



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

2023/0250(COD)

13.11.2023

*****I**

DRAFT 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.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	4

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 (A9-0000/2023),
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 3

Text proposed by the Commission

(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 them completely.

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, ***submit evidence where feasible***, and to otherwise communicate with competent authorities and with support services through ***reliable and safe*** 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 them completely. ***Those means 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 based on age and disability.***

Or. en

Amendment 2

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 Council⁵⁷ [on combating violence against women and domestic violence]. The general victims' helplines should function in addition to the specialised helplines.

⁵⁷ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).

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 Council⁵⁷ [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 the general and specialised helplines of the Member State where the crime was committed from another Member State.***

⁵⁷ Directive (EU) .../... of the European Parliament and of the Council on combating violence against women and domestic violence (OJ ...).

Or. en

Amendment 3

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.

creating safer environments for victims to report crime *as well as removing or reducing physical, administrative or legal barriers to reporting crimes. This is especially relevant as victims least likely to report a crime to the police are usually those most in need of protection, being children, migrants, people with disabilities and victims of human trafficking.* 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, *victims living in closed-settings 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 from 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 in conditions that take into account their particular situation and in line with protocols specifically set up for this purpose. *Victims in detention refer to persons living in jails as well as in detention centres and holding cells for suspects and accused, specialised detention facilities for applicants of international protection, pre-removal centres, and accommodation centres where applicants and beneficiaries of international protection are located. Special attention should also be paid to persons residing in other closed settings such as residential institutions, mental*

Amendment 4

Proposal for a directive

Recital 7

Text proposed by the Commission

(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.

Amendment

(7) Targeted and integrated support services should be available to a broad range of victims with specific needs, ***including victims living in rural, sparsely populated and remote areas.*** 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. 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.

Amendment 5

Proposal for a directive

Recital 7 a (new)

(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 personal characteristics. 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.

Or. en

Amendment 6

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

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 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, ***such as children of victims who have been killed due to violence against women or domestic violence***, should benefit from the targeted and integrated support and protection

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.

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 *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.

Or. en

Amendment 7

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 special protection measures available to

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. 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, decisions on special protection measures available to victims

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.

with special protection needs ***and physical protection measures for victims***. 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.***

Or. en

Amendment 8

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

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, taking into account, among other matters, the individual circumstances of the victim.*** 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

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.

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.

Or. en

Amendment 9

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 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. In order to safeguard the effectiveness of barring, restraining and protection orders, breaches of such orders should be subject to penalties. Those penalties could be of a criminal law or other legal nature and could include prison sentences, fines or***

any other legal penalty that is effective, proportionate and dissuasive.

Or. en

Amendment 10

Proposal for a directive Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) Member States should take the necessary measures to prevent legal and social impunity of perpetrators of acts of terrorism, as this represents a significant obstacle for the recovery and protection of victims. Member States should take measures to criminalise the glorification of a specific act of terrorism as it humiliates the victims and causes secondary victimisation by damaging victims' dignity and recovery. Member States should forbid tributes to those found guilty of terrorist activities by a final judgment and should pay special attention to victims where they can suffer harassment or fear that they might be attacked again by the social entourage of the aggressors.

Or. en

Amendment 11

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

(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. This is particularly valid in relation to child victims.

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

Or. en

Amendment 12

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 sufficient and appropriate training. 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. It should be delivered in cooperation with non-governmental actors 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 of involved institutions.

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.

Or. en

Amendment 13

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 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

(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 and relevant stakeholders in victims' protection.* 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 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.

Or. en

Amendment 14

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 Disabilities⁵⁹ 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 Council⁶⁰ 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.

⁵⁹ OJ L 23, 27.1.2010, p. 37.

⁶⁰ 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

Amendment

(16) The Union and the Member States are parties to the UN Convention on the Rights of Persons with Disabilities⁵⁹ 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 in 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. The accessibility requirements set in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council⁶⁰ 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.

⁵⁹ OJ L 23, 27.1.2010, p. 37.

⁶⁰ 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

Amendment 15

Proposal for a directive Recital 18

Text proposed by the Commission

(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.

Amendment

(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 this Directive. The statistics should 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, 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 information should include information on whether victims have suffered a crime due to a bias or discriminatory motive.* 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 three-year reporting of Member States 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 Directive 2012/29/EU. 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 should be adequately adapted.*

Or. en

Amendment 16

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 and domestic violence, as well as hate speech and hate crimes, which are disproportionately affecting women, LGBTIQ+ persons and children and are also still widely underreported.

Or. en

Amendment 17

Proposal for a directive Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) Member States should facilitate the tasks of a Coordinator for victims' rights as set out in the context of the EU Strategy on victims' rights with the aim to ensure 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 implementation of the EU Strategy on victims' rights (2020-2025) 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.

Or. en

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2012/29/EU

Article 3a – paragraph 1

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.

Or. en

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2012/29/EU

Article 3 a – 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.*

Or. en

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2012/29/EU

Article 3 a – 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.

Or. en

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2012/29/EU

Article 3 a – paragraph 4

Text proposed by the Commission

Amendment

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

4. Helplines may 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.

Or. en

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2012/29/EU

Article 5 a – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that victims can report criminal offences to the

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.

competent authorities through easily accessible, **safe and** user friendly **reporting mechanisms, using** information and communication technologies. Such possibility shall include submission of evidence where feasible.

Or. en

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2012/29/EU

Article 5 a – paragraph 3

Text proposed by the Commission

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.

Amendment

3. Member States shall ensure that victims can effectively report crimes committed in detention facilities **and other closed settings**. 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. **Other closed settings shall include mental health and social care institutions, such as orphanages and retirement homes.**

Or. en

Amendment 24

Proposal for a directive

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

Directive 2012/29/EU

Article 6 – paragraph 1 – introductory part

Present text

Amendment

(2a) In Article 6(1) the introductory part is replaced by the following:

1. Member States shall ensure that victims ***are 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:

1. Member States shall ensure that victims ***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 object to receiving*** such information:

Or. en

Amendment 25

Proposal for a directive

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

Directive 2012/29/EU

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

Text proposed by the Commission

Amendment

(2b) in Article 6(1) the following point is added:

(ba) information on the state of play and significant developments in the criminal proceeding.

Or. en

Amendment 26

Proposal for a directive

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

Directive 2012/29/EU

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

Text proposed by the Commission

Amendment

(2c) in Article 6(2) the following point is added:

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

Or. en

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 2 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

(2d) Article 6(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.

Or. en

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 2 e (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,*** with interpretation ***in accordance with***

Amendment

(2e) Article 7(1) is replaced by the following:

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

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.

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.

Or. en

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 2 f (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

(2f) Article 7(3) is replaced by the following:

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, 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.

Or. en

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 2 g (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

(2g) Article 7(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***.

Or. en

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 2 h (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

(2h) Article 7(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 the ability to exercise their rights***.

Or. en

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2012/29/EU

Article 8 – paragraph 2

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 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, ***duly informed of the services that can be provided***, consents to be contacted by support services or if the victim requests support.

Or. en

Amendment 33

Proposal for a directive

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

Directive 2012/29/EU

Article 8 – paragraph 3

Text proposed by the Commission

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

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***

committed against the victim.

specialist victim support services shall operate in a coordinated manner.’

Or. en

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b

Directive 2012/29/EU

Article 8 – paragraph 7 (new)

Text proposed by the Commission

Amendment

7. Member States shall ensure that victim support services are granted sufficient financial resources to support their activities and ensure adequate human resources.

Or. en

Amendment 35

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

Amendment

(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 Council⁶⁴ [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.**

(b) targeted and integrated support, including trauma support counselling **and sexual and reproductive healthcare services**, 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 [on combating violence against women and domestic violence], victims of trafficking in human beings **and** victims with disabilities;

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

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

Or. en

Amendment 36

Proposal for a directive

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

Directive 2012/29/EU

Article 9 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) in paragraph 3 the following point is added:

‘(ba) targeted and integrated support, including trauma and medical support and counselling for victims of organised crimes, victims of exploitation, victims of hate crime, victims of terrorism and victims of core international crimes.’

Or. en

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point c

Directive 2012/29/EU

Article 9 – paragraph 5 (new)

Text proposed by the Commission

Amendment

5. Member states shall ensure independent yearly evaluation of the quality of the support services referred to in this Article and shall ensure that the services are adapted accordingly.

Or. en

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9 a – paragraph 2 – point c

Text proposed by the Commission

(c) emotional and psychological support;

Amendment

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

Or. en

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9 a – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9 a – paragraph 4 (new)

Text proposed by the Commission

Amendment

4. Member States shall ensure independent yearly evaluation of the quality of the support services referred to in paragraph 2 and shall ensure that the services are adapted accordingly.

Or. en

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

Article 10 a

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 assistance at court premises to provide information, *practical* and emotional support to victims *during criminal proceedings*.

Or. en

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

Article 10 b – 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*;

Or. en

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

Article 10 b – paragraph 1 – point b

Text proposed by the Commission

(b) Article 23(3).

Amendment

(b) Article 23(3) *and (4)*.

Or. en

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point -a

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

Amendment

(-a) in paragraph 1 the introductory part is amended as follows

‘1. 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 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:’

Or. en

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 8 – point a

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

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

Or. en

Amendment 46

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 the provisions on video conferencing and telephone conference calls to facilitate participation in criminal proceedings of victims who are resident abroad.;

Or. en

Amendment 47

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) Article 19(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 a justified need**, within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

Or. en

Amendment 48

Proposal for a directive

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

Directive 2012/29/EU
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(8b) 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.’

Or. en

Amendment 49

Proposal for a directive
Article 1 – paragraph 1 – point 8 c (new)
Directive 2012/29/EU
Article 19a

Text proposed by the Commission

Amendment

(8b) The following article is inserted:
‘Article 19a

Right to protection of the dignity of victims

Member States shall take measures and provide safeguards to prevent any repeat victimisation derived from humiliation and attacks on the image of the victims, such as the glorification of a specific crime or the tribute to convicted offenders.’

Or. en

Amendment 50

Proposal for a directive
Article 1 – paragraph 1 – point 9
Directive 2012/29/EU
Article 21 – paragraph 3

Text proposed by the Commission

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.

Amendment

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. ***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 th criminal proceedings.***

Or. en

Amendment 51

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

Or. en

Amendment 52

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

Amendment

1. Member States shall ensure that victims receive a timely and individual assessment, to identify specific protection needs ***throughout the proceedings*** and to determine whether and to what extent they would benefit from special measures provided for under Articles 23 and 24, due

23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

to their particular vulnerability to secondary and repeat victimisation, to **humiliation**, to intimidation and to retaliation.

Or. en

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point c Directive 2012/29/EU

Article 22 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. 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 necessary measures 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.

Or. en

Amendment 54

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

Amendment

(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

(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, **resident status**,

belief, language, racial, social or ethnic origin, sexual orientation;

religion or belief, language, racial, social or ethnic origin, sexual orientation;

Or. en

Amendment 55

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 of the crime;

Or. en

Amendment 56

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 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 **and the online forms of those types of violence.**;

Or. en

Amendment 57

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2012/29/EU

Article 22 – paragraph 3 a

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 use of weapons, involvement in a group of organised crime, drug or alcohol abuse, ***previous convictions related to*** child abuse, mental health issues, behaviour of stalking, expression of threats or hate speech.;

Or. en

Amendment 58

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 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 59

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 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.;

Or. en

Amendment 60

Proposal for a directive

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

Directive 2012/29/EU

Article 22 a

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 during criminal 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 humiliation, to intimidation and to retaliation.;

2. Competent authorities shall update the individual assessment at regular intervals to ensure the support 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.;

3. Article 22(2) to (5) shall apply to the individual assessment of support needs under paragraph 1 of this Article.'

Or. en

Amendment 61

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 a an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice

Amendment

(10b) in Article 23, paragraph 1 is amended as follows:

‘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 shall not be made available if operational or practical constraints make this impossible, or where there is a 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.

the course of the proceedings.’

Or. en

Amendment 62

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2012/29/EU

Article 23 – paragraph 4 – point c (new)

Text proposed by the Commission

Amendment

(c) access to shelters and other appropriate interim accommodations.

Or. en

Amendment 63

Proposal for a directive

Article 1 – paragraph 1 – point 13 – introductory part Directive 2012/29/EU

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

Text proposed by the Commission

Amendment

(13) **in** Article 24, the following paragraph is added:

(13) Article 24 **is amended as follows:**

a) in paragraph 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’

b) the following paragraph is added:

Or. en

Amendment 64

Proposal for a directive

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

Present text

Article 25

Training of practitioners

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.

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.

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.

4. Through their public services or by

Amendment

(13a) Article 25 is amended as follows:

‘Article 25

Training of practitioners

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 ***recognise victims and*** deal with ***them*** in an impartial, ***non-discriminatory***, respectful and professional manner.

1a. In order to ensure comprehensive support and protection to victims, Member States shall also consider the development of 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.

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

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.

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.

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.

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.

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 with victims' rights, to avoid secondary victimisation,*** and to treat them in a respectful, professional and non-discriminatory manner.

6. 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.

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

8. Training for competent authorities who are in contact with victims to respond to the specific needs of victims of cybercrime, including online forms of violence against women or child sexual abuse, shall be promoted by Member States, with the support of the European Cybercrime Training and Education Group.'

Or. en

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point 14

2012/29/EU

Article 26 a – 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, judges, detention authorities, restorative justice services and victim support services. The specific protocols shall aim as a minimum at ensuring that:

Amendment

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, 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:

Or. en

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive /EU

Article 26 a – 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, 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, ***as well as other people deprived of liberty, including persons in mental health, social***

and care institutions:

Or. en

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26 a – 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 among competent authorities during this process.***

Or. en

Amendment 68

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

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

Text proposed by the Commission

Amendment

(d) 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.

Or. en

Amendment 69

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2012/29/EU

Article 26 a – 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.

Or. en

Amendment 70

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2012/29/EU

Article 27 a – point g (new)

Text proposed by the Commission

Amendment

(g) 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].

Or. en

Amendment 71

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2012/29/EU

Article 27 a – point h (new)

Text proposed by the Commission

Amendment

(h) 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]

Or. en

Amendment 72

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2012/29/EU

Article 28 – paragraph 1

Text proposed by the Commission

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 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.

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 specified in Article 22**.

Or. en

Amendment 73

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 contain personal data.

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 experts in the field of victims' rights**. They shall transmit this 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.

Or. en

Amendment 74

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.

Or. en

Amendment 75

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. The statistics shall not contain personal data ***in compliance with Regulation (EU) 2016/679.***

Or. en

Amendment 76

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 article is 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 a Victims’ Rights Coordinator.

2. In particular, the Victims’ Rights Coordinator shall ensure a smooth functioning of the Victims’ Rights Platform and implementation of the EU Strategy on victims’ rights and synchronise victims’ rights related actions of other Union level stakeholders, notably where relevant to the application of this Directive.’

Or. en

Amendment 77

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 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.

The Commission shall take into consideration the findings of the European Union Agency for Fundamental Rights and Eurostat in the report on the application of this Directive.

Or. en