



2023/0250(COD)

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AMENDMENTS 281 - 381

Draft report

María Soraya Rodríguez Ramos, Javier Zarzalejos
(PE756.047v01-00)

Amending Directive 2011/29/EU establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2011/220/JHA

Proposal for a directive
(COM(2023)0424 – C9-0303/2023 – 2023/0250(COD))

Amendment 281

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

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 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.;

Amendment

(b) targeted and integrated support, including trauma support and counselling ***and access to comprehensive medical care services, including sexual and reproductive healthcare services, clinical management of rape, emergency contraception, screening and post-exposure prophylaxis for sexually transmitted infections and access to safe and legal abortion***, 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/***13*** [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.;

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

Or. en

Amendment 282

Annika Bruna, Jean-Paul Garraud

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point b

2012/29/UE

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 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.

⁶⁴ 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, for victims with specific needs, such as victims of sexual violence, victims of gender-based violence, including violence against women, ***in particular in public spaces***, 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.

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

Or. fr

Amendment 283

Livia Járóka

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 Council⁶⁴ [on combating violence against women and

Amendment

(b) targeted and integrated support, including trauma support, 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 [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.

domestic violence], victims of trafficking in human beings, victims of organised crimes, **and** victims with disabilities, victims of exploitation, victims of hate crime, victims of terrorism, victims of core international crimes

(This amendment applies to all of the legislative text examined; its adoption will necessitate (appropriate) technical adjustments throughout the entire text.)

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

Or. hu

Justification

Shortening the list is unjustified.

Amendment 284 **Maria Noichl**

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 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**

Amendment

(b) targeted and integrated support, including **gender-sensitive and specialised** trauma support, counselling **and sexual and reproductive health and 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 Council⁶⁴ [on combating violence against women and domestic violence], victims of trafficking in human beings, victims of **sexual exploitation and** victims with disabilities. ;

crimes.;

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 285
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 4 – point b b (new)
Directive 2012/29/EU
Article 9 – paragraph 3 – point b b new

Present Text

Amendment

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

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 286
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 4 – point b c (new)
Directive 2012/29/EU
Article 9 – paragraph 3 – point b c (new)

Present Text

Amendment

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

an individual needs assessment during an intake process to identify victims’ support needs and to tailor support provision to meet these needs.

Amendment 287

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point c
Directive 2012/29/EU
Article 9 - paragraph 4

Text proposed by the Commission

Amendment

(c) the following *paragraph is* added:

(c) the following *paragraphs are*
added:

Or. en

Amendment 288

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point c (new)
Directive 2012/29/EU
Article 9 – paragraph 4a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 289

Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 4 – point c b (new)
Directive 2012/29/EU

Article 9 – paragraph 5 (new)

Text proposed by the Commission

Amendment

(cb) in Article 9, the following paragraph is added:

5. Member states shall ensure independent yearly evaluation of the quality of the support services, in accordance with standards referred to in this Article and shall ensure that the delivery of services is adapted accordingly. The evaluation process shall not place an undue burden on organisations and shall have clear and transparent evidence-based methodology in order to determine the quality of services.

Or. en

Amendment 290

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 4 - point c

Directive 2012/29/EU

Article 9 – paragraph 5 (new)

Present Text

Amendment

(cc) the following paragraph is inserted:

5. Member States shall ensure an independent annual evaluation of the quality of support services in accordance with the standards referred to in this Article and shall ensure that the provision of services is adapted accordingly. The evaluation process shall not place an undue burden on organisations, shall have clear and transparent evidence based methodology focused on determining quality of services, namely for women and girls.

Or. en

Amendment 291

Maria Noichl, Giuliano Pisapia

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9a paragraph 1

Text proposed by the Commission

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.

Amendment

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.

Or. en

Amendment 292

Kira Marie Peter-Hansen, Saskia Bricmont

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9a – paragraph 1

Text proposed by the Commission

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.

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, ***including child witnesses of crime***.

Or. en

Amendment 293
Lucia Ďuriš Nicholsonová

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 and psychological support ***for as long as is necessary***;

Or. en

Amendment 294
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

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;

Or. en

Amendment 295
Maria da Graça Carvalho

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 296
Margarita de la Pisa Carrión

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2012/29/UE
Article 9 bis, Paragraph 2 - point c

Text proposed by the Commission

(c) emotional **and** psychological support;

Amendment

(c) emotional, psychological **and spiritual** support;

Or. es

Amendment 297
Maria Noichl, Giuliano Pisapia

Proposal for a directive
Article 1 – paragraph 1 – point 5 – point 2 (c)
Directive 2012/29/EU
Article 9a paragraph 2(c)

Text proposed by the Commission

(c) emotional **and** psychological support;

Amendment

(c) emotional, psychological **and psychosocial** support **for as long as necessary, even at a later stage in life;**

Or. en

Amendment 298
Giuliano Pisapia, Maria Noichl

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2012/29/EU
Article 9 a – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(c.b.) free administrative and legal aid and support;

Or. en

Amendment 299
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2012/29/EU
Article 9 a – paragraph 2 – point c c (new)

Text proposed by the Commission

Amendment

(cc.) administrative and legal aid and support;

Or. en

Amendment 300
Konstantinos Arvanitis

Proposal for a directive
Article 1 – paragraph 1 – point 5
DIRECTIVE 2012/29/EU
Article 9a – paragraph 2 - point g (new)

Text proposed by the Commission

Amendment

The following subpoint in paragraph 2 is added:

(g) (g) new administrative support and free legal aid;

Or. en

Amendment 301
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2012/29/EU
Article 9a – paragraph 2 – point h

Text proposed by the Commission

Amendment

The following subpoint in paragraph 2 is added:

(h) free legal aid;

Amendment 302

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

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

Text proposed by the Commission

Amendment

The following subpoint in paragraph 2 is added:

(i) administrative support.

Or. en

Amendment 303

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9a – paragraph 3a (new)

Text proposed by the Commission

Amendment

3d. Member States shall ensure independent yearly evaluation of the quality of support services referred to in paragraph 2 and shall ensure that the services are adapted accordingly.

Or. en

Amendment 304

Cindy Franssen

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9a – paragraph 5 (new)

Text proposed by the Commission

Amendment

5. Member States shall ensure that each child victim is granted free legal aid, at least to the extent that this right is also granted to child suspects. If criminal proceedings are still ongoing, legal aid shall remain free of charge even if the victim comes of age during the proceedings.

Or. en

Amendment 305

Maria da Graça Carvalho

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9 a – paragraph 6(new)

Text proposed by the Commission

Amendment

6. 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 306

Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2012/29/EU

Article 9(b) new

Text Proposed by the Commission

Amendment

(5a) the following Article 9b is inserted in Chapter II:

‘Article 9b

National Referral System for victim support services

1. Member States shall establish a national referral system that co-ordinates referral of all victims to victim support services by the competent authority that received the complaint and by other appropriate services in order to ensure referrals are easy to operate and appropriate services are easy for victims and practitioners to identify.

2. The national referral system shall, as a minimum, ensure:

a. all victims are referred to the support service most suited to address their needs in a fast and effective manner in accordance with identified criteria, unless a victim declines such referral;

b. victims are contacted by a support service within an agreed and reasonable time following the referral of the victim to explain their services and offer support;

c. the referral mechanism is organised to minimise unnecessary or multiple referrals. Where appropriate Member States may organise referral from competent authorities to a single national support service best placed to co-ordinate victim referrals;

d. the processing of data for the purposes of referral and support is facilitated in particular through the development of data sharing rules and technical mechanisms.;

Or. en

Amendment 307
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 5

Text Proposed by the Commission

Amendment

(5b) the following Article 9b is inserted in Chapter II:

1. Member States shall establish a national referral system that co-ordinates referral of all victims to victim support services by the competent authority that received the complaint and by other appropriate services in order to ensure referrals are easy to operate and appropriate services are easy for victims and practitioners to identify.

2. The national referral system shall, as a minimum, ensure:

a. all victims are referred to the support service most suited to address their needs in a fast and effective manner in accordance with identified criteria, unless a victim declines such referral;

b. victims are contacted by a support service within an agreed and reasonable time following the referral of the victim to explain their services and offer support;

c. the referral mechanism is organised to minimise unnecessary or multiple referrals. Where appropriate Member States may organise referral from competent authorities to a single national support service best placed to co-ordinate victim referrals;

d. the processing of data for the purposes of referral and support is facilitated in particular through the development of data sharing rules and technical mechanisms.

Or. en

Justification

many women victims never access support. There are also many different types of support services that exist, some across a country and some that are locally. This creates a highly confusing situation for victims and for authorities when making referrals.

Amendment 308
Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 5 a (new)

Directive 2012/29/EU

Article 10

Present text

Article 10

Right to be heard

1. Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

2. The procedural rules under which victims may be heard during criminal proceedings and may provide evidence shall be determined by national law.

Amendment

(5a) Article 10 is replaced by the following:

"Article 10

Right to be heard

1. Member States shall ensure that victims, ***irrespective of their role in criminal proceedings***, may be heard during criminal proceedings and may provide evidence, ***or alternatively, may at least provide a victim impact statement***. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

2. The procedural rules under which victims may be heard during criminal proceedings and may provide evidence shall be determined by national law."

Or. en

Amendment 309

Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 5 b (new)

Directive 2012/29/EU

Article 10

Present Text

1. Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

Amendment

(5b) Article 10 is replaced by the following:

2. The procedural rules under which victims may be heard during criminal proceedings and may provide evidence shall be determined by national law.

1. Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity. ***As a minimum, Member States shall ensure that victims may provide a victim impact statement, either orally or in writing, during the criminal proceedings, if they so wish.***

2. The procedural rules under which victims may be heard during criminal proceedings and may provide evidence ***or a victim impact statement*** shall be determined by national law.

Or. en

Amendment 310

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

Article 10a

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 the court premises to provide information ***on the relevant stages and progresses of criminal proceedings. Member States shall also ensure that practical and emotional support to victims is available throughout the entirety of the court proceedings. Such support should be provided by trained legal professionals and victims support workers.***

Or. en

Amendment 311
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2012/29/EU
Article 10a

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 the court premises to provide information and emotional support to victims. ***Such support may be part of the services referred to in Article 9 and 9a and/ or by a person of victim's choice.***

Or. en

Amendment 312
Maria da Graça Carvalho

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, practical and emotional support to victims during criminal proceedings.

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 313
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2012/29/EU

Article 10b - paragraph 1

Text proposed by the Commission

1. Member States shall ensure that victims **are informed without delay** of decisions taken in court proceedings that affect them directly and have the right to a review of such decisions. Such decisions shall include at least decisions pursuant to the following provisions:

Amendment

1. Member States shall ensure that victims **have the right to a review** of decisions taken in court proceedings that affect them directly and have the right to a review of such decisions. Such decisions shall include at least decisions pursuant to the following provisions:

Or. en

Amendment 314

Lucia Ďuriš Nicholsonová

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 **criminal proceedings**;

Or. en

Amendment 315

Maria da Graça Carvalho

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 316
Eugenia Rodríguez Palop

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 13 on the right to legal aid.

Or. en

Amendment 317
Lucia Ďuriš Nicholsonová

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 13;

Or. en

Amendment 318
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2012/29/EU
Article 10b – paragraph 1 – point a c (new)

Text proposed by the Commission

Amendment

(ac) Article 18

Or. en

Amendment 319

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

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

Text proposed by the Commission

Amendment

(ad) Article 19

Or. en

Amendment 320

Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

Article 10b – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) Article 23(3).

(b) Articles 20, 23, 24 on victims' right to protection.

Or. en

Amendment 321

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

Article 10b – paragraph 1 – point (b)

Text proposed by the Commission

Amendment

(b) Article 23(3).

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

Or. en

Amendment 322

Maria da Graça Carvalho

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

Amendment

(b) Article 23(3).

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

Or. en

Amendment 323

Elena Kountoura

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2012/29/EU

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

Text proposed by the Commission

Amendment

(c) **Article 22 on the right to access legal aid;**

Or. en

Amendment 324

Konstantinos Arvanitis

Proposal for a directive

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

Directive 2012/29/EU

Article 12

Present Text

Amendment

(6c) **The title of Article 12 should be changed into:**

Right to safeguards in the context of restorative justice services

Right to access restorative justice services

Amendment 325

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive**Article 1 – paragraph 1 – point 6 a (new)**

Directive 2012/29/EU

Article 12

Present text

Article 12

Right to *safeguards in the context of*
restorative justice services

1. Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Such measures shall ensure that victims who choose to participate in restorative justice processes have access to safe and competent restorative justice services, subject to at least the following conditions:

(a) *the* restorative justice services **are used only if they** are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time;

(b) before agreeing to participate in the restorative justice process, **the victim is** provided with full and unbiased information about that process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

Amendment

(6a) *Article 12 is amended as follows:*

"Article 12

Right to restorative justice services

1) Member States shall take measures to establish access to restorative justice services for all victims of a crime, at any stage of the criminal proceedings in coordination with the provision of support services.

2) Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Such measures shall ensure that victims who choose to participate in restorative justice processes have access to safe and competent restorative justice services, subject to at least the following conditions:

a) restorative justice services *respect the principles of stakeholder participation, respectful dialogue, equal concern for the needs and interests of the parties, procedural fairness and consensus-based agreement*, are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any

(c) the offender has acknowledged the basic facts of the case;

(d) any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings;

(e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

2. Member States shall facilitate the referral of cases, as appropriate to restorative justice services, **including** through the establishment of procedures or guidelines on the conditions for such referral.

time. ***No person should be induced by unfair means to participate in restorative justice processes;***

b) before agreeing to participate in the restorative justice process, ***victims are*** provided with full and unbiased information about that process and the potential outcomes, as well as information about the procedures for supervising the implementation of any agreement ***and, if relevant, the possible implications for ongoing legal proceedings;***

c) the offender has acknowledged the basic facts of the case;

d) any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings;

e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

3. Member States shall facilitate the referral of cases, as appropriate to restorative justice services, through the establishment of procedures or guidelines on the conditions for such referral, ***including also the possibility for victims to initiate the restorative justice process (i.e. self-referrals).***"

Or. en

Amendment 326
Maria Walsh

Proposal for a directive
Article 1 – paragraph 1 – point 6 a (new)
Directive 2012/29/EU
Article 12 – paragraph 1

Present text

Amendment

(6a) in Article 12 of Directive 2012/29/EU, the following paragraph is inserted:

"1) Member States shall take measures to establish access to restorative justice services for all victims of a crime, at any stage of the criminal proceedings in coordination with the provision of support services."

Or. en

Amendment 327

Maria Walsh

Proposal for a directive

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

Directive 2012/29/EU

Article 12 – 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

(6b) Article 12 - paragraph 2 - point a

"(a) restorative justice services *respect the principles of stakeholder participation; respectful dialogue; equal concern for the needs and interests of the parties; procedural fairness and consensus-based agreement*, are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time. *No person should be induced by unfair means to participate in restorative justice;*"

Or. en

Amendment 328

Konstantinos Arvanitis

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)
Directive 2012/29/EU
Article 12 – paragraph 1 – point f (new)

Present Text

Amendment

(6b) in Article 12, paragraph 1f (new) is added:

1f) Member States shall take measures to establish access to restorative justice services for all victims of a crime, at any stage of the criminal proceedings in coordination with the provision of support services;

Or. en

Amendment 329
Konstantinos Arvanitis

Proposal for a directive
Article 1 – paragraph 1 – point 6 a (new)
Directive 2012/29/EU
Article 12 – paragraph 1

Present Text

Amendment

(6d) in Article 12, paragraph 1, the following changes and points are added:

(a) *the* restorative justice services are *used only if they are* in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time;

(b) before agreeing to participate in the restorative justice process, *the victim is* provided with full and unbiased information about that process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

(c) *the offender has acknowledged the basic facts of the case;*

(d) any agreement is arrived at voluntarily and may be taken into account in any further criminal proceedings;

(e) discussions in restorative justice processes that are not conducted in public are confidential and are not subsequently disclosed, except with the agreement of the parties or as required by national law due to an overriding public interest.

(a) restorative justice services respect the principles of stakeholder participation; respectful dialogue; equal concern for the needs and interests of the parties; procedural fairness and consensus-based agreement, are in the interest of the victim, subject to any safety considerations, and are based on the victim's free and informed consent, which may be withdrawn at any time. No person should be induced by unfair means to participate in restorative justice;

(b) before agreeing to participate in the restorative justice process, victims are provided with full and unbiased information about that process and the potential outcomes, as well as information about the procedures for supervising the implementation of any agreement and, if relevant, the possible implications for ongoing legal proceedings;

(e) the restorative justice process is confidential and should not be disclosed, except with the express agreement of the parties;

(f) restorative justice providers operate in a neutral way by ensuring that restorative justice is offered through a balanced distribution of independent, offender and victim led organisations following procedural standards on neutrality applicable to the facilitator and the process.

Or. en

Amendment 330

Maria Walsh

Proposal for a directive

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

Directive 2012/29/EU

Article 12 – paragraph 1 – point b

Present text

(b) before agreeing to participate in the restorative justice process, ***the victim is*** provided with full and unbiased information about that process and the potential outcomes as well as information about the procedures for supervising the implementation of any agreement;

Amendment

(6a) Article 12 - paragraph 1 - point b

"(b) before agreeing to participate in the restorative justice process, ***victims are*** provided with full and unbiased information about that process and the potential outcomes, as well as information about the procedures for supervising the implementation of any agreement ***and, if relevant, the possible implications for ongoing legal proceedings;***"

Or. en

Amendment 331

Maria Walsh

Proposal for a directive

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

Directive 2012/29/EU

Article 12 – paragraph 1 – point e

Present text

(e) discussions in restorative justice ***processes that are not conducted in public are*** confidential and ***are not subsequently*** disclosed, except with the agreement of the parties ***or as required by national law due to an overriding public interest.***

Amendment

(6d) Article 12 - paragraph 1 - point e

(e) the restorative justice ***process is*** confidential and ***should not be*** disclosed, except with the ***express*** agreement of the parties;"

Or. en

Amendment 332

Maria Walsh

Proposal for a directive

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

Directive 2012/29/EU

Article 12 – paragraph 1 – point f (new)

Present text

Amendment

(6e) in Article 12, paragraph 1 of Directive 2012/29/EU, the following subparagraph is inserted:

"f) restorative justice providers operate in a neutral way by ensuring that restorative justice is offered through a balanced distribution of independent, offender or victim oriented organisations following procedural standards on neutrality applicable to the facilitator and the process;"

Or. en

Amendment 333

Maria Walsh

Proposal for a directive

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

Directive 2012/29/EU

Article 12 – paragraph 2

Present text

Amendment

2. Member States shall facilitate the referral of cases, ***as appropriate*** to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral.

"2. Member States shall facilitate the referral of cases to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral."

Or. en

Amendment 334

Konstantinos Arvanitis

Proposal for a directive

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

Directive 2012/29/EU

Article 12 – paragraph 3a (new0)

Present Text

Amendment

(6a) in Article 12, paragraph 3a (new) is added:

Member States shall facilitate the referral of cases to restorative justice services, including through the establishment of procedures or guidelines on the conditions for such referral;

Or. en

Amendment 335

María Soraya Rodríguez Ramos, Hilde Vautmans, Marco Zullo, Susana Solís Pérez, Sylvie Brunet

Proposal for a directive

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

Directive 2012/29/EU

Article 13

Present text

Amendment

(6a) in Article 13, the following paragraph is added:

Article 13

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.

"Article 13

Right to legal aid

1. 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.

2. In any case, Member States shall ensure that victims of gender-based violence, terrorism, human trafficking and victims of abuse and mistreatment with disabilities shall always have access to free legal aid regardless of their

financial situation."

Or. en

Amendment 336
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 6b (new)
Directive 2012/29/EU
Article 13

Present text

Amendment

Article 13

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.

(6b) Article 13 is replaced by the following:

"Article 13

Right to legal aid

1. Member States shall ensure that victims have access to legal aid where they have the status of parties to criminal proceedings and legal representation for victims of serious crimes and for victims who need legal representation in order to fully enjoy their participatory rights during criminal proceedings.

2. The conditions or procedural rules under which victims have access to legal aid and representation shall be determined by national law."

Or. en

Justification

women victims, in particular of gender-based violence, often suffer the most serious of crimes. Those crimes tend to leave victims vulnerable, involve complex cases, and require more engagement and protection of victims. The combination of accompaniment and legal assistance will greatly enhance the likelihood that these victims are willing to report, continue with proceedings and that their rights are respected.

Amendment 337
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 6b(new)
Directive 2012/29/EU
Article 13

Present text

Article 13
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.*

Amendment

(6b) Article 13 is replaced by the following:

"Article 13
Right to legal aid
Member States shall ensure that victims have access to legal aid, *independently of the level of income of the victim.*

For the purposes of this Directive, ‘legal aid’ means funding by a Member State of the assistance of a lawyer, enabling the exercise of the right of access to a lawyer."

Or. en

Amendment 338
Giuliano Pisapia, Maria Noichl

Proposal for a directive
Article 1 – paragraph 1 – point 6 b (new)
Directive 2012/29/EU
Article 13

Present text

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.*

Amendment

(6b) Article 13 is amended as follows:

"Member States shall ensure that victims have access to *free* legal aid, *regardless of the type of crime they suffered, and whether they are party to a criminal proceeding or not.*"

Amendment 339

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

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

Directive 2012/29/EU

Article 13

Present text

Article 13

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.

Amendment

(6b) Article 13 is amended as follows:

"Article 13

Right to legal aid

1. Member states shall ensure that victims have access to legal aid *in a language they can understand when reporting criminal offences, when deciding whether to be a party to the criminal proceeding, and during judicial proceedings* where they have the status of parties to criminal proceedings. *Member States shall ensure that legal aid is provided free of charges for victims of serious crimes and for victims who do not have sufficient means to pay for legal assistance prior to, during and after criminal proceedings. Member states should take into account relationship to and dependence on the offender when assessing the means to pay. Member States shall ensure legal aid to their citizens and residents who are victims of serious crimes committed outside the territory of the Union.*

2. *The* procedural rules under which victims have access to legal aid shall be determined by national law."

Amendment 340

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

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.;

Or. en

Amendment 341
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point b
Directive 2012/29/EU
Article 16 – paragraph 2a (new)

Text proposed by the Commission

Amendment

2a (c) the following paragraph 2a is inserted:

'2a. The compensation shall place victims in the position they would have been in had the offence not taken place, taking into account the seriousness of the consequences for the victim. Compensation shall not be restricted by the fixing of an upper limit.'

Or. en

Amendment 342
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point b
Directive 2012/29/EU

Article 16 – paragraph 2b (new)

Text proposed by the Commission

Amendment

2b. *(d) the following paragraph 2b is inserted:*

'2b. Member States shall take the necessary measures to ensure that victims, irrespective of their residence status or type of exploitation, have access to schemes of compensation and they are provided with qualified legal assistance necessary to have access to remedies and for the execution of compensation orders, including free legal aid.'

Or. en

Amendment 343

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point b
Directive 2012/29/EU
Article 16 – paragraph 2c (new)

Text proposed by the Commission

Amendment

2b *the following paragraph 2c is inserted*

'2c. Member States shall ensure that procedures for obtaining access to and enforcing remedies are effective, child-sensitive, and readily accessible to children and their representatives, including legal guardians.'

Or. en

Amendment 344

Konstantinos Arvanitis

Proposal for a directive

Article 1 – paragraph 1 – point 7 – point b)

Directive 2012/29/EU
16 - paragraph 2d (new)

Text proposed by the Commission

Amendment

The following paragraph 2d is inserted

() Member States shall take the necessary measures to ensure that victims, irrespective of their residence status or type of exploitation, have access to schemes of compensation.

Or. en

Amendment 345
Konstantinos Arvanitis

Proposal for a directive
Article 1 – paragraph 1 – point 7 – point g (new)
2012/29/EU
Article 16 - paragraph 2e (new)

Text proposed by the Commission

Amendment

The following paragraph 2e is inserted

(2e) Member States shall ensure that procedures for obtaining access to and enforcing remedies are effective, child-sensitive, and readily accessible to children and their representatives, including legal guardians;

Or. en

Amendment 346
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 7a(new)
Directive 2012/29/EU
Article 16a (new)

Present Text

Amendment

(7a) the following Article 16a is added

in Chapter 3:

'Article 16a

Right to accompaniment throughout criminal proceedings

1. Member States shall ensure that victims may be accompanied by a person of their choice in the first contact with a competent authority and throughout criminal proceedings to provide emotional support and assistance to victims in understanding proceedings and in communicating with authorities.

2. The competent authority may refuse accompaniment by a person of choice where it is contrary to the interests of the victims or if the course of criminal proceedings would be prejudiced, unless the person of choice is a representative of a recognised victim support service.'

Or. en

Amendment 347

Lucia Ďuriš Nicholsonová

Proposal for a directive

Article 1 – paragraph 1 – point 8 - point a

Directive 2012/29/EU

Article 17 – paragraph 1 (new)

Present Text

Amendment

(c) The following paragraph is added before paragraph 1:

-1. Member States shall ensure that all victims can fully enjoy the rights provided to them under this Directive, irrespective of their Member State of residence.

Or. en

Amendment 348

Kira Marie Peter-Hansen, Saskia Bricmont

on behalf of the Verts/ALE Group

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) to have recourse to the extent possible to the provisions on video conferencing and *other distant communication technologies laid down in Regulation EU/xxx [Digitalisation of Judicial Cooperation]* to facilitate participation in criminal proceedings of victims who are resident abroad.’;

Or. en

Amendment 349

Lucia Ďuriš Nicholsonová

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) to have recourse to video conferencing and telephone conference calls to facilitate participation in criminal proceedings of victims who are resident abroad.;

Or. en

Amendment 350

Maria da Graça Carvalho

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 351
Maria da Graça Carvalho

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

Amendment

(b) Article 17 paragraph (1) 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 352
Maria da Graça Carvalho

Proposal for a directive

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

Directive 2012/29/EU

Article 17 – paragraph 1 – point a

Present text

Amendment

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

(d) Article 17 paragraph (1) point a is amended as follows:

"(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 353
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 8
Directive 2012/29/EU
Article 17a (new)

Present Text

Amendment

The following article is inserted:

Article 17a

Right to accompaniment throughout criminal proceedings

1. Member States shall ensure that victims, such as woman girls, may be accompanied by a person of their choice in the first contact with a competent authority and throughout criminal proceedings to provide emotional support and assistance to victims in understanding proceedings and in communicating with authorities.

2. The competent authority may refuse accompaniment by a person of choice where it is contrary to the interests of the victims or if the course of criminal proceedings would be prejudiced, unless the person of choice is a representative of a recognised victim support service.

Or. en

Justification

women victims of violence are particularly prone to disrespectful, bias and myth based responses. Whilst training and other solutions are important in this respect, being accompanied by a professional can transform the way a victim is treated.

Amendment 354

Eugenia Rodríguez Palop

Proposal for a directive

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

Directive 2012/29/EU

Article 19

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.

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

Amendment

(f) Article 19 is replaced by the following:

1. Member States shall establish the ***tools, mechanisms and environments*** to enable avoidance of contact between victims and their family members, and the offender within premises where criminal proceedings are conducted unless the criminal proceedings requires such contact. ***This includes the availability of mobile screens in courtrooms.***

2. Member States shall ensure that new court premises have separate waiting areas for victims ***and shall establish in existing court premises plans and processes for the creation of separate waiting areas or for the designation of rooms that can be used for this purpose.***

Or. en

Amendment 355
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 8 b (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

(8b) Article 19 paragraph (1) is amended as follows:

"1. Member States shall establish the necessary conditions, *tools, mechanisms, and environments* 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 356
Maria da Graça Carvalho

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

(8c) Articles 19 paragraph (2) is amended as follows:

"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. Member States shall establish a plan for the creation of separate waiting areas for victims of violence against women or for the*

designation of rooms that can be used for this purpose in existing court premises."

Or. en

Justification

many forms of violence against women involve ongoing situations of threat, coercion and risk to safety. This makes measures to avoid contact particularly important for these victims.

Amendment 357

Maria da Graça Carvalho

Proposal for a directive

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

Directive 2012/29/EU

Article 19 – paragraph 2 a (new)

Present Text

Amendment

(h) 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 358

Maria da Graça Carvalho

Proposal for a directive

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

Directive 2012/29/EU

Article 19a (new)

Present Text

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 359
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 8c (new)
Directive 2012/29/EU
Article 20 - paragraph 1 - point ba (new)

Present Text

Amendment

(g) in Article 20 paragraph 1 point ba is added:

ba. Member States shall ensure that interviews with victims may be audiovisually recorded and such recorded interviews may be used as evidence in criminal proceedings, in line with procedural rules established by national law.

Or. en

Amendment 360
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

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 personal data concerning a victim allowing the offender to identify the victim's place

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.;

of residence or to otherwise contact the victim in any way is not provided to the offender either directly or indirectly;
Member States shall also ensure that, to the extent that is necessary and proportionate to the need of protecting the privacy of the victim, and without prejudice to the right of the defence, competent authorities may decide not to publish sensitive information included in judgements or decisions, or to remove confidential data from the case file.

Or. en

Amendment 361

Maria da Graça Carvalho

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 the criminal proceedings.***;

Or. en

Amendment 362

Lucia Ďuriš Nicholsonová

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 **and, where relevant, their family members, especially personal data** 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.;

Or. en

Amendment 363

Maria da Graça Carvalho

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 364

Eugenia Rodríguez Palop

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 365

Eugenia Rodríguez Palop

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 victimisation, to intimidation and to retaliation.;

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

Or. en

Amendment 366

Lucia Ďuriš Nicholsonová

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 victimisation, to intimidation and to retaliation.;

Amendment

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 **18**, 23 and 24, due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.;

Or. en

Amendment 367
Maria da Graça Carvalho

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 victimisation, to intimidation and to retaliation.;

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

Or. en

Amendment 368
Lucia Ďuriš Nicholsonová

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point b
Directive 2012/29/EU
Article 22 – paragraph 1c (new)

Text Proposed by the Commission

Amendment

(b) In Article 22, the following paragraph is added:

1c. Where the individual assessment has identified specific protection or 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 victims support services for an in-depth assessment of support needs, in line with protocols established pursuant to Article 26a.

Amendment 369

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

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 ***done by support services and*** 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 ***and without prejudice to the victim's right to assistance, support and information.***

Amendment 370

Lucia Ďuriš Nicholsonová

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

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 depending on the stage of the procedure and victims' individual needs in accordance with the protocols referred to in Article 26a.;

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 in the best interest of the victim, paying special attention to avoid secondary or repeated victimisation.***

Or. en

Amendment 371
Konstantinos Arvanitis

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 ***and without prejudice to the victim's right to assistance, support and information.*** 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 specialised services and civil society actors***, depending on the stage of the procedure and victims' individual needs in accordance with the protocols referred to in Article 26a.;

Or. en

Amendment 372
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point c
Directive 2012/29/EU
Article 22 – paragraph 1d (new)

Text proposed by the Commission

Amendment

In Article 22, the following paragraph is added:

1d 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 373
Maria da Graça Carvalho

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point c
Directive 2012/29/EU
Article 22 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Member States shall ensure that the individual needs assessment process includes basic, extensive and specialist assessments best suited to address the particular circumstances of the victim such as their gender, the crime and where the competent authority makes contact with the victim.

Justification

police and other authorities may contact women victims of violence in many different circumstances, where the crime situation is ongoing or where the crime could have taken place years ago. Victims may be at a heightened risk of repeat victimisation, often increased where a victim seeks help. This makes adaptation of needs assessments particularly important for the circumstances.

Amendment 374

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point c

Directive 2012/29/EU

Article 22 – paragraph 1f (new)

Text proposed by the Commission

Amendment

(c) *the following paragraph 1b is inserted:*

'1f. Where the result of the initial stage of the individual assessment by the first contact authorities or support services demonstrates the need to continue the assessment, such assessment shall be undertaken by support services 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. Member States shall ensure coordination between victims support services, bodies, institutions and competent authorities involved in the different stages of the individual assessment process. All stages of the individual assessment shall be conducted in the best interest of the victim, paying special attention to the need to avoid secondary or repeated victimisation.'

Or. en

Amendment 375
Eugenia Rodríguez Palop

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point c a (new)
Directive 2012/29/EU
Article 22 – paragraph 1g(new)

Text Proposed by the Commission

Amendment

(ca) in Article 22 the following paragraph 1g is inserted:

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 376
Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point c (new)
Directive 2012/29/EU
Article 22 – paragraph 1h (new)

Text Proposed by the Commission

Amendment

(c) the following paragraph 1h is inserted:

'1c. The personal data obtained by victims support services, bodies, institutions and competent authorities involved in the different stages of the individual assessment process may only be disclosed to a third party under the condition that

the data subject has explicitly consented to such disclosure, or that there is a legal requirement or authorisation to do so, in line with necessity and proportionality requirements. Member States shall take the necessary measures to ensure victims are informed about how their personal data may be processed throughout and after the individual assessment process.'

Or. en

Amendment 377

Eugenia Rodríguez Palop

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point c

Directive 2012/29/EU

Article 22 – paragraph 1i (new)

Text Proposed by the Commission

Amendment

(c) in Article 22 the following paragraph 1i is added:

1i. Member States shall ensure that the individual needs assessment process includes basic, extensive and specialist assessments best suited to address the particular circumstances of the victim, the crime and where the competent authority makes contact with the victim.

Or. en

Amendment 378

Annika Bruna, Jean-Paul Garraud

Proposal for a directive

Article 1– paragraph 1 – point 10 – point d

2012/29/UE

Article 22 - paragraph 2 - point a

Text proposed by the Commission

Amendment

(a) the personal characteristics of the

(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;***

victim, including relevant experiences of discrimination;

Or. fr

Amendment 379

Kira Marie Peter-Hansen, Saskia Bricmont
on behalf of the Verts/ALE Group

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 ***intersecting*** grounds ***of discrimination, such as sex, gender and gender identity or expression, sex characteristics,*** age, disability, religion or belief, language, racial, social or ethnic origin, ***residence status,*** sexual orientation;

Or. en

Amendment 380

Eugenia Rodríguez Palop

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

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

sex, gender, *sexual orientation, gender identity, gender expression, sex characteristics*, age, disability, religion or belief, language, racial, social or ethnic origin, *residence status*;

Or. en

Amendment 381

Lucia Ďuriš Nicholsonová

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 a combination of several grounds such as sex, gender, age, disability, religion or belief, language, racial, social or ethnic origin, *residence status or* sexual orientation;

Or. en