Parliament and the Council. The report shall assess the extent to which the Member States have taken the necessary measures to comply with this Directive, including the technical implementation. ***The Commission shall take into consideration the findings of the European Union Agency for Fundamental Rights and Eurostat in that report.***

**ANNEX: ENTITIES OR PERSONS  
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteurs declare that they received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

<b>Entity and/or person</b>
Victim Support Europe
European Union Agency for Fundamental Rights
European Women's Lobby
Women against Violence Europe (WAVE)
Asociación Víctimas Terrorismo
European Disability Forum
Platform for International Cooperation on Undocumented Migrants (PICUM)
End FGM European Network
Organisation Intersex International Europe (OII)
ILGA Europe
International Planned Parenthood Federation (IPPF)
European Forum for Restorative Justice
Hope and Homes for Children

The list above is drawn up under the exclusive responsibility of the rapporteurs.

## PROCEDURE – COMMITTEE RESPONSIBLE

<b>Title</b>	Amending Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA	
<b>References</b>	COM(2023)0424 – C9-0303/2023 – 2023/0250(COD)	
<b>Date submitted to Parliament</b>	12.7.2023	
<b>Committees responsible</b> Date announced in plenary	LIBE 11.9.2023	FEMM 11.9.2023
<b>Committees asked for opinions</b> Date announced in plenary	JURI 11.9.2023	
<b>Not delivering opinions</b> Date of decision	JURI 18.9.2023	
<b>Rapporteurs</b> Date appointed	Javier Zarzalejos 20.9.2023	María Soraya Rodríguez Ramos 20.9.2023
<b>Rule 58 – Joint committee procedure</b> Date announced in plenary	5.10.2023	
<b>Discussed in committee</b>	29.11.2023	24.1.2024
<b>Date adopted</b>	14.3.2024	
<b>Result of final vote</b>	+: 70 -: 1 0: 11	
<b>Members present for the final vote</b>	Magdalena Adamowicz, Abir Al-Sahlani, Katarina Barley, Pietro Bartolo, Robert Biedroń, Theresa Bielowski, Vladimír Bilčík, Malin Björk, Vilija Blinkevičiūtė, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Annika Bruna, Damien Carême, Maria da Graça Carvalho, Patricia Chagnon, Gwendoline Delbos-Corfield, Anna Júlia Donáth, Lena Düpont, Cornelia Ernst, Rosa Estaràs Ferragut, Laura Ferrara, Nicolaus Fest, Frances Fitzgerald, Lina Gálvez Muñoz, Jean-Paul Garraud, Sylvie Guillaume, Sophia in 't Veld, Marina Kaljurand, Fabienne Keller, Łukasz Kohut, Moritz Körner, Guy Lavocat, Jeroen Lenaers, Juan Fernando López Aguilar, Elżbieta Katarzyna Łukacijewska, Lukas Mandl, Radka Maxová, Karen Melchior, Nadine Morano, Javier Moreno Sánchez, Andżelika Anna Możdżanowska, Johan Nissinen, Maria Noichl, Maite Pagazaurtundúa, Sirpa Pietikäinen, Evelyn Regner, Eugenia Rodríguez Palop, María Soraya Rodríguez Ramos, Maria Veronica Rossi, Isabel Santos, Christine Schneider, Sylwia Spurek, Tineke Strik, Tomas Tobé, Jana Toom, Milan Uhrík, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos	
<b>Substitutes present for the final vote</b>	Barry Andrews, Susanna Ceccardi, Thijs Reuten, Aušra Seibutytė, Vera Tax, Irène Tolleret, Dragoş Tudorache, Axel Voss, Maria Walsh, Juan Ignacio Zoido Álvarez	

<b>Substitutes under Rule 209(7) present for the final vote</b>	Pablo Arias Echeverría, Ana Collado Jiménez, Pär Holmgren, Katrin Langensiepen, Erik Marquardt, Gabriel Mato, Jozef Mihál, Francisco José Millán Mon, Jutta Paulus, Achille Variati, Michal Wiezik
<b>Date tabled</b>	25.3.2024

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

70	+
NI	Laura Ferrara
PPE	Magdalena Adamowicz, Pablo Arias Echeverría, Vladimír Bilčík, Karolin Braunsberger-Reinhold, Maria da Graça Carvalho, Ana Collado Jiménez, Lena Düpont, Rosa Estaràs Ferragut, Frances Fitzgerald, Jeroen Lenaers, Elżbieta Katarzyna Łukacijewska, Lukas Mandl, Gabriel Mato, Francisco José Millán Mon, Sirpa Pietikäinen, Christine Schneider, Aušra Seibutytė, Tomas Tobé, Axel Voss, Maria Walsh, Javier Zarzalejos, Juan Ignacio Zoido Álvarez
Renew	Abir Al-Sahlani, Barry Andrews, Anna Júlia Donáth, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Guy Lavocat, Karen Melchior, Jozef Mihál, Maite Pagazaurtundúa, María Soraya Rodríguez Ramos, Irène Tolleret, Jana Toom, Dragoș Tudorache, Michal Wiezik
S&D	Katarina Barley, Pietro Bartolo, Robert Biedroń, Theresa Bielowski, Vilija Blinkevičiūtė, Lina Gálvez Muñoz, Sylvie Guillaume, Marina Kaljurand, Łukasz Kohut, Juan Fernando López Aguilar, Radka Maxová, Javier Moreno Sánchez, Maria Noichl, Evelyn Regner, Thijs Reuten, Isabel Santos, Vera Tax, Achille Variati, Elena Yoncheva
The Left	Malin Björk, Cornelia Ernst, Eugenia Rodríguez Palop
Verts/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, Gwendoline Delbos-Corfield, Pär Holmgren, Katrin Langensiepen, Erik Marquardt, Jutta Paulus, Sylwia Spurek, Tineke Strik

1	-
NI	Milan Uhrík

11	0
ECR	Joachim Stanisław Brudziński, Andželika Anna Mozdżanowska, Johan Nissinen, Jadwiga Wiśniewska
ID	Annika Bruna, Susanna Ceccardi, Patricia Chagnon, Nicolaus Fest, Jean-Paul Garraud, Maria Veronica Rossi
PPE	Nadine Morano

Key to symbols:

+ : in favour

- : against

0 : abstention